

HIGHER EDUCATION (GENERAL PROVISIONS) BILL 2003

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE ANNA BLIGH MP

Title of the Bill

Higher Education (General Provisions) Bill 2003

Objectives of the Amendment

The objective of the amendment is to capture persons or institutions that offer a restricted higher education award without having a course leading to it, eg, if \$500 is forwarded to the institution then a person will receive an award, or an award is conferred based entirely upon previous life and/or professional experience. There are examples of this practice by some overseas based providers, and there is the potential for a person or institution operating locally to do the same thing.

It could be argued that there is a certain onus on individuals to ascertain the integrity and accredited status of a person or institution that offers such awards before entering into any agreement with them, and a similar responsibility on employers and education institutions to verify the status of such awards held by individuals.

However, the operation, or potential for the operation, of such persons or institutions is a national policy concern, as it is the view that they bring the higher education sector and the protected awards into disrepute and undermine their value. As the current restrictions in the Bill on conferring a protected award would not apply to such operations, they could also undermine the quality assurance intent of the National Protocols, and of the proposed Queensland Act.

Achievement of the Objectives

To address this issue, a generic offence provision has been drafted to be inserted in Part 9 of the Bill.

Consistency with Fundamental Legislative Principles

The clause does not infringe on any fundamental legislative principles.

Consultation

N/A

NOTES ON PROVISIONS*Clause 82A*

This clause makes it an offence for a person, other than a university, to confer a higher education award on another person unless there is a course leading to the award, and the other person has undertaken the course leading to the award.

This section should be read in context with the offence provisions in section 44 – (Conferring of higher education award by overseas higher education institution etc.), section 58 (Conferring of higher education award by non-university provider etc.) and section 71 (Conferring of higher education award by interstate university etc.).