



Australian Government
Tertiary Education Quality and Standards Agency



Information Sheet: TEQSA's Approach to Consultation

November 2012

Why does TEQSA consult?

The role of the Tertiary Education Quality and Standards Agency (TEQSA) is to contribute to a high quality higher education sector in Australia through streamlined and nationally consistent regulation. TEQSA has developed key aspects of its regulatory approach in consultation with higher education stakeholders and is likely to undertake further major consultations in the future. TEQSA values feedback from the sector. It recognises consultation influences the quality of its relations with stakeholders and contributes to improvements in regulation.

Consultations can be an important means of obtaining evidence for effective and efficient ways of meeting the objects of the *Tertiary Education Quality and Standards Agency Act, 2011* (TEQSA Act).

Principles of consultation

TEQSA's approach to consultation is consistent with its overall regulatory philosophy which is guided by the principles of: reflecting risk, proportionality and necessity.

1: Broad consultation

TEQSA endeavours to consult with the full range of stakeholders within the higher education sector. It recognises that the sector is diverse and that the views and interests of stakeholders may vary depending on their size, nature of operations and location. TEQSA's approach to consultation aims to capture the breadth and diversity of stakeholders affected by any proposed changes, and also considers whether the impact of proposals is likely to differ among providers.

TEQSA may refer to one or more of its established 'TEQSA Reference Groups' as part of its consultation process.

2: Clear purpose and scope

TEQSA will always clearly explain the objectives of a consultation process. The focus and scope of consultation will be directly linked to meeting the objects of the TEQSA Act. This includes monitoring provider compliance with the Threshold Standards. Consultation documents will clearly set out the consultation process, what is being proposed, the scope to influence and any expected costs and benefits of the proposals.

3: Enough time

TEQSA believes that consultation on proposals should start early and continue at key stages in the development of a proposal when there is scope to influence the outcome. TEQSA will aim to put sufficient information in the public domain to allow stakeholders to provide an informed view and allow enough time for stakeholders to consider the potential impact of a regulatory action.

The duration of a consultation process will be appropriate to its purpose and scope. If a consultation goes over a holiday period, TEQSA will take this into consideration when setting the time for response. If a shorter consultation exercise is unavoidable, TEQSA will make clear the reasons for this.

4: Accessible

TEQSA is aware of the importance of ensuring consultation processes and documents can be easily accessed by providers and other stakeholders. Channels of communication may include direct email, correspondence, website, survey tools, forums, use of stakeholder or reference groups or a combination of these. If a stakeholder has difficulty accessing any of TEQSA's published documents, TEQSA will undertake to address this in a timely manner.

5: Minimal burden

Where possible, TEQSA appreciates that keeping the potential impact of consultation to a minimum is essential to effective consultation. Wherever possible, TEQSA will make best possible use of existing data and will ask stakeholders to add to or validate this information. TEQSA may 'join up' consultation exercises, where feasible, to reduce the administrative burden associated with multiple consultation processes.

Where possible, TEQSA will take account of the timing of any other consultations with the sector that are being planned by other Australian Government regulatory or policy agencies (eg. the Department of Industry, Innovation, Science, Research and Tertiary Education or the Australian Skills Quality Authority). This is to avoid a situation where providers are overloaded with requests to contribute to government consultations or are asked for the same or similar information by different agencies.

TEQSA will make use of the most cost-effective technology available to reduce the cost of contributing to TEQSA consultations.

6: Clear feedback on outcomes

TEQSA will provide, to the extent possible, clear feedback to participants following each consultation, primarily via an analytical summary of the responses received and an explanation of how the consultation exercise has influenced the development of the proposal under consideration. This will be done as soon as practicable after the close of the consultation exercise. TEQSA believes that keeping respondents informed in this way demonstrates openness and transparency and increases stakeholder trust in the consultation process.

The summary of responses will generally also list who responded to the consultation exercise, the means by which responses were received (for example, formal responses and other channels such as meetings and online discussion forums) and an indication of the range of responses to each question.

On occasion, TEQSA may publish submissions made to TEQSA. This intention will generally be made known to stakeholders at the time submissions are sought. If TEQSA makes a decision subsequently to publish submissions, permission will be sought prior to publication.

7. Improvement

TEQSA will formally evaluate each consultation process to identify ways of making future consultations more effective and efficient. This process will consider any views expressed by stakeholders on particular aspects of the process and/or by external experts.

8. Confidentiality and Privacy

TEQSA will consider all requests to keep information confidential. While TEQSA has certain statutory obligations of confidentiality under the TEQSA Act, it also operates within a public accountability framework. This includes obligations:

- ▶ to provide information to Ministers, the Parliament or Parliamentary Committees
- ▶ under the Freedom of Information Act 1982, the Auditor-General Act 1997, and the Ombudsman Act 1976; and
- ▶ to provide reasons for TEQSA's decisions or details about TEQSA's activities, including in the context of court or tribunal proceedings.

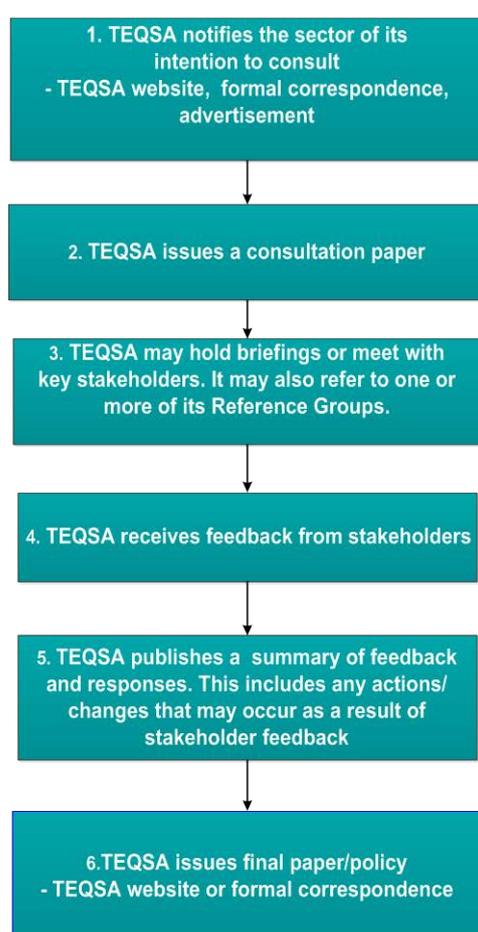
Where TEQSA has received a request to provide an applicant's confidential information, TEQSA will usually endeavour to consult the applicant and provide the applicant with an opportunity to make

submissions on whether TEQSA should release the information. However in certain cases this may not be possible.

TEQSA is obliged to protect any personal information about individuals in accordance with the provisions of the *Privacy Act 1988*. TEQSA will provide information about the collection, use and disclosure of personal information where it is likely that personal information will be collected in consultations.

Phases of consultation

While each TEQSA consultation will be adapted to suit the circumstances of the particular proposal under consideration, it will generally include the main phases of consultation set out in the diagram below:



Feedback

If you would like to offer any feedback on this Information Sheet, please email: enquiries@teqsa.gov.au.