

EXPLANATORY STATEMENT

Tertiary Education Quality and Standards Agency Act 2011

Higher Education Standards Framework (Threshold Standards) 2011

Amendment No. 1 to the Higher Education Standards Framework (Threshold Standards) 2011

Issued by the authority of the Minister for Tertiary Education, Skills, Science and Research

Subject: *Tertiary Education Quality and Standards Agency Act 2011
Amendment No. 1 to the Higher Education Standards Framework
(Threshold Standards) 2011*

Authority

Subsection 58(1) of the *Tertiary Education Quality and Standards Agency Act 2011* (the Act) provides that the Minister may, by legislative instrument, make standards that comprise the Higher Education Standards Framework (the Standards).

Subsection 58(3) of the Act provides that the Minister must not make a standard unless a draft has been prepared by the Higher Education Standards Panel (the Panel) and the Minister has consulted with the Ministerial Council and Tertiary Education Quality and Standards Agency (TEQSA).

Subsection 58(4) of the Act provides that, before making a standard, the Minister must have regard to the draft prepared by the Panel and to any advice or recommendations on the draft given by the Panel, the other Minister, the Ministerial Council or TEQSA.

Purpose and Operation

The purpose of the instrument is to make minor technical amendments to the Standards. The amendments make technical corrections to the Standards identified by the Panel.

The amendments were made on the advice of the Panel.

Background

The Standards were developed in consultation with the higher education sector and provide the framework through which TEQSA undertakes its regulatory and quality assurance functions.

The Panel was established by section 166 of the Act. Its function is to advise and make recommendations to the Minister on making and varying the Standards, and on any other matters relating to the Standards. The Panel also advises and makes

recommendations to TEQSA on matters relating to the Standards, if requested by TEQSA or on its own initiative.

Consultation

On 20 July 2012 Professor Alan Robson, Chair of the Higher Education Standards Panel wrote to the Minister with advice on varying the Threshold Standards to correct inconsistencies identified following the implementation of the Higher Education Threshold Standards. The Chair attached a draft of the proposed amendments.

Before the Minister made this amendment instrument, the following consultation was undertaken:

- On 13 September 2012, in accordance with Section 58 of the Act, the Minister wrote to the state and territory Ministers with responsibility for higher education, TEQSA and other interested stakeholders, inviting their feedback on the amendments to the Standards.
- Responses received indicated support for the amendments to the Standards.

Description of the items of the Instrument

Items 1 and 2 - Table of Contents

The table of contents has been amended to reflect the changes made by item 3 and 6 to the headings of Sections 2 and 6 of the Standards.

Item 3 - Summary Statement to Provider Registration Standards, Point 2

This change to the heading of this point, 'Financial viability and sustainability', better reflects the standards statements in this Section.

Item 4 - Financial viability and safeguards

This change to the heading 'Financial viability and sustainability' better reflects the standards statements in this Section.

Item 5 - Qualification Standards

This change provides that levels of qualifications are those specified by the Australian Qualifications Framework (AQF).

Item 6 - Doctoral Degree Supervision

This change corrects an anomaly, as there is no higher level of qualification available for those teaching at Level 10 of the AQF.

Item 7 - Section heading for Criteria for authorising 'self accrediting authority'

This change corrects that this section was formerly without a Section number.

Item 8 - Australian Qualifications Framework and Graduation Statement

This change corrects an inconsistency in the Standards by stating that awards should be identified as recognised by the AQF on the Australian Higher Education Graduation Statement or the testamur.

Item 9 - Statement of attainment

This change provides that statements of attainment are to be issued for completion of units, not for awards.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Amendment No. 1 to the Higher Education Standards Framework (Threshold Standards) 2011

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The instrument makes eight minor technical corrections and improvements to the *Higher Education Standards Framework (Threshold Standards) 2011* (the Standards) and does not alter existing arrangements under the Standards.

Human rights implications

This instrument does not engage any of the applicable rights or freedoms.

Conclusion

This instrument is compatible with human rights.