

## **EXPLANATORY STATEMENT**

**Issued by the authority of the Minister for Education**

***Higher Education Support Act 2003***

***Higher Education Support (Other Grants) Amendment (Strong Beginnings (Transition) Fund) Guidelines 2024***

### **AUTHORITY**

Section 238-10 of the *Higher Education Support Act 2003* (the Act) provides that the Minister may make Other Grants Guidelines to, amongst other things, provide for matters necessary or convenient to be provided in order to carry out or give effect to Part 2-3 of the Act in relation to grants payable under that Part.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations, or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument. The amendments to the *Higher Education Support (Other Grants) Guidelines 2022* (the Principal Instrument) made by the *Higher Education Support (Other Grants) Amendment (Strong Beginnings (Transition) Fund) Guidelines 2024* (the Amendment Instrument) rely on this provision.

### **PURPOSE AND OPERATION**

The Amendment Instrument amends the Principal Instrument to include the Strong Beginnings (Transition) Fund, an initiative for improving the delivery of initial teacher education (ITE) courses in Australia. The Strong Beginnings (Transition) Fund was established in response to the Strong Beginnings: Report of the Teacher Education Expert Panel, released on 6 July 2023, which made recommendations to enhance the link between performance and funding of ITE, improve the quality of practical experience in teaching, and improve postgraduate ITE courses for mid-career teacher entrants. Specifically, the program endorses recommendation 6 to assist higher education providers to update and revise their ITE courses to embed core content reflecting amendments to the Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures developed by the Australian Institute for Teaching and School Leadership (Accreditation Standards and Procedures), made by Addendum, on 11 December 2023.

Providers will use the grant to embed the core content that is listed in Schedule 2 of Addendum: Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures. This document is found at <https://www.aitsl.edu.au/deliver-ite-programs/standards-and-procedures>. Providers are required to embed the core content in their ITE courses and reaccredit their ITE courses with the relevant state or territory teacher

regulatory authority by 31 December 2025 (or at a stipulated date), which is outside of the usual five-yearly accreditation cycle.

This will have positive effects for ITE students by boosting the quality of providers' ITE courses and better equipping students for their careers in the classroom. Further, it will also have benefits for the education sector and society more broadly by contributing to the number of confident, effective teachers in classrooms and consolidating high-quality teaching practice across Australia.

The Strong Beginnings (Transition) Fund is established as a grant program under Part 2-3 of the Act relying on item 11(a) in the table at subsection 41-10(1) ("Grants for activities that assure and enhance the quality of Australia's higher education sector"). Table A providers and specified bodies corporate in the Amendment Instrument are eligible to receive these grants.

### **IMPACT ANALYSIS**

The Department of Education (the department) approached the Office of Impact Analysis (OIA) to seek advice if an Impact Analysis (IA) was required and provided preliminary Impact Analyses for the Strong Beginnings (Transition) Fund.

The OIA determined that a detailed IA was not required for the Strong Beginnings (Transition) Fund (reference OIA23-05518).

### **COMMENCEMENT**

The Amendment Instrument commences on the day after it is registered on the Federal Register of Legislation.

### **CONSULTATION**

The department consulted on arrangements for the Strong Beginnings (Transition) Fund with the Australian Council of Deans of Education (ACDE) as a peak body for higher education providers affected by the Amendment Instrument. ACDE shared its views on appropriate recipients for the funding, which informed development of eligibility criteria for the Strong Beginnings (Transition) Fund.

Open consultation was also undertaken through the Teacher Education Expert Panel Discussion Paper in early 2023, that indicated broad stakeholder support for funding to encourage improvement and demonstrate the quality and delivery of ITE courses through cross-sector partnerships and collaboration.

## STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011  
Higher Education Support (Other Grants) Amendment (Strong Beginnings (Transition) Fund)  
Guidelines 2024*

The *Higher Education Support (Other Grants) Amendment (Strong Beginnings (Transition) Fund) Guidelines 2024* (the Amendment Instrument) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Amendment Instrument amends the Principal Instrument to include the Strong Beginnings (Transition) Fund, an initiative for improving the delivery of initial teacher education (ITE) courses in Australia. The Strong Beginnings (Transition) Fund was established in response to the Strong Beginnings: Report of the Teacher Education Expert Panel, released on 6 July 2023, which made recommendations to enhance the link between performance and funding of ITE, improve the quality of practical experience in teaching, and improve postgraduate ITE courses for mid-career teacher entrants. Specifically, the program endorses recommendation 6 to assist higher education providers to update and revise their ITE courses to embed core content reflecting amendments to the Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures developed by the Australian Institute for Teaching and School Leadership (Accreditation Standards and Procedures), made by Addendum, on 11 December 2023.

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and specified bodies corporate in the Amendment Instrument are eligible to receive these grants.

### **Human rights implications**

The Amendment Instrument engages the following rights:

- the right to work – Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and
- the right to education – Article 13 of the ICESCR.

#### Right to work

The Amendment Instrument engages the right to work as set out in Article 6 of the ICESCR. Article 6(1) of the ICESCR recognises ‘the right of everyone to the opportunity to gain [their] living by work’ and that the State will ‘take appropriate steps to safeguard this right’. Article 6(2) cites ‘technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual’ as steps to be taken by a State Party to achieve the full realisation of the right contained in Article 6(1).

The Amendment Instrument makes amendments to the Principal Instrument to include the Strong Beginnings (Transition) Fund, an initiative for improving the delivery of ITE courses in Australia. The provision of funding to higher education providers for the purposes of improving ITE courses may, in turn, reduce early career attrition of ITE students. According to the Department of Education (the department) analysis of Graduate Outcomes Survey Data, around one in five beginning teachers leave within the first three years of entering the teaching profession as they do not consider they were adequately trained for the challenges of teaching roles. The Amendment Instrument supports the right to work by providing funding to attract, train and retain teachers, and prepares them for long, successful and rewarding careers in teaching and learning.

#### Right to education

Article 13(2)(c) of the ICESCR provides that ‘higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education’.

The Amendment Instrument supports the right to education by providing funding to higher education providers to develop improved ITE courses so that future teachers receive better training and are more adequately prepared for their careers in the classroom. This may address high levels of course attrition as, according to the department analysis of Selected Higher Education Student Statistics, nearly four in ten ITE students leave within six years of commencing their degree.

**Conclusion**

The Amendment Instrument is compatible with human rights because it supports the right to work and the right to education.

**Minister for Education, The Hon Jason Clare MP**

# HIGHER EDUCATION SUPPORT (OTHER GRANTS) AMENDMENT (STRONG BEGINNINGS (TRANSITION) FUND) GUIDELINES 2023

## EXPLANATION OF PROVISIONS

### **Section 1: Name**

1. This section specifies the name of the instrument as the *Higher Education Support (Other Grants) Amendment (Strong Beginnings (Transition) Fund) Guidelines 2024* (the Amendment Instrument).

### **Section 2: Commencement**

2. This section provides that the Amendment Instrument commences on the day after it is registered on the Federal Register of Legislation.

### **Section 3: Authority**

3. This section provides that the Amendment Instrument is made under section 238-10 of the *Higher Education Support Act 2003* (the Act).

### **Section 4: Schedules**

4. This is a technical provision that explains that each instrument that is specified in a Schedule to the Amendment Instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1 – Amendments**

### *Higher Education Support (Other Grants) Guidelines 2022*

#### **Item 1: In section 4 (definitions)**

1. **Item 1** inserts new definitions in section 4 of the *Higher Education Support (Other Grants) Guidelines 2022* to explain terms used for the Strong Beginnings (Transition) Fund (Transition Fund). The new terms defined are Accreditation Standards and Procedures, core content, ITE, ITE course and Teacher Regulatory Authority.
2. The definition of Accreditation Standards and Procedures means the Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures developed by the Australian Institute for Teaching and School Leadership. This document is freely available online at <https://www.aitsl.edu.au/deliver-ite-programs/standards-and-procedures> and applies as that document was in force at the time the Amendment Instrument is made.
3. The definition of core content means the core content that is listed in Schedule 2 of Addendum: Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures developed by the Australian Institute for Teaching and School Leadership. This document is also freely available online at <https://www.aitsl.edu.au/deliver-ite-programs/standards-and-procedures> and applies as that document was in force at the time the Amendment Instrument is made.
4. It is necessary to incorporate these documents by reference as they are integral to the purpose of the Transition Fund and how providers are expected to use their grants, as recommended in Strong Beginnings: Report of the Teacher Education Expert Panel.

#### **Item 2: After Part 8**

5. **Item 2** inserts a new Part 8A after Part 8. The new Part 8A heading is ‘Grants to assure and enhance the quality of Australia’s higher education sector – Strong Beginnings Fund’.
6. Item 2 also inserts a new Division 1 within Part 8A for the Transition Fund, with the program requirements set out at sections 63A to 63E. The Transition Fund provides grants to eligible higher education providers to improve their ITE courses by the end of 2025.
7. New section 63A sets out the program objectives of the Transition Fund, for the purposes of paragraph 41-15(2)(a) of the Act. New subsection 63A(1) provides that the Transition Fund is specified as a program for the purpose of assuring and

enhancing the quality of Australia's higher education sector, under subitem 11(a) of the table in subsection 41-10(1) of the Act. New subsection 63A(2) sets out the objective of the Transition Fund, which is to improve the quality of ITE courses by supporting higher education providers to ensure their ITE courses align with core content described in the Accreditation Standards and Procedures.

8. New section 63B outlines extra conditions of eligibility to receive a grant under the Transition Fund, for the purposes of paragraph 41-15(2)(b) of the Act. New section 63B provides that a Table A provider and a specified body corporate in section 67 is eligible to receive a grant if:
  - at paragraph (a) – the Table A provider or the specified body corporate delivers ITE courses; and
  - at paragraph (b) – the grant application includes evidence of the number of ITE courses delivered by the Table A provider or the specified body corporate as at 31 October 2023.
9. The date of 31 October 2023 is included as the budgeted amount for the Transition Fund program was based on the number of accredited ITE courses at that time.
10. New section 63C sets out the amount, being a part of the amount referred to in section 41-45 of the Act for a year, that will be spent on the program in that particular year, for the purposes of paragraph 41-15(2)(c) of the Act. New subsection 63C(1) provides that grants under the Transition Fund are made in respect of a year. New subsection 63C(2) provides that the amount, being a part of the amount referred to in section 41-45 of the Act, that will be spent on the program in 2024 is \$4.635 million. The note in section 63C provides that under section 41-20 of the Act, grants are subject to approval by the Minister.
11. New section 63D specifies the method by which the amount of grants under the Transition Fund will be determined, for the purposes of paragraph 41-15(2)(e) of the Act. New subsection 63D(1) provides that the grant amount for a higher education provider under the Transition Fund is \$15,000 per ITE course.
12. New section 63E sets out the conditions that apply to grants under the Transition Fund, for the purposes of section 41-25 of the Act. New subsection 63E(1) provides that providers must use the grant to:
  - at paragraph (a) – review their ITE courses and make changes necessary to include core content; and
  - at paragraph (b) – reaccredit their ITE courses under the Accreditation Standards and Procedures by 31 December 2025 or a date stipulated by their Teacher Regulatory Authority in accordance with their state or territory legislative frameworks.

13. New subsection 63E(2) provides that providers in receipt of a grant under the Transition Fund are required to report by 31 December 2025 in the format requested by the department. New subsection 63E(3) sets out that the reports must include the following information:

- at paragraph (a) – evidence from the Teacher Regulatory Authority in the provider’s state or territory jurisdiction that the provider has met the requirements of the Accreditation Standards and Procedures with respect to core content; or
- at paragraph (b) – if the provider has not met the requirements of the Accreditation Standards and Procedures, the report must include:
  - at subparagraph (i) – reasons for why the core content has not been implemented into the ITE course; and
  - at subparagraph (ii) – a project plan, in the format requested by the department, detailing how the provider will implement core content and the timeframe in which the core content will be implemented.

14. Acceptable reasons for why core content has not been implemented may include delays in the reaccreditation process that are out of the provider’s control.

Item 3: After paragraph 67(d)

15. **Item 3** inserts an additional list of specified bodies corporate into section 67. Specifically, these are higher education providers who deliver ITE courses and are expected to receive grants under the Transition Fund:

- at paragraph (e) – Alphacrusis University College Limited;
- at paragraph (f) – ACPE Limited (known as The Australian College of Physical Education);
- at paragraph (g) – Christian Heritage College;
- at paragraph (h) – Eastern College Australia Limited;
- at paragraph (i) – Excelsia College;
- at paragraph (j) – Holmesglen Institute;
- at paragraph (k) – Melbourne Polytechnic;
- at paragraph (l) – Montessori World Educational Institute Australia Inc;
- at paragraph (m) – Tabor College Inc;
- at paragraph (n) – Avondale University.