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Higher Education Standards Panel
Tackling Contract Cheating
c/- Department of Education
GPO Box 9880
CANBERRA ACT 2601

Via Email: highered@education.gov.au

The Union of Aboriginal and Torres Strait Islander Students (UATSIS) welcomes the opportunity to comment on the *Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Bill 2019* ('draft bill').

We acknowledge and commend the Department of Education, the Higher Education Standards Panel (HESP), and the Tertiary Education Quality and Standards Agency (TEQSA) for their efforts in promoting academic integrity in the higher education system. However, it is our opinion that the language within the draft bill needs to be tightened to make clear that individuals, particularly students, are not the intended targets of prosecution.

We also wish to acknowledge that these measures are about ensuring the integrity and reputation of Australia's higher education system; no one wants the value of our qualifications to be diminished.

Context – UATSIS

By way of providing some context, UATSIS aims to be the peak body representing the interests of undergraduate Aboriginal and Torres Strait Islander Students in Australia. UATSIS carries out its mission through advocacy, activism, and policy research. In addition, we articulate the interests and issues of Indigenous undergraduate students to higher education stakeholders including, among others, the Commonwealth and State/Territory governments, Opposition parties, and minor parties.

Targeting the commercial operators

As alluded to previously, we are broadly in favour of the draft bill; targeting contract cheating through legislation with penalties is certainly one way of discouraging such behaviour. However, we note that this legislation should be one part of a raft of measures employed in promoting a culture of academic integrity in our institutions and among students. We understand the advantages of targeting contract cheating providers and advertisers by making it an offence to do so and thereby creating a deterrent for such activity. Nevertheless, we are concerned that in its current wording, the provisions making these activities offences could have the unintended consequence of being used to target a students' friend, family member or associate who has provided a "cheating service" as defined under s 114A of the draft bill.

Although we have received assurances from TEQSA and note on the Department's website for contract cheating that the draft bill is not targeting students, we are concerned that the students referred to are those who have been cheating, and not those who have provided such services. Furthermore, in the overview of the draft legislation, provided by the Department, a key outcome sought from the legislation is to "make it an offence for any person to provide or advertise cheating services related to the delivery of higher education in Australia."

Therefore, we would like to see language employed in the legislation which makes it clear students who have provided cheating services are not going to be targets. Instead, we believe these students should be dealt with according to the policies and procedures of the institution which they are enrolled at.

As such, we concur with the Council of Australian Postgraduate Associations' (CAPA) second recommendation: "That the legislation is re-written to specifically target organised, commercial contract cheating services and to exclude the prosecution of individuals [particularly students]."

ISSP and tutoring

The Indigenous Student Success Program (ISSP), funded by the Department of the Prime Minister and Cabinet, provides Indigenous students with the opportunity to be tutored by more experienced and high-achieving students in their coursework. This is a valuable service and must be protected.

In its current form, it could be misconstrued that these tutors, who are paid a wage for their work, engage in providing cheating services as defined under s 114A(3). We therefore propose that legitimate tutoring services, such as those provided under ISSP funding, be listed as an example of an exception under s 114A(4). This would be an added protection should our first recommendation be taken on board.

Summary and recommendations

We believe that in its current form, the draft bill could be misconstrued so as to be used to target individuals, particularly students, who have provided cheating services. Though unlikely, the language within the draft bill could also be employed to target legitimate tutors.

As such, UATSIS makes the following recommendations:

1. That the legislation is re-written to specifically target organised, commercial contract cheating services and to exclude the prosecution of individuals, particularly students; and
2. That legitimate tutoring services be listed as an example of an exception under s 114A(4).

We thank the Department and the HESP once again for the chance to make these comments.

Yours sincerely



Braedyn Edwards
President