

PART 1: Framework for Quality Assurance of Higher Education in New South Wales

1.1 A national approach to quality assurance

Higher education in Australia is provided predominantly by universities. As autonomous institutions established or recognised under Commonwealth, State or Territory legislation, Australian universities are responsible for accrediting their own courses. Higher education is also provided by non university institutions which, in general, are non self-accrediting organisations. Their courses are normally accredited by State and Territory accreditation agencies.

In the latter years of the 1980s, the Australian higher education sector experienced major structural changes. A period of rapid growth in university participation followed in the 1990s, including enrolments of full-fee paying overseas students. Universities grew larger and more diverse and their methods for delivering courses became more varied, with franchising arrangements, virtual course delivery and the use of distant campuses. Non university providers also experienced growth and diversification.

Commonwealth and State governments saw a need to ensure that the quality of Australian higher education continued to be of an appropriately high standard. This would benefit local students and the Australian community and would also protect the good reputation of Australia's international students program. As greater emphasis was given to developments in quality assurance, governments recognised the benefits of having a common approach across the States and Territories. In the new era of globalisation, national consistency would promote mutual recognition and portability of qualifications at both national and international levels and would benefit institutions wanting to deliver higher education courses in two or more States or Territories.¹

In March 2000, the national Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) endorsed the *National Protocols for Higher Education Approval Processes*. MCEETYA also agreed to the establishment of the Australian Universities Quality Agency (AUQA) to carry out quality audits of universities, other self-accrediting institutions and the accreditation agencies. The National Protocols together with AUQA are key elements in a new national quality assurance framework for Australian higher education. The National Protocols deal with:

- criteria and processes for the establishment and recognition of universities (National Protocol 1)
- operation of overseas higher education institutions in Australia (National Protocol 2)
- accreditation of higher education courses offered by non self-accrediting institutions (National Protocol 3)
- delivery arrangements for higher education institutions involving other organisations (National Protocol 4)
- approval of courses for overseas students (National Protocol 5).

¹ Higher Education Division, Department of Education, Training and Youth Affairs, *The Australian Higher Education Quality Assurance Framework*, Occasional Paper Series 2000-H.

The National Protocols call for a legislative framework to be in place, supported by policy and guidelines, to protect the titles of specified higher education awards and to establish a process and criteria for registering education institutions and accrediting courses. Each State and Territory agreed to review its legislative and regulatory mechanisms to ensure that it had adequate power to monitor, require improvements or withdraw authorisation where minimal quality standards were not met and necessary remedial action was not taken by an institution. Development of the legislative framework in New South Wales is described below.

1.2 New South Wales legislative context

When the National Protocols were endorsed in March 2000, higher education provision in New South Wales for non self-accrediting institutions was regulated through the *Higher Education Act 1988*. Institutions were 'approved' to conduct 'advanced education courses'. They were not registered but their capacity to deliver courses was considered in the context of course accreditation.

To meet the requirements of the new national system, the 1988 legislation was replaced by the *Higher Education Act 2001*, which aligns New South Wales regulation, policy and practice with the National Protocols and provides for more nationally consistent administrative processes for higher education. The *Higher Education Act 2001* will support the New South Wales Government in the key role it plays in assuring the quality of the State's higher education. The new Act strengthens the existing protection of the titles 'university' and 'degree' from unauthorised use and provides new protection for the titles 'graduate/post-graduate certificate' and 'graduate/post-graduate diploma'.

The new legislation regulates the establishment and recognition of Australian and overseas universities in New South Wales. New Australian universities will be established by an Act of Parliament and included in Schedule 1 of the Act. Overseas universities applying to operate in New South Wales will require Ministerial approval and registration by the Director-General of Education and Training to conduct specified courses. Their courses will be accredited by the Director-General. Registration of overseas universities will be reviewed at intervals of not more than five years.

For non self-accrediting providers, key provisions of the *Higher Education Act 2001* include:

- registration of education institutions as Australian or overseas higher education institutions
- accreditation of courses of study that comply with the Australian Qualifications Framework
- approval to provide specified courses of study to overseas students
- registration, accreditation and approval subject to review at intervals of not more than five years
- variation, suspension or cancellation of registration, accreditation or approval
- review of decisions by the Administrative Decisions Tribunal
- payment of fees for statutory services based on the principle of partial cost recovery and comparability with other jurisdictions
- savings and transitional provisions.

1.3 Purpose of registration, accreditation and approval

Registration, accreditation and approval are quality assurance processes that protect the standing of higher education in New South Wales and the reputation of the State's higher education qualifications. They provide assurance that higher education courses are being conducted by appropriate non self-accrediting institutions and that the courses are:

- equivalent in standard to courses leading to a qualification of that type or level in a university
- appropriate to the qualification conferred
- delivered in an appropriate way
- suitable for local and, where relevant, international students.

Accordingly, the procedures and criteria for assessing applications for registration, course accreditation and approval in New South Wales are rigorous and independent and are aligned with the National Protocols.

1.4 Duration of registration, accreditation and approval

Registration, accreditation and approval are subject to review at periods of not more than five years. While the authority normally remains in force for five years from the date it was granted, lesser periods may be given on the recommendation of an expert advisory committee. Renewal of registration, accreditation and approval are the same type of quality assurance processes as the initial procedures. Institutions must ensure that arrangements for renewal are put in place well before expiry dates.

1.5 Role of the Director-General

The *Higher Education Act 2001* empowers the Director-General to approve applications for registration (with Ministerial approval) and course accreditation from overseas universities, and from non self-accrediting Australian and overseas higher education institutions. The Director-General is required to maintain a *Register of Higher Education*.

For the purposes of the Commonwealth's *Education Services for Overseas Students Act 2000*, the Director-General may approve education institutions to provide specified courses of study to overseas students in New South Wales. The Director-General is the designated authority for these approvals for all higher education institutions in this State. This includes Australian universities in New South Wales, though their approval will be self-managed.

The Director-General has the right at any time to:

- suspend or cancel registration, accreditation and approval to provide courses to overseas students on grounds specified in the *Higher Education Act 2001*
- vary or revoke any condition to which registration, accreditation or approval to provide courses to overseas students is subject
- impose additional conditions.

Before making any such change to an institution's registration, accreditation or approval status, the Director-General may call for advice from the Department or from an

advisory committee appointed pursuant to section 20 of the *Higher Education Act 2001*. If any change is contemplated, clearly specified reasons will be provided to the institution, which will have the opportunity to respond in writing within twenty-one days of the notice being conveyed. The institution's response will be considered before a decision is made.

1.6 Capacity to appeal a decision by the Director-General

The *Higher Education Act 2001* provides that an education institution that is aggrieved by a decision made by the Director-General may appeal to the Administrative Decisions Tribunal for a review, if the decision is about a matter specified in section 17 of the Act.

1.7 Role of the Department of Education and Training

Through its Higher Education and Recognition Services directorates, the Department is responsible to the Minister and the Director-General for the management of applications to establish and recognise Australian and overseas universities and for registration, accreditation and approval.

Among its responsibilities, the Department responds to inquiries and gives advice to applicants, to the advisory committees and independent expert panels that assess applications and to members of the public. It provides administrative support for the *Register of Higher Education*, follows up alleged breaches of the *Higher Education Act 2001* and investigates complaints about higher education institutions and accredited courses.

In its role as the accreditation agency for higher education in New South Wales, the Department seeks to develop policy and procedures that are consistent with the National Protocols and enhance the quality of the State's higher education provision.

1.8 Higher education guidelines

The National Protocols call for the processes and criteria for assessing higher education applications to be transparent and equitable and documented for the information of applicants. These guidelines are intended to meet the requirement for transparency and fairness and, through the assessment procedures and criteria provided, to ensure that higher education for students in New South Wales continues to be delivered at a consistently high standard.

1.9 Fees for higher education services

Payment of fees for higher education services is provided for under the *Higher Education Act 2001* and the (proposed) *Higher Education Regulation 2002* that sets out the fees payable under the Act. A list of fees and an accompanying explanatory text are at Appendix 1 of these guidelines.