

30 July 2009

Mr Les Andrews
Assistant Commissioner
Regulatory Burdens Review
Productivity Commission
GPO BOX 1428
Canberra City ACT 2061

Dear Mr Andrews

Regulatory Burdens on Business – Education and Training

The Australian Council for Private Education and Training (ACPET) appreciates the opportunity to respond to the Productivity Commission's (the Commission) *Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services draft report*. ACPET acknowledges that many elements of our initial submission have been taken into account in the draft report.

The Australian Council for Private Education and Training (ACPET) is the peak, national industry association for independent providers of post-compulsory education and training. ACPET represents more than 1,100 institutions, from schools to higher education institutes, delivering a full range of education, training and English language courses to both domestic and international students.

ACPET acknowledges the Commission's position:

"Given the major and very recent review activity and the Government's intention to implement substantial reforms to the regulatory and institutional framework for higher education and training, the Commission considers that it is not appropriate to recommend specific actions in response to the concerns raised with this review."

Aside from the issues highlighted by the *Review of Australian Higher Education* (the Bradley Review) surrounding a single Australian tertiary education system, ACPET would like to reiterate for the Commission's attention concerns that we raised in our initial submission regarding the regulatory inconsistencies between non-government and public providers of education.

Tertiary education regulations are particularly onerous for non-university and non-government providers

Public institutions stand aside from key parts of the regulatory system. The competitive and commercial advantage for public institutions (particularly universities and also TAFEs with delegated accrediting authority from their own departments) has become clearer as enterprise providers move to innovate.

Publicly owned entities still dominate tertiary education in Australia and at the least, competitive neutrality principles should apply routinely

Many ACPET members are highly frustrated with the regulatory burden associated with registration and accreditation regulations and their implementation in each state. A lot of these rules do not apply to public entities.

Public universities and TAFE's carry out community activities for which they receive funding, but in the main they are large, highly competitive businesses. For instance, a substantial proportion of the Australian export education industry has been developed by private sector enterprises, through innovation, investment and performance - but this been done in competition with commercial business arms of advantaged Australian public universities and TAFEs.

Removal of regulatory barriers regarding the distribution of public funding

Australia needs a national tertiary education system that encourages learning and skills development on a large scale, across the majority of the population. ACPET advocates that this will be facilitated by public education funds being linked to students, who actively monitor employment and education provider marketplaces, and are aware of their own interests and capabilities.

Current public funding distribution arrangements, established by various pieces of legislation and by practice, are a complex mix of government funding for public institutions, attempted steering of students to particular course programs and funding support for students that varies markedly according to type of providers and has anti-competitive elements.

In a modern multi-faced, responsive tertiary education system, there is no reason for regulations that draw a line between public and independent/commercial entities

In many other Australian sectors, including schools, manufacturing, technology, agriculture and tourism, private business have the opportunity to seek support from the government funded programs of various types.

If you would like to further to discuss ACPET's position please do not hesitate to contact me on 03 9412 5900.

Sincerely

Andrew Smith
Chief Executive Officer