Regulation and Regulators proliferating in a changing world, but what role[1] for evaluation?

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ABSTRACT

The purpose of this presentation is to review the recent developments in government regulation and the roles of regulators to seek lessons for the benefit of evaluation theory and practice. In the last two years there have been at least three new statutory agencies created, as regulators by the present Commonwealth government, which are relevant for consideration by evaluation practitioners, viz:

- **Australian Skills Quality Agency** which has subsumed accreditation, registration and evaluation of the Vocational Education and Training (VET) sector's Registered Training Organisations, as well as TAFE;
- **Tertiary Education Quality and Standards Agency** which has subsumed accreditation, registration and evaluation of the Higher Education sector (including private sector and not-for-profit providers, as well as Universities);
- **Australian Charities and Not-for-Profits Commission** which subsumes some of the functions of the states and territories in registration of charities and introduces a new regulatory regime.

This paper reviews and discusses these reforms as they provide insight into current trends in risk-based and standards-based evaluation as involved in regulation. Comparative analyses are provided of the criteria, methods and reporting aspects underlying these industry regulation, management and evaluation frameworks.

Very reminiscent of the debates about the relative strengths and competing roles of audit and evaluation about 20 years ago, the issues raised in regulatory auditing involve an approach to evaluation which needs to be examined.

EVALUATION vs AUDIT?

In response to the changing world and wicked problems arising, especially in education and community welfare sectors, Governments are increasingly regulating industries and providers. Before reviewing the approach to evaluation of the three new regulators in Australia, it is relevant to consider the relationship between quality auditing and evaluation.

In the late 1980s and early 1990s when systematic evaluation became a recognized necessary professional practice in Australia (SSCSW, 1979; Sharp, 2004a b) it aroused a rivalry with some auditing professionals. This professional feud was fuelled in Australia partly by the formation of the AES when the ISO 9000 Quality Management Systems Standard was first published in 1987. However, Brian Cruse (1993) then President of the Queensland Branch of the Institute of Internal Auditors (IIA) summed up the then discord and debate between Auditors and Evaluation Practitioners with an attempt at re-conciliation, as follows: "There are more similarities than differences between internal audit and evaluation, and this should lead to greater cooperation between the two disciplines..." (Cruse, 1993, p. 35).

In terms of evaluation theory the relationship between audit and evaluation can be considered from at least two perspectives:

A) **Scope of evaluation in Auditing**

Indeed according to Professor Michael Scriven evaluation is a "trans-discipline" (like logic) derived from the concept of making systematic judgements about the *value* (merit or worth or quality) of some *evaluand* based on certain criteria (see Scriven, 1991). Accordingly Scriven regards *audit* as a form of evaluation which relies on agreed standards as the criteria for evaluation. Sharp's (2012) Table 1 provides a comparison of audit and evaluation approaches which was originally developed about that time as a teaching tool (in Grad Cert Public Sector Management at Flinders University) in the first attempt at a combined course for internal audit and evaluation (Sharp, 1994c). One of the aspects they have in common is to clarify the ethics and standards of their professional practice (see next section).

B) **Theoretical Form & Approach of Evaluation of Quality Auditing**

In terms of the classification scheme of Owen & Rogers (1999) *quality* auditing (as distinct from *performance auditing*) can be classified as an *interactive form* and a *Responsive* or *Quality Review approach*. According to the main author in this classification, with the leading text: *Standards-Based and Responsive Evaluation,* Emeritus Professor Robert Stake (2004, p. 65) suggested that a key to understanding standards-based evaluation is that:

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[1] This paper draws on a working paper partly presented at the AES/AOQ joint meeting July 18th 2012

> "Criteria tell us which characteristics to pay attention to. We use criteria in order to facilitate making good selections. ….
> Standards-based evaluators try to make the criterion picture clear in advance."

As such standards are a form of *feedforward* mechanism along with planning and control which are clearly well-established domains of internal auditing. Indeed the three new regulatory authorities reviewed here mainly follow these precepts. Also there is the overlapping *proactive* form of the *benchmarking approach* and *review of best practice* which are often the espoused approaches of quality auditing as well as approaches to evaluation (see Sharp, 1994a).

What lessons are there for the rest of us involved in evaluation from this changing world of the regulators?

Ethics & Standards in Evaluation
Internal Auditors have for many years developed codes of conduct and standards for auditing (e.g., IIA, 2009; IIA, 2011). Although they cover the typical motherhood statements and guidance one would expect from any profession about *integrity, objectivity, confidentiality, and competency,* they are *mandatory requirements for membership and legal standing as an Internal Auditor.* By comparison evaluation practice has no such standing.

In 1989 the Australasian Evaluation Society (AES) formed the *Committee on Ethics and Standards in Evaluation* (CEASE)[2] due to a complaint by a concerned Social Worker about an evaluation being conducted by a Commonwealth service delivery department for which she worked (see Sharp, 1994).
Subsequently to address such issues, and to provide ethical leadership for their members and others interested in evaluation, the AES (see Sharp, 1994) produced an Interim *Code of Ethics* (1991 – 1995) and currently *Guidelines for the Ethical Conduct of Evaluations*.

As to **quality of evaluation**, to raise awareness of the technical requirements and the propriety of evaluation, the Australasian Evaluation Society has recommended that those interested in meta-evaluation or compliance with **standards** seek out and consider the standards developed by the Joint Committee on Standards for Educational Evaluation (1981) in the USA and Canada, Chaired by Professor Dan Stufflebeam. These standards have been revised under the Chairmanship of Prof. James Sanders (Joint Committee on Standards for Educational Evaluation, 1994) and the Australasian Evaluation Society adopted these guides for Australian circumstances. These guides and standards are advisable for *meta*-evaluation of the *quality of evaluations* (Schwandt, & Halpern, 1988; Sharp, 2004a b).

However, unfortunately these guides, codes and standards are not well enough known or used in developing the quality of evaluation, partly because they are still advisory and voluntary. At least Auditors can apply more coercion to gain compliance to quality management standards because of the accreditation and regulations which attach to them. This, and a few other points, are elaborated in Table 1 of a working paper I referred to recently in the joint meeting of the South Australian branches of the Australian Organisation for Quality and the Australasian Evaluation Society on a comparison of Audit and Evaluation approaches (from Sharp 1994c; 2012). In that paper I referred to 5 aspects which highlight the similarities and differences between audit and evaluation, viz:

1. Quality - although there is significant overlap in the emphasis on continuous improvement, audits tend to focus more on inputs, processes and outputs as part of 'business as usual' or comparisons with "excellence"; whereas evaluations tend to focus more on outcomes, stakeholders' satisfaction and critical self-reflection including on whether there is a 'best practice';

2. Accountability - here there is a lot more overlap except in the different emphases on the double-sided coin of organizational governance, viz: the 'conformance/performance' balance; audits tend to focus more on accountability to funders with respect to legal and financial standards and compliance processes; whereas evaluations tend to focus more on accountability to the breadth of stakeholders and whether their needs are met;

3. Planning - both should be involved intimately with the planning of programs/projects in consideration of implementation of strategies; but both tend to be only the secondary considerations to the operational focus of organisations; audits tend to be helpful as part of the *feedforward* of operational commitments and capacity to achieve objectives; evaluations are necessarily part of the *feedback* of the systems;

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[2]   Jerome Winston (RMIT) and Colin Sharp (Flinders Institute of Public Policy and Management) were the Foundation Committee members and Chair.

4. Control – control processes are the heartland of audit and should include the necessary mechanisms to enable evaluations and the establishment and maintenance of the essential data quality which both audit and evaluation and the organisations as systems all require; evaluation can contribute substantially more (than it is often given credit for as part of the controls) in terms of the preparatory and retrospective *program logic* analysis as a part of both the feedforward of the system and the comprehension of the audit trail;

5. Investigative, Consulting & Reporting Skills - although there is significant overlap in the emphasis on skill in analysis and consultation, audits tend to expect to be *independent* and have more (legal) authority and even the power to compel data, and involvement of participants; whereas evaluations tend to be expected to be more subjective and participatory having to rely on voluntary involvement of stakeholders.

Of course these are vey vague and overly simplified comparisons which should be tested in each circumstance in which audits and evaluations are practiced. Nevertheless they may be areas in need of clarification by the new regulators as they develop their own practice.

CHANGES IN THE REGULATORY ENVIRONMENT
The referral of the Exposure Draft for the Australian Charities and Not-for-profits Commission Bill to the House of Representatives Standing Committee on Economics for final consultation marks the latest in an era of new regulation in Australia, viz:

- **ASQA (Australian Skills Quality Agency)** which has subsumed (from July 2011) accreditation, registration and evaluation of the Vocational Education and Training sector (including private sector and not-for-profit Registered Training Organisations, as well as TAFE) has accreditation criteria and benchmarking of industry graduate performance criteria;
- **TEQSA (Tertiary Education Quality and Standards Agency)** which has subsumed (from February 2012) accreditation, registration and evaluation of the Higher Education sector (including private sector and not-for-profit providers, as well as Universities) has accreditation criteria and benchmarking of industry graduate performance criteria;
- **ACNC (Australian Charities and Not-for-Profits Commission)** which subsumes some of the functions of registration of charities and introduces a new regulatory regime (based on the Charity Commission of England and Wales) from October 2012.

These reforms were examined as they provide insight into current trends in dealing with *wicked problems* and government regulation through risk-based and standards-based evaluation. Wicked problems are one of the guises in which risks are identified and evaluated and hence the province of the recent regime of risk management standards based evaluation. Comparative analyses were conducted of the criteria, methods and reporting aspects underlying these industry regulation, management and evaluation frameworks.

Methodology
I have insider knowledge and experience over 24 years as a presenter and manager in the education and training sectors and have been involved in the not-for-profit sector for over 30 years. Apart from having been involved in accreditation reviews and tertiary education and training audits for four tertiary education institutions, I am a qualified VET sector trainer and assessor, and also on TEQSA's Expert Panel as an Auditor in the higher education sector. In this review I searched the legislation, www sites and available documents of the three regulatory agencies for the key words: "evaluation" "standards-based evaluation" "evaluator" "benchmark". Surprisingly there were very few hits.

Background on and Legislation underlying Regulators
Each of these regulators has been established with the legislative bases for auditing and evaluation of the compliance and quality of their constituents. Accordingly we have to review these legislative foundations as well as the background and contexts in which they have emerged in recent years.

ASQA
The Australian Skills Quality Agency (or the *NVR*) was empowered under the *National Vocational Education and Training Regulator Act 2011*, to encompass the previous registration and accreditation regimes of the States and Territories (with some exception regarding Victoria and Western Australia), by reference to the *Standards for NVR Registered Training Organisations 2011* and the *Financial Viability Risk Assessment* legislative instrument under subsection 158(1) of the NVETR Act (as quoted below).
The latter gives ASQA the most important regulatory auditing roles (external auditing), where:
> **"Financially viable** means the ability of an organisation to generate sufficient income to meet operating payments, debt commitments and, where applicable, to allow growth while delivering quality training and assessment services and outcomes.

> *Financial viability risk* is the assessed financial performance, operations, and capacity of an organisation as an ongoing concern to deliver quality training and assessment services and outcomes for the duration of its registration, and the potential of its losing this capacity."

As it has been operational for longer than the other two regulators considered here (see Table A attached), there is more information available, especially in the form of their strategic plan. Accordingly ASQA's evaluative roles are extensive, including both internally focused as well as externally focused. Although the Australian Quality Training Framework (AQTF 2010) had moved away from purely process standards to an outcome focus which would appear to have been more conducive to evaluation; now it seems that basically ASQA's approach is very much dominated by the competency framework and the Standards for NVR Registered Training Organisations (RTOs) which seem to have superseded the AQTF (2010). ASQA also has extensive regulatory powers which give teeth to both their auditing role and their ability to evaluate RTOs and VET sector courses.

TEQSA
Although TEQSA has been operational since the beginning of 2012 there are still gaps in the information available (see Table A). For example, the *Tertiary Education Quality and Standards Agency Act 2011* requires TEQSA to develop and publish a:

> "strategic plan, for a three year period, that:
> * defines the principal objectives of TEQSA in performing its functions during that three year period; and
> * gives a broad outline of the strategies to be pursued by TEQSA to achieve those objectives.
> TEQSA is currently developing its first strategic plan" (TEQSA 2012).

In addition to TEQSA's standards there is the underlying Australian Qualification Framework (AQF, 2011) which TEQSA has in common with ASQA. Also there are other associated agencies, such as the Australian Curriculum, Assessment and Reporting Authority (http://www.acara.edu.au/) which is the independent authority responsible for the development of a national curriculum, a national assessment program and a national data collection and reporting program that supports 21st century learning for all Australian students subject to the AQF. Although neither the AQF nor the ACARA have regulatory powers they are given some force by virtue of their adherence as bases for auditing and evaluation criteria by ASQA and TEQSA as for example stated in the *Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Act 2011*, which specifies the following Threshold Standards:

> (a)   the Provider Registration Standards;
> (b)   the Provider Category Standards;
> (c)   the Provider Course Accreditation Standards;
> (d)   the Qualification Standards (especially the **AQF**).

These standards are the main bases for the evaluative approach used by TEQSA.
TEQSA's (2012 http://www.teqsa.gov.au/higher-education-standards-framework) *Regulatory Framework* has two relevant evaluative models:

> a) accreditation review processes based on regular data collection and benchmarking across the higher education sector
> b) risk evaluation as both an advisory and case management adjunct to the accreditation approvals and review processes (http://www.teqsa.gov.au/higher-education-threshold-standards)

TEQSA's (2012 Attachment B) regulatory risk indicators include:

> .   Provider standing
> .   Management and human resources
> .   Financial viability and safeguards
> .   Responsibilities to students
> .   Requirements in admissions policy
> .   **Corporate and academic governance**
> .   Physical and electronic resources and infrastructure
> .   Primacy of academic quality and integrity.
> According to its www site (TEQSA, 2012) inter-changes the terms 'audit' 'assessment' 'review' and 'evaluation':
> "TEQSA will register and evaluate the performance of higher education providers against the new Higher Education Standards Framework…The Provider Standards and Qualifications Standards are collectively the Threshold Standards which all providers must meet in order to enter and remain within Australia's higher education system. TEQSA will undertake both compliance assessments and quality assessments. Compliance assessments involve auditing a particular provider's compliance against the Threshold Standards for registration as a higher education provider. Quality assessments can either be an assessment of the quality of an individual provider or a review of an issue across a number of providers (a thematic review).

Actually it seems Department of Education, Employment and Workplace Relations (DEEWR, 2012) has a more traditional evaluative role in relation to *benchmarking* based on the data collection and analysis of the four "integrated performance

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measurement instruments" it requires Universities to use: *University Experience Survey*, an Australian version of the *Collegiate Learning Assessment*, the composite *Teaching Quality Indicator* and the *Australian Graduate Survey*.

ACNC
Initially advice about the Australian Charities and Not-for-Profit Commission (ACNC) according to the ACNC's advisor from the UK, David Locke (2012), was that Australia is adapting the UK's model for its regulatory role (Charity Commission, 2012a). Interestingly the UK Charity Commission has a good deal to say about and promotes evaluation, such as in their guidance on the *essentials* for the charities it regulates including their *Charity Governance* (Charity Commission 2012b) and *Hallmarks of Effective Charities* (Charity Commission 2008) and their referral to the independent NFP Charities Evaluation Services and their *Practical Quality Assurance System for Small Organisations* (Charities Evaluation Services[3] 2012). The Charity Commission (2012c) also has an extensive public document about its own governance, including ethics, accountability, transparency and performance.

However, regarding the ACNC all we can do is consult the *Exposure Draft for the Australian Charities and Not-for-profits Commission Bill*, referral of which to the House of Representatives Standing Committee on Economics for final consultation marks, the latest in an era of new regulation in Australia. The "Explanatory Materials" accompanying the Bill give an interesting elaboration of the recent regulatory regime and points to implications of these regulatory reforms which have legislative power beyond the scope of general evaluation practice in relation to the theory and practice of evaluation as well as suggesting recommendations for evaluation practitioners interested in regulation and strategic evaluation.

> In undertaking his or her role, the ACNC Commissioner will have regard to:
> . the maintenance, protection and enhancement of public trust and confidence in the NFP sector;
> . the need for **transparency and accountability** of the NFP sector to the public (including donors, members and beneficiaries) by ensuring they have access to information about NFP entities; …
> . the maintenance and promotion of the **effectiveness and sustainability** of the sector;
> . the upholding of principles relating to regulatory necessity, risk and proportionality;
> . the need for cooperation with other regulators, with the aim of also minimising procedural requirements and duplication; …N[Section 15-10)]
>
> 1.76 The **list of factors** that the ACNC Commissioner will have regard to **is similar to those provided for other Commonwealth regulators such as ASIC and the Tertiary Education Quality and Standards Agency (TEQSA).**
> 1.77 As they do for ASIC and TEQSA, this list of factors sets out how the ACNC should approach all its activities so that they are in line with the objects of the Bill.
> 1.78 While the nature of these factors means that there will be some overlap between them, each factor is integral to guiding the ACNC's approach to regulation.
> 1.79 The ACNC Commissioner will have regard to issues of regulatory necessity, risk and proportionality to ensure that his or her actions are suitable and relative to individual circumstances. These concepts involve ensuring that regulatory responses give consideration to the different circumstances of different entities, including entity size, revenue and donations received from the public.
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> (APH, 2012, emphasis added)

The basic condition of difference from other standards-based evaluations is that under these regulatory regimes compliance with the standards (including g*overnance* standards) is a condition of entitlement to registration and therefore gives the regulator the power to de-register institutions which do not comply with the standards. Interestingly the ACNC Bill's *Explanatory Material* (APH, 2012, emphasis added) specifies what this means:

> Section 5.5 '**Governance' is the set of practices and procedures in place to ensure that an entity operates to achieve its objectives in an effective and transparent manner**.
> 5.6 Governance requirements may be included in:
> • existing governing rules, such as constitutions, association rules, cooperative rules, memorandum and articles of association, trust deeds, church laws and statutes;
> • contracts that governments enter into with some not-for-profit (NFP) entities; and
>   regulatory laws.
> 5.7 The current governance requirements of a NFP entity depend on:
> . the type of entity — such as whether it is unincorporated, a trust or a company limited by guarantee, subject to the legislation governing that entity type;
> . whether the entity is affiliated with a peak body — such as the Australian Council for International Development that has a code of conduct for its members; and
> . the sector in which the NFP operates — such as the health and education sectors, which have certain

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[3] I was fortunate to arrange a keynote address at the 1997 AES International Evaluation Conference in Adelaide by Libby Cooper, the then Director of the UK Charities Evaluation Services.

governance requirements that must be complied with for an entity to operate in that sector.

5.8 Some NFP entities are currently regulated by Commonwealth legislation, such as companies limited by guarantee, and some are regulated by the States and Territories, such as incorporated associations and charitable trusts. Most are regulated by a combination of Commonwealth and State laws.

…

5.10 The Bill sets up the framework for:

- a set of governance standards which apply to most registered entities, and
- a set of external conduct standards which apply to all registered entities, regardless of entity type, and allows the Governor-General to make regulations relating to governance standards and external conduct standards.

5.11 These standards can cover such things as:

the content of a registered entity's governing rules;

the conduct of the registered entity; and

the processes that the registered entity must have in place.

5.12 There may be specific governance standards that apply differently to different groups of entities (such as those with members).

It is yet to be established what the requirements are for those who will work under the ACNC to evaluate and regulate the charities and not for profit organisations.

Strategic Evaluation
Not only are these legislative instruments advances in regulatory clarity, they also give better bases for strategic evaluation and organisational capability assessment (Sharp, 1999, 2005). Strategic evaluation relies on the role of Boards or Directors of an organisation gathering information about the organisation's capability to enable its strategic direction and performance as well as the assessment of the performance of the Directors and the organization in attainment of their strategic outcomes (Sharp, 1999, 2005). Hopefully the Australian regulators will follow the lead of the UK Charities Commission (2008, 2012) in advocating that the good governance of their sector should include regular self-evaluations of the constituent organisations, and of their Governing Board, which are included in *strategic evaluation* as among the highest levels of organisational evaluation maturity (Sharp, 2005).

Auditing an organisation's capability against the attainment of expected *capability maturity*, e.g., in quality standards, or program evaluation, is an essential part of strategic evaluation these days (Sharp, 2005). Indeed it is one of the benefits of the new regulatory regime in that it makes these quality standards clear and expects the players to be transparent in their evaluation of their performance and their maintenance of quality for the benefit of the specific stakeholders and wider community.

LESSONS FROM THE NEW REGULATORY REGIME

A. Standards-based Evaluators are exclusively 'the faithful'
To be able to be accepted as a standard-based evaluator one has to be enculturated 'into the fold' of those who hold to the standards which are being applied as evaluative criteria. For example under the AQTF to be able to evaluate VET sector programs for ASQA requires the Evaluator to be qualified and experienced under the VET system (minimum Cert IV TEA). Based on my years of experience it is unheard of that an Auditor with only VET sector qualifications would be engaged to review higher educational institutions' programs. Similarly, a University Quality Auditor without VET qualifications would not be engaged in reviews of VET sector programs. But more than these qualifications based selection criteria there are organizational culture based barriers such that those with PhDs seem to be viewed with suspicion in the VET sector, and those who have only VET qualifications seem to be frowned upon in Universities. This reciprocal cultural prejudice was illustrated in my experience when my colleagues in both VET and University contexts were scathing at my insistence on attaining VET qualifications in management after 14 years as an Associate Professor of Management and practicing as a manager for 9 years without any management qualifications (only a BA Hons & PhD in Psychology).

B. Standards are inflexible and mostly unchallengable or undiscussable
Even with supposedly "light – touch regulation" there is an implicit imperative to comply with the prevailing standard or explain why the evaluand should be exempt or whether it is already above the required standard. Not only is there a position power for the Auditor based on the actual compliance requirements (see Sharp, 2012 Table 1) there is the implied imperative of being seen to be competitive and attaining "best practice" on the part of the organization being audited (with the concomitant expectations on the managers involved).

C. Benchmarking is thriving
Following the previous point, which implies a form of benchmarking by organisations of their own quality and performance against the standards, by governments applying standards in their regulatory regimes, organisations are supposedly evaluated on a level playing field, which enables benchmarking (Sharp, 1994a, b) and facilitates transparency of both the institutional performance and the professional practice of auditing those standards (ANAO 2000). The government's acquisition of a variety of data under these new regulatory regimes is intended to empower the consumers in a more market oriented accountability for quality and benchmarking is increasingly favoured. But there are the dangers of poor data quality and data gaming.

RECOMMENDATIONS
Given these insights, I ask the new regulators and the government: ***Quis custodiet ipsos custodes?*** (translated as **Who will guard the guards themselves?** Renton 2004). I think there is a role for the AES in reflecting on the new regulators.
I think that there is a role for "meta-regulation", perhaps a role for the Auditors-General.

Audit and evaluation are being practiced in these regulatory regimes but not in a manner typical of the program evaluation upon which the AES has evolved. Any professional association needs to keep ahead of, and give strategic direction for, its members. Accordingly, the AES and its members ought to:
1. be aware of, and proactive with regard to, these trends towards standards based evaluation in these new regulatory regimes,
2. engage with these Regulators and inform them of the AES and its *Guidelines for Ethical Conduct* and the *Program Evaluation Standards.*
3. advocate the exemplar of the *UK Charities Commission in promoting evaluation and referral to the independent Charities Evaluation Services* as an advocacy and advisory approach to evaluation under their regulatory regime.

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TABLE A: Comparison of Basic Usage of key evaluation terms in the regulators' www sites and associated legislation

(*NOTE*: Here *Internal* audit & evaluation refer to the Regulator's own internal focus & correspondingly *External* audit & evaluation refer to the Regulator's focus on their constituent/registered institutions)

Key Term (Act &/or n) www site	ASQA (National Vocational Education and Training Regulator Act 2011) www.asqa.gov.au	TEQSA (Tertiary Education Quality and Standards Agency Act 2011) www.teqsa.gov.au	ACNC http://www.treasury.gov.au/Policy-Topics/PeopleAndSociety/NFP-reform/Public-Consultations	Comments
Audit:				
(iI)	*(iI)* AQSA's Strategic Plan states: "Develop an internal audit capability and implement governance and compliance mechanisms to quality assure internal operations" *(eI)* * AQTF (2010) was 'outcomes' focused, now NVR legislation is again process standards focused. * *Financial Viability Risk Assessment* - legislative instrument under subsection 158(1) of the NVETR Act	{As yet not publicized}	{As yet not publicized} Likely to follow the UK Charities Commission Governance Framework (2012c)	It is not appropriate for the present author, nor the AES, to make comments or representations about quality auditing *per se*. But it is advisable that these regulators clarify these auditing roles for themselves and for their constituents.
External		*(eI) Compliance auditing* of a provider's compliance against the Threshold Standards for registration; *Quality assessments* can either be an assessment of the quality of an individual provider or a review of an issue across a number of providers (a thematic review)	{As yet not publicized} Likely to follow the UK Charities Commission (2012a, b)	
Standards	Standards for NVR Registered	Higher Education Standards	*Registration of NFP entities is*	
Ethics of lator	*Self-imposed* Service Charter (SNRs) http://www.relevantstandardsfor SNRs/service-charter.html	{As yet not publicized} except TEQSA is said to be addressing Australian Code for the Responsible Conduct of Research.	{As yet not publicized} The *External Governance standard* – pertains to the *Governance standard* – pertains to *Governance standard*	{As yet not publicized} A similar quality system should allow the regulators to demonstrate their own evaluation and review *standards themselves*. ASQA has
Evaluation: *Internal*	*(iE)* 3 yr Strategic Plan is supported by an annual Operational Plan that sets out actions and *self-imposed* key performance indicators for assessing ASQA's annual performance.	{As yet not publicized}	The ACNC Act requires and procedures that the ACNC must achieve a report and evaluate the ACNC's annual performance." during the year.	Unlike ASQA such claims to emphasise both the awareness of their operational performance plan review and standard evaluation for these new regulators
Powers *External*	*(eE) Standards for VET Accredited Courses* that accredited courses if they meet the 'outcomes' of course in an annual VET Accredited obligation/Act including annual reporting of relevant regulations of a RTO for non-Compliance with certain standards &/or failure of financial accountability assessment;	Can revoke accreditation and/or registration based on a provider evaluation against the higher Education Standards and will taking Financial Viability reporting work. http://www.teqsa.gov.au/provider-obligations/ measurement instruments"	Revocation of registration for non-compliance with the 2 standards {As yet not publicized} Likely to follow the UK Charities Commission (2012a, b)	These extensive powers give the regulators a high level of responsibility in the evaluation of their constituents in their sector, to appropriately apply the so-called "light-touch" risk-based approaches.

Quis custodiet ipsos custodes?

* impose *penalties*

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