



Memorandum of understanding

between the

Tertiary Education Quality and Standards Agency

and the

Quality and Qualifications Ireland

This Memorandum of Understanding is made between the Tertiary Education Quality and Standards Agency (TEQSA), Level 11, 452 Flinders Street, Melbourne, VIC 3000

and

Quality and Qualifications Ireland (QQI), 26/27 Denzille Lane, Dublin 2, D02 P266.

Recitals

Whereas:

TEQSA was established under the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) as the independent, national regulatory and quality assurance agency for the higher education sector in Australia. TEQSA is responsible for the registration of higher education providers; accreditation of higher education courses for providers without self-accrediting authority; quality assurance; and dissemination of higher education standards and performance requirements. TEQSA is named as the regulator responsible for administering the law with regard to academic cheating services under the Prohibiting Academic Cheating Services Bill 2019, which amended the TEQSA Act 2011. The Higher Education Standards Framework (Threshold Standards) is established under the TEQSA Act and as of 1 July 2021 the Higher Education Standards Framework (Threshold Standards) 2021 is in effect.

Quality and Qualifications Ireland (QQI) is responsible for the external quality assurance of institutions and providers in both higher and further education and training in Ireland operating within the National Framework of Qualifications (NFQ). It is also the custodian of the NFQ and makes and certifies awards. In addition, QQI is responsible for developing an International Education Mark for education and training programmes delivered to international students and establishing a database of all programmes and qualifications recognised on the NFQ. QQI is named as the body responsible for prosecuting persons facilitating learner cheating, advertising academic cheating services or publishing such advertisements under section 43A of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019.



QQI and TEQSA

With comparable missions and institutional objectives in the assurance of quality in tertiary education, both parties now wish to establish a closer relationship as equal partners.

Both TEQSA and QQI are also committed to the general principles of Cross-Border Higher Education (CBHE).

Article I: Aims of this Memorandum of Understanding

Having similar responsibilities with regard to the quality assurance of higher education providers operating within their respective national qualifications systems, TEQSA and QQI wish to maintain close relations for the purposes of dialogue, cooperation and collaboration through a memorandum of understanding. TEQSA and QQI acknowledge a common commitment to the advancement of quality assurance in higher education. TEQSA and QQI will seek to build on the good working relationship that already exists by clearly setting out their interaction through this memorandum, information sharing agreements and regular liaison meetings.

Notwithstanding this memorandum of understanding, the responsibility of higher education institutions for their own quality assurance in both jurisdictions is noted.

This memorandum of understanding identifies areas for collaboration and key themes of mutual interest to the named parties. This memorandum may be supported by further and more detailed operational agreements, particularly in relation to the sharing of information.

This memorandum of understanding is not intended to create legally binding relations between the parties, and neither party has the authority to act on behalf of or otherwise bind the other party. However, TEQSA and QQI agree to work together to implement this memorandum of understanding in good faith.

Article II: Areas of cooperation and collaboration

Whilst respecting the separate, distinctive roles and responsibilities of both parties, there are several areas of shared interest and interaction. These are primarily in the context of sharing information relevant to maintaining and protecting the integrity and reputation of each jurisdiction's higher education qualifications system. Collaboration between TEQSA and QQI will benefit the higher education sectors in both jurisdictions by enabling more effective and efficient external quality assurance. Both parties are committed to mutual understanding and to the sharing of practice and experiences.

To these ends, TEQSA and QQI, in accordance with the framework of Australian and Irish laws and regulations, will pursue the following objectives for their mutual benefit and with a commitment to reduce unnecessary regulatory duplication on providers operating across borders:



1. Information exchange

This will be subject to necessary confidentiality constraints and safeguards, statutory bars on disclosure and relevant Data Protection legislation, both parties will exchange information and offer professional advice about:

- degree-awarding bodies working with private and other providers in the partner's country;
- private and other providers offering awards made by awarding bodies in the partner's country;
- the current standing or status of a university/awarding body/provider with their home agency
- academic fraud and / or contract cheating
- the quality assurance and related regulatory requirements, and changes thereto, in both jurisdictions
- working with professional regulatory bodies

Each party will endeavour to provide information in its possession that may be reasonably required by the other in the safeguarding of academic standards and quality.. To increase transparency, TEQSA and QQI will agree to publish and operate to a written agreement for the sharing of routine information. Any non-routine sharing will be in line with this memorandum. Subject to relevant legislation on data protection and freedom of information in the respective countries, and other constraints (for example, commercial confidentiality, price sensitive matters) exchanges between TEQSA and QQI may, at times, be in confidence.

2. Use of each other's expertise

Where appropriate and possible, taking account of operational constraints and relevant legislative constraints on information sharing (including, for TEQSA, as constrained in the TEQSA Act and the Privacy Act 1988 (Cth)), the exchange of information may occur to assist the parties to understand a provider's regulatory history and the operation of quality assurance mechanisms the parties administer.

3. Mutual understanding

Work to enhance mutual understanding of each other's approach to externally assuring quality in higher education; the respective systems in place for quality assurance and enhancement in higher education, and the critical matters relating to quality and standards in higher education in both jurisdictions.

4. Staff development

Where appropriate and possible, support the development of staff from the two agencies through activities such as staff exchange, observing each other's review processes, and provision of training.



5. UNESCO guidelines for QA

QQI and TEQSA are both working to implement the recommendations for quality assurance and accreditation bodies contained in the UNESCO guidelines for quality assurance in cross-border higher education.

6. Collaboration

Both parties are committed to the principle of good communication with each other on areas of mutual interest. This will be done through regular liaison and regular discussion on relevant issues, including an annual online meeting of QQI and TEQSA senior management teams, and online meetings of individual QQI and TEQSA staff members, as required, depending on the needs of specific projects. Where appropriate and possible, QQI and TEQSA intend to collaborate in relation to mutually agreed projects and activities for the benefit of both parties, including:

- the quality assurance of transnational education;
- the regulation and quality assurance of international education;
- the identification of fraudulent institutions, awarding bodies or accrediting agencies in Australia and in Ireland;
- the identification of academic fraud and resulting implications for providers in either / both jurisdictions; undertaking research on quality assurance related issues; and
- engaging in mutual policy learning.

More specifically, at the end of our agreement TEQSA and QQI aim to have achieved concrete collaboration in the following activities:

- The identification of, and approaches to dealing with, academic fraud and contract cheating in both jurisdictions
- Updating and communicating changes to the regulatory framework and context in both jurisdictions, including briefings for higher education institutions and other organisations where appropriate
- Identifying opportunities for engagements with professional regulatory bodies

Article III: Duration of memorandum

The Memorandum will take effect from the date of its signature and shall continue for five years unless it is terminated by the provision of three months' notice by either party. It may be extended by mutual agreement of both parties.



Article IV: Review of Memorandum

This memorandum may be amended at any time by agreement of both parties.

In addition, this memorandum will be reviewed and updated as necessary in the light of experience of its operation in practice and of any changes to the respective qualifications systems, or the roles and responsibilities of either organisation. Notwithstanding the above, there will be a scheduled review of the memorandum at the end of its fourth year, if a review has not been carried out in the intervening period.

Article V: Management and liaison arrangements for the Memorandum

The Acting Chief Executive of TEQSA (at the time of signing Dr Mary Russell) and the Chief Executive of QQI (at the time of signing Padraig Walsh) will have responsibility for managing the implementation of the terms of the memorandum. This responsibility may be delegated to relevant members of staff in relation to particular areas of cooperation. Day-to-day liaison on the issues referred to in this Memorandum will occur between Senior Manager, Academic Integrity Regulation and Strategic Partnerships and the Director, Policy, Research and Engagement, of TEQSA.

Article VI: Resources

Except where there are specific arrangements to meet project resource requirements, the two partners will normally cover their own costs in implementing the terms of the memorandum.

Article VII: Schedule of projects and activities

Specific details about any projects or other activities that are entered into under the terms of this Memorandum shall be negotiated and agreed by both parties in writing and will be described in administrative schedules to be annexed to this memorandum.

Article VIII: Confidentiality

The parties agree to ensure that any confidential information that is shared between parties is safeguarded and remains confidential. Confidential information includes information, knowledge or material that:

- a. is by its nature confidential;
- b. is designated by the person making it available as confidential (whether marked as “confidential”, “sensitive”, “For Official Use Only”, “OFFICIAL: Sensitive” or otherwise);
or
- c. the receiving party knows or ought to know is confidential.

The parties agree not to disclose confidential information received from the other party to this Memorandum without the written consent of the disclosing party. The parties acknowledge that, in appropriate cases, they may reach a separate written agreement about the handling of particular confidential information or classes of confidential information.



Article IX: Caveats

This memorandum does not permit the use of copyright materials (including logos) or the dissemination of confidential information to a third party without permission of the partner.

This memorandum does not bind the partner organisations or their staff/officers to any financial or other liability without further formal documentation.

This memorandum is not legally binding. It will serve as a working document that will be subject to review in the light of operational practice.

Padraig Walsh

M Russell

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Dr Pdraig Walsh
Chief Executive Officer
Quality and Qualifications Ireland

Dr Mary Russell
Acting Chief Executive Officer
Tertiary Education Quality and Standards
Agency, Australia

31 / 07 / 2023

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