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LEGISLATIVE SUPPORT FOR HIGHER EDUCATION IN AUSTRALIA

ABSTRACT

The article examines and analyses legislative support of higher education in Australia and compares it with the educational legislation of Ukraine. It is defined that Australia is a federal country and its education legislation is provided by the National and State Governments. The national government develops the national education policy and substantiates its guiding principles. The federal government is responsible for funding higher education and provides additional funding to the states. State and territory governments control all aspects of education except universities. The laws in this country are effective. In education, they are focused on improving the quality of professional training, forming such competences of higher education students that employers expect and that are appropriate for workplaces. Higher education in Australia is provided by universities and colleges, as well as institutions of the state-controlled TAFE (Technical and Further Education) system. Universities in Australia provide theoretical training for higher education applicants. Vocational education, focused on the development of specific skills for activities in a specific workplace, is provided by TAFE institutions. Their programmes are developed in partnership with business and industry communities.

In addition to the public TAFE system, there are also private vocational colleges. The legislative framework of higher education in Australia includes: Australian Education Act, Higher Education Act, Higher Education Support Act, Australian Qualifications Framework, Training Packages.

The latter outline the standards of professional skills that can be used to train and assess the competences of education seekers. Training Packages were developed in the process of national consultations with industry. Their goals are to determine the match between the demand for qualifications and the supply; encourage the development of a flexible and relevant workforce and training; ensure national recognition of professional and technical training results; support people in the choice of education and career.

Keywords: *higher education, Australia, legislative support, Australian education acts, Australian Qualifications Framework, Training Packages.*

ЗАКОНОДАВЧИЙ СУПРОВІД ВИЩОЇ ОСВІТИ АВСТРАЛІЇ

АНОТАЦІЯ

Стаття присвячена аналізу законодавчого супроводу вищої освіти Австралії та її порівнянню з освітнім законодавством України. Австралія є федеральною країною,



тобто освітнє законодавство продукується Національним урядом та урядами штатів. Національний уряд розробляє національну освітню політику й обґрунтовує її ключові принципи. Федеральний уряд відповідає за фінансування вищої освіти та надає додаткове фінансування штатам. Уряди штатів і територій керують усіма, за винятком університетів, аспектами освіти. Закони в цій країні є дієвими. В освіті вони зорієнтовані на підвищення якості професійної підготовки, формування таких компетентностей здобувачів вищої освіти, на які очікують роботодавці, і які є відповідними робочим місцям. Вища освіта в Австралії надається університетами і коледжами, а також установами контрольованої державою системи TAFE. Університети Австралії здійснюють ґрунтовну теоретичну підготовку здобувачів вищої освіти. Професійна освіта, зорієнтована на вироблення конкретних навичок для діяльності на конкретному робочому місці, надається закладами TAFE. Їхні програми розробляються у співдружності з бізнесовими та промисловими колами.

Крім державної системи TAFE, існують і приватні коледжі професійної освіти. До законодавчої бази вищої освіти Австралії належать: Австралійський закон про освіту (Australian Education Act), Закон про вищу освіту (Higher Education Act), Закон про підтримку вищої освіти (Higher Education Support Act), Австралійська рамка кваліфікацій (Australian qualifications framework), Навчальні пакети (Training Packages). Останні окреслюють стандарти професійних навичок, які можуть бути використані для навчання та оцінки компетентностей здобувачів освіти. Навчальні пакети були розроблені в процесі національних консультацій з промисловими підприємствами. Їхні цілі полягають у визначенні відповідності між попитом на кваліфікацію та пропозицією; забезпеченні національного визнання результатів професійно-технічної підготовки; підтримці людей у виборі освіти та професії.

Ключові слова: вища освіта, Австралія, австралійські закони про освіту, Австралійська рамка кваліфікацій, навчальні пакети, законодавчий супровід.

INTRODUCTION

"The oldest continent", "the last of the lands" and "the last frontier" – these descriptions symbolize the admiration of the world for the country, which in a relatively short period of time managed to transform from one of the colonies of the British Empire into the state that is included in the top 5 countries-providers of educational services. This is the country in which the standard of living is considered one of the highest in the world, where laws work not on paper, but for people and their well-being. All this is about Australia – the "green continent", which conquered with its purposefulness, modernity, human centricism, respect for historical heritage and the introduction of the most progressive and effective innovations in many spheres of life.

An equally important feature of modern Australian society is the representation of a wide range of cultures originating from many countries; a development derived from immigration transforming the strong Anglo-Celtic orientation of Australian culture. Of course, assimilation is rarely a quick and easy process. Minority rights, multiculturalism and racial issues play a significant role in contemporary Australian politics, which in turn demonstrates a high level of legislative support for these concerns today. It is worth noting that without a strong legislative framework and a stable executive power, the rapid development of all spheres of the country's life would be impossible, so it is appropriate to study and present one of the most important aspects of progress – educational sector. Australian higher education is innovation, a variety of educational programmes, a flexible



educational schedule, future employment, lifelong learning, prospects for scientific research and, of course, the fundamental legal basis on which everything is based. Evidence of the high quality of education in Australian universities is the fact that according to the number of foreign students, the country ranks the fifth place in the world after the USA, Germany, Great Britain and France (Sbruieva, 2004).

THE AIM OF THE STUDY

The purpose of the article is to carry out an analysis of the legislative framework of the organization of higher education in Australia and the main legislative acts that regulate the domestic system of higher education, which will allow to identify positive foreign experience that can be applied to improve the training of specialists in Ukraine.

THEORETICAL FRAMEWORK AND RESEARCH METHODS

Every year, the interest in studying Australian higher education only grows, and the reason is connected with the high indicators of the quality of education, the prestige of obtaining educational degrees of all levels. Today, many scientists have already devoted their scientific activities to the coverage of various aspects of the formation and development of education in Australia. They are: M. Absalom, M. Barker, O. Bondarchuk, G. Croucher, A. Daly, M. Debych, K. Elliott, L. Hlushok, F. Huang, Yu. Kobyuk, L. Kostina, S. Kyrychenko, L. Movchan, A. Sbruyeva, G. Slozanska, K. Sugimoto, K. Vadura, G. Yaremko, and E. Yenken.

Fundamental studies in the field of reforming Australian higher education are the works of leading scientists D. Anderson, P. Baldwin, P. Carmel, D. Gibson, G. Harman, K. McInnis, F. Naryn and others. Researcher N. Pasko (2013) analyzed the principles of reforming higher education in Australia in early 21st century. The experience of reforming higher education in Australia and Ukraine was also compared.

S. Kyrychenko (2016) has analysed theoretical and methodological principles, state and development trends of work with gifted children in the education system of Australia. Besides, the ways of using this experience in the national education system of Ukraine have been described. Scientist O. Bondarchuk (2015) analyzed the nature of reforms in the content of general secondary education in Australia, determined the scientific and practical value of Australian experience for solving the issues of modernization of the content of school education in Ukraine. T. Semenchenko (2014) focused his attention on the organizational model of teacher training in Australia. Educational institutions of professional pedagogical training, state bodies and professional associations have also been presented as institutions that determine the direction of Australia's educational policy.

J. Vaughan (2020) covered an interesting and relevant issue for the Australian continent – the linguistic “ecology” of Australia in the 21st century, which is characterized by considerable diversity and rapid changes. “... the continent is home to about 25 million people, almost 4% of whom are aboriginal, who use a wide variety of languages: traditional aboriginal languages, recent inhabitants’ languages from around the world (such as creoles) and mixed languages, as well as many embryonic localized ones” (Vaughan, 2020). Scientists have analyzed certain aspects of higher education in Australia. The study of the legislative framework of this country, which regulates the processes characteristic of the system of higher education, will help to understand the main directions of its modern strategy, the requirements for those obtaining educational levels, the specifics of the selection of the content of their studies.

A set of scientific methods was used to prepare the article. They include theoretical methods, in particular analysis, synthesis, comparison, generalization, specification, which



provided the possibility of formulating initial provisions, highlighting the main ideas related to the functioning of the legislative framework of higher education in Australia and Ukraine, as well as specifically scientific ones: chronological and cause-and-effect analysis, which contributed to the study of the problem of legislative provision of higher education systems of the two specified countries.

RESULTS

Australia, or the Commonwealth of Australia, has a federal form of government with the national government of Australia and individual state governments (New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania). Each state has a constitution, and the operation of its government is characterized by a certain degree of sovereignty. Australia, being historically a part of the British Empire and now a member of the Commonwealth, is a prosperous and independent country.

Ukraine was also a part of the Russian Empire for centuries; during the late 20th century, the Ukrainian Soviet Socialist Republic had the status of one of the 15 republics of the Soviet Union, which, in turn, determined the dependence of the republican educational legislation on the course of the totalitarian state. Since 1991, Ukraine has been a sovereign and independent, social, legal state, which is enshrined in its main law, the Constitution of Ukraine. This law establishes that Ukraine's sovereignty extends to its entire territory. It is a unitary state, which does not and cannot have any territorial entities that have the characteristics of a state. Ukraine is a republic where the bearer of sovereignty and the only source of power is the people. In our country, state power operates on the basis of its division into legislative, executive and judicial. The only body of legislative power in Ukraine is the parliament – the Verkhovna Rada of Ukraine, it is the deputies of this body who reviewed and adopted the laws regulating the development of higher education in the country – the Law of Ukraine “On Education”, Law of Ukraine “On Higher Education” (Konstytutsiia Ukrainy – Rozdil I, 1996).

The Cabinet of Ministers of Ukraine is the highest body of executive power. It coordinates the work of ministries and other bodies of executive power, in particular the Ministry of Education and Science of Ukraine, which determines the strategy of professional training of specialists in the conditions of integration into the world educational and scientific environment, approves state standards of higher education in all educational degrees, determines the requirements for accreditation, licensing of educational programs, for attestation of subjects of the educational process (Pro zatverdzhennia Polozhennia pro Ministerstvo osvity i nauky Ukrainy. № 630, 2014).

In the second half of the 20th century, the Australian government took a course to create a unified national system of higher education. The government negotiated directly with higher education institutions without the traditional buffer of advisory councils and moved directly to merging institutions to rationalize the education system. The organizational rationale was based on including higher education in the national economic interest, and the strategies would link higher education to the learning needs of the economy. Systematicity, efficiency and performance indicators, as well as signs of privatization (private university, payment of higher education) characterized the political orientation of education development in this country.

The Constitution of Australia, like the Constitution of Ukraine, is a significant document for the development of higher education. However, in the analyzed country, it can be considered as a mixture of the constitutional forms of the United Kingdom of Great Britain and the United States of America. It was adopted in 1900 and entered into force in



1901. Australia has adopted the British parliamentary model: the governments of the Australian Commonwealth and Australian states are elected by members of parliament. Like the United States of America, Australia is a federation. The duties of the federal government and the division of powers between the Commonwealth and the states are set out in a written constitution. According to the constitution, the federal government is responsible for defense, foreign policy, immigration, etc. Those powers, not granted by the constitution to the federal government (“residual powers”), are vested in the states, which are responsible for justice, education, health care. Although the British monarch (King Charles III) is Australia’s official head of state, his functions are almost entirely formal and, except when the monarch is in Australia, his functions are performed by the governor-general (David Hurley) and state governors (Powell, 2023).

Higher education in Australia is managed by the Ministry of Education, Science and Training. The general legislative principle of the functioning of educational systems of states and territories is equality of access to all levels of education. The implementation of this principle is facilitated by such federal legislative acts as “On the Prohibition of Racial Discrimination” (1975), “On the Prohibition of Discrimination on the Basis of Sex” (1984), “On Human Rights and Equality of Opportunities” (1986). Federal education development programmes in the 1990s – early 21st century are set forth in such documents as the “Hobart Declaration” (1989) and the “Adelaide Declaration” (1999). Regarding the last declaration, its strategic orientations are: full development of talents and abilities of all students; education that develops the ability to analyze and solve problem situations, form the ability to communicate and organize collective activities; optimism and a high level of confidence in one’s abilities and the ability to achieve success in life; sense of moral and civic responsibility; competences that enable successful employment; skills of creative and effective use of ICT; environmental awareness; healthy lifestyle skills (Sbruieva, 2004).

In Ukraine, in modern conditions, the higher education system is managed by the Ministry of Education and Science of Ukraine (MES). Its activities are regulated by the “Regulations on the Ministry of Education and Science of Ukraine” (2014). The main tasks of the ministry related to the system of higher education include: ensuring “the integration of national education and science with strict adherence to the principles of preservation and protection of national interests”; definition of “prospects and priority areas of development of higher education”; development of the “strategy and programme for the development of higher education”; organization of “development and approval of state educational standards for specific professions”, “development and approval of conditions for admission to institutions of higher education”, organization and coordination of “innovative activities in the field of education and science, scientific and scientific and technical activities”, ensuring “integration of domestic science into the world scientific space while preserving national priorities” and others. The main principles of activity of the Ministry of Education and Culture (they are declared as values) are: people-centeredness, rule of law, academic integrity, academic freedom, transparency and openness, responsibility and accountability, professionalism and continuous improvement.

Higher education in Australia is provided in universities and colleges, as well as in institutions operating as part of the state-controlled TAFE (Technical and Further Education) system. Universities in Australia provide a wide range of theoretical training for students of higher education. Vocational education is provided mainly within the TAFE which is a public system in Australia that provides post-secondary education in professional fields such as beauty, design, childcare, accounting, business, recruitment, IT and many



others. In institutions belonging to TAFE, education is focused on the development of specific skills necessary for activities in a specific workplace. TAFE institutions operate throughout Australia, although more and more courses are available online. There are also blended learning options that combine both online and face-to-face learning. In 2020, 3.9 million students studied on these courses and received the desired specialization. TAFE programmes, developed in partnership with the business and industry communities, provide the opportunity to obtain professional qualifications at various levels that meet the requirements of the labor market. In addition to the state TAFE system, there are also private colleges of professional education (Reiners, 2022).

The country's legislation stipulates that state and territory governments govern all aspects of education except universities. The federal government is responsible for funding higher education and provides additional funding to the states. The national government also develops the national education policy and establishes the guiding principles.

Most of Australia's older public universities were founded in the colonial era, and all were formed before the First World War. These are the universities of Sydney (1850), Melbourne (1853), Adelaide (1874), Tasmania (in Hobart, 1890), Queensland (Brisbane, 1909) and Western Australia (Perth, 1911). The Australian National University of Canberra as a science-oriented institution was founded by the federal government in 1946.

In Ukraine, the foundations for the formation of the higher education system were laid much earlier than in Australia. The development of higher education in our country is closely related to the history of the Ukrainian people. In view of this, the role of brotherhoods – organizations of a religious nature (founded in the 11th century) is special. Their activity became especially active after the union of 1596, when a conflict arose between Orthodoxy and Catholicism. This event caused a religious controversy and became the basis for the formation of a national school, in particular a higher school with a religious bias. The first Ukrainian higher education institution was the Ostroh Academy, founded on the funds and initiative of the Volyn magnate Prince Vasyl-Kostyantyn Ostrozky in 1576. The activity of the Ostroh Academy was based on what was traditional for medieval Europe, but quite unusual for Ukrainian schooling, namely the study of seven liberal arts: grammar, rhetoric, dialectic, arithmetic, geometry, music, astronomy, as well as more sophisticated sciences – philosophy, theology, medicine. Academy students mastered five languages: Slavic, Polish, ancient Hebrew, Greek, and Latin. The uniqueness of this institution was revealed in the original combination of two types of cultures: Byzantine and Western European. The renaissance of Ukrainian culture is associated with the Ostroh Academy. The second higher education institution of Ukraine was the Kyiv-Mohyla Academy (1615–1817). It responded to the requests and needs of the spiritual life of the Ukrainian people during the period of radical worldview and socio-political changes, the people's liberation struggle, the formation of the national church and state. The study programme was similar to the programmes of Western European universities. Education was conducted in Latin, Greek, and Polish. The founder of the academy, Petro Mohyla, trained professors for teaching at foreign universities. The collegium itself trained teachers, statesmen, highly educated theologians. In the early 18th century more than 2,000 students studied at the academy. Among them were future contenders for the royal crowns of European countries. About 100 foreign citizens studied at the institution every year: Serbs, Bulgarians, Romanians, Moldovans, Poles, Greeks (Kyrychenko, 2016). The democratic nature of the institution was manifested in the fact that representatives of various states and nations had the right to study here. Six hetmans of Ukraine (Ivan Vyhovskyi, Ivan Mazepa,



Pylyp Orlyk, Pavlo Polubotok, Ivan Samoilyovych, and Yurii Khmelnytskyi) were educated in this institution. In the western territories, the role of Lviv University was significant in the development of higher education. It was created in 1661 to strengthen the Polonization of the Ukrainian population. It was a classical university and it consisted of four faculties: theological, philosophical, legal, and medical. The gymnasium was part of the university. For more than 80 years, teaching was carried out in Latin, and then in German. Kharkiv University was founded in 1805 on the territory of Ukraine, which was a part of Russia. It was founded by the famous scientist-inventor, educational and public figure Vasyl Karazin (a Ukrainian) – a determined opponent of serfdom. According to the university charter, the institution was given partial autonomy (Ukrainian almanacs, ethnographic collections were published). Kyiv University was opened on July 15, 1834. Initially, there was only one faculty – philosophical, which had two departments – historical and physical/mathematical. Professors of different nationalities worked at the university – Poles, Russians, Germans. The names of Taras Shevchenko, Volodymyr Antonovych, Dmytro Bagaliya, Mykhailo Drahomanov, Mykhailo Starytskyi are associated with the activities of the university. V. Vernadskyi, D. Trave, and M. Zerov taught at the university (Baranovska, 2013).

Today, there are numerous higher education institutions in Ukraine, which train specialists in various specialties at two educational levels. There is a network of classical universities and branch higher education institutions. In wartime conditions, institutions that train specialists for the defense of Ukraine became especially relevant: military institutes, academies, universities, especially universities of internal affairs and National Guard; academies of ground forces, air forces, border guard, etc.

There are about 38 higher education institutions in Australia that receive grants from the Department of Education, Training and Youth Affairs. It is substantial that the Government is satisfied that any taxpayer-funded resources and materials meet the purpose and public expectations of Commonwealth spending. The education sector ranks second among government grants, which certainly indicates an interest in the development and support of the future generation, especially its educational and professional component. To achieve this, the Department of Education uses a Quality Assurance System to provide the appropriate level of information and educational materials developed under any grant. There is also the Australian School of Film, Television and Radio, the National Institute of Dramatic Arts and the Australian Defense Force Academy. They operate two private universities – Bond University in Queensland and the University of Notre Dame in Western Australia. With the exception of the Australian National University and the Australian Maritime College, universities operate under their own state and territory laws and are considered autonomous institutions (Powell, 2023).

The legislative framework that regulates the educational process in Australia includes: the Australian Education Act, the Higher Education Act, the Higher Education Support Act, the Australian Qualifications Framework, and Training Packages.

The Australian Education Act (2013) came into force on January 1, 2014. Under this Act, Commonwealth entities receiving funding (state and territory governments) must continue to comply with the conditions of financial assistance set out in the Act. The law also states that the quality of education should not be limited by family income, personal circumstances or school location, especially for schools in remote areas of the country. A high-quality Australian education system creates a highly qualified and successful workforce, which leads to the prosperity of the state (Australian Education Act, 2013).



The Higher Education Act (2001) was passed in 2001 to replace the 1988 Act. It states that the Minister must review the Act every five years from the date of enactment to determine whether the policy objectives of the Act remain valid, and whether the terms of this law ensure the achievement of the objectives. The Act provides for the recognition of Australian and overseas universities and institutions of higher education, the accreditation of courses of study and the approval of universities and institutions of higher education for the purposes of certain Commonwealth laws (Australia. Parliamentary Counsel № 102, 2001).

The Higher Education Support Act (2003) provides the support of higher education characterized by quality, diversity and equality of access, contributing to the development of the cultural and intellectual life of the continent, satisfying social and economic connections, supporting the goals of universities aimed at strengthening Australia's knowledge base and strengthening the contribution of research capabilities to national economic development and, most importantly, supporting students pursuing higher education. The Australian Qualifications Framework (2013) is a document on the national policy for the regulation of qualifications in Australian education and training. It brings together qualifications from each education and training sector into a single comprehensive national qualifications framework. The AQF defines the main characteristics, including required learning outcomes, of the different types of qualifications found in upper secondary education, vocational education and training (VET) and higher education in Australia (Australia. Parliamentary Counsel № 66, 2003; Australian Qualifications Framework, 2013).

A key feature of the Australian national vocational education and training legislation is Training Packages. They offer, in accordance with the qualifications, the standards of professional skills that can be used to train and assess the competences of education seekers. Training Packages were developed in the process of national consultations with industry. Their goals are to determine the match between the demand for qualifications and the supply; encourage the development of a flexible and relevant workforce and training; ensure national recognition of professional and technical training results; support people in the choice of education and career (National Career Institute, 2022).

CONCLUSIONS AND PROSPECTS OF FURTHER RESEARCH

In the material proposed above, a general description of Australia's higher education system and its legislative support is carried out. It is established that due to the federal form of government, there is a national government of the Commonwealth of Australia and state governments in the country, which determine the peculiarities of educational legislation, since each state has its own constitution and the activity of the state government is characterized by a certain degree of sovereignty. The historical connection with Great Britain also left an imprint on the structure of the country's higher education and its legislative support. It was found that there are similar laws in Australia and Ukraine that regulate the system of higher education. These are laws on education, on higher education, national qualifications frameworks. In Ukraine, in accordance with specialties, state standards define systems of graduate competences while in Australia this function is performed by Training Packages. Legislative acts of the Australian system of higher education related to the support of higher education, protection of the rights of higher education students, prevention of racial and gender discrimination are relevant in the direction of reforming both the domestic system of higher education in general and its legislation, as well as developing abilities and talents of young people who are getting professional education. The prospect of further research is related to the study of the structure and content of higher philological education in Australian universities.



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