

Submission to the Senate Education and Employment
Legislation Committee

Inquiry into the Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020

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INQUIRY INTO THE HIGHER EDUCATION LEGISLATION AMENDMENT (PROVIDER CATEGORY STANDARDS AND OTHER MEASURES) BILL 2020

The Australian Academy of Technology and Engineering (ATSE)¹ welcomes the opportunity to provide a submission to the Senate Education and Employment Legislation Committee Inquiry into the Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020.

ATSE agrees that high quality research is an important characteristic of a university and supports the important work undertaken by the Tertiary Education Quality and Standards Agency (TEQSA). But efforts to ensure research quality must be implemented in such a way that they do not adversely affect universities and research in Australia.

ATSE is concerned that regulation of research quality by TEQSA as proposed in the Bill (Section 59A) may impose new costs, red tape and uncertainty on the tertiary education sector. The regulation of research quality has never been attempted in Australia or in another comparable country such as the UK and thus evidence must be collected to ensure that it will have a positive impact on quality.

The Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) are primarily responsible for ensuring the quality of Australia's research through policy such as the Australian Code for the Responsible Conduct of Research or the Excellence in Research for Australia (ERA) and Engagement and Impact (EI) national assessment frameworks.

University experience of the ERA and EI suggests² that the regulation of research quality could increase the cost and regulatory burden on the tertiary education sector and create a new regime of red tape, adding to an already significant burden³. TEQSA has received no new funding or resources in the 2020-21 Federal Budget to undertake the regulation of research quality and under the new cost recovery initiative higher education providers will be expected to cover the costs.

The Bill gives TEQSA sole regard for determining matters relating to research quality via a separate legislative instrument that must be approved by the Minister. The Bill does not provide for the necessity for TEQSA to undertake a transparent or rigorous process when determining matters related to research quality, or discuss whether there will be any oversight or review of these determinations beyond the Minister's approval.

This is particularly important since no definition or criteria for research quality is provided in the Bill and how research quality is defined will determine the impact of these changes.

Research quality is a broad topic that can also include matters such as research culture, peer review, the reproducibility of research and research practice⁴. If the scope is not clearly defined TEQSA may end up regulating matters that it is not equipped to deal with or duplicate effort by the ARC and NHMRC. Further, the ARC is currently undertaking a significant review of the ERA and EI. If TEQSA uses outcomes from the ERA and EI to determine requirements for research quality any changes arising from the review should be included in TEQSA's considerations.

¹ The Australian Academy of Technology and Engineering is a Learned Academy of independent, non-political experts helping Australians understand and use technology to solve complex problems. Bringing together Australia's leading thinkers in applied science, technology and engineering, ATSE provides impartial, practical and evidence-based advice on how to achieve sustainable solutions and advance prosperity.

² <https://blogs.lse.ac.uk/impactofsocialsciences/2018/03/13/the-hidden-costs-of-research-assessment-exercises-the-curious-case-of-australia/>

³ <https://www.iru.edu.au/news/higher-education-red-tape-has-doubled-since-2004/>

⁴ <https://www.nhmrc.gov.au/about-us/publications/nhmrcs-research-quality-strategy>

If the changes are to go ahead ATSE recommends that the Bill should include provisions for:

- a transparent and rigorous process for making determinations on research quality,
- oversight and review of determinations by an independent 3rd party with expertise in research quality, and
- safeguards to ensure that higher education providers are not disadvantaged when transitioning to the new provider categories.