

House of Representatives

Supplementary Order Paper

Tuesday, 27 February 2018

Education (Tertiary Education and Other Matters) Amendment Bill

Proposed amendments

Hon Paul Goldsmith, in Committee, to move the following amendments:

Clause 9

In *clause 9(1)*, after the definition of **educational outcome** (page 5, after line 15), insert:

equal treatment principle means the principle set out in **section 159NA(1)**

New clauses 12 and 13

After *clause 11* (page 6, after line 24), insert:

12 New section 159NA inserted (Funding mechanisms consistent with principle of equal treatment of all tertiary education providers)

After section 159N, insert:

159NA Funding mechanisms consistent with principle of equal treatment of all tertiary education providers

- (1) Every funding mechanism must be consistent with the principle that an activity or approved programme or training scheme is to be funded at the same rate as a directly comparable activity or directly comparable approved programme or training scheme, regardless of the identities of the tertiary education providers concerned.
- (2) Despite **subsection (1)**, the Commission may provide funding at different rates if there is a difference in the extent to which each tertiary education provider has achieved its proposed outcomes in rela-

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tion to the activity or approved programme or training scheme, as measured by the performance indicators—

- (a) specified in the plan in relation to which funding approval is given; or
 - (b) agreed with the Commission if funding is given under section 159ZC.
- (3) Despite **subsection (1)**, the Commission may provide funding at different rates, or provide funding on a different basis, if that is in accordance with a funding mechanism—
- (a) that uses a contestable funding process to reach decisions on the allocation of funding between tertiary education providers in respect of directly comparable activities or directly comparable approved programmes or training schemes; or
 - (b) that is designed to allocate funding between tertiary education providers based on performance.
- (4) For the purposes of this section and section 159O,—
- (a) activities are directly comparable if the proposed outcomes in relation to the activities are the same or substantially the same; and
 - (b) approved programmes or training schemes are directly comparable if the qualifications resulting from their successful completion are the same or substantially the same.
- (5) In this section and section 159O,—
- activity** includes anything, except for an approved programme or training scheme, for which funding may be provided under a funding mechanism
- proposed outcomes** means the outcomes proposed in the plan in relation to which funding approval is given or, if funding is given under section 159ZC, the outcomes agreed with the Commission.

13 Section 159O amended (Commission to implement funding mechanisms)

In section 159O, insert as subsection (2):

- (2) The Commission, in implementing the funding mechanisms, must have regard to the equal treatment principle.

Explanatory note

This Supplementary Order Paper inserts *new clauses 12 and 13* to establish the principle that providers with similar offerings and outcomes for students should receive the same rate of funding.