THE UNIVERSITY OF SYDNEY

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Commonwealth Department of Education
By email: teqsalr@education.gov.au

Dear Department of Education,

Modernising and strengthening TEQSA's powers consultation paper

Thank you for the opportunity to provide feedback on the Department's Modernising and strengthening TEQSA's powers consultation paper, released 3 September 2025. The University of Sydney provides the following advice to complement the submissions we understand Universities Australia and the Group of Eight will make on behalf of their members.

Our comments focus on institutional perspectives and historical and practical considerations which may not be fully addressed in the submissions from our peak bodies. We have focused our feedback on policy principles and suggestions for the Department to consider at this early stage of its consultations and are happy to elaborate as required.

Key principles, issues and recommendations

1. **The importance of co-design**

   The TEQSA Act was developed through extensive co-design with sector experts, which contributed to its success. Any future changes to TEQSA's powers should also involve close collaboration with sector experts to ensure they are both practical and effective, maintaining the Act's relevance and prospects for long-term success.

2. **Minimising regulatory duplication**

   Any changes to TEQSA powers must be considered within the context of a rapidly evolving and uncertain regulatory environment, which now features new bodies including the Interim Australian Tertiary Education Commission (ATEC); Tertiary System Advisory Council (TSAC); National Student Ombudsman (NSO); Expert Council on University Governance (ECUG); Initial Teacher Education Quality Assurance Oversight Board (ITEQAOB); and the Commonwealth Department of Education for the National Higher Education Code to Prevent and Respond to Gender-based Violence and the Support for Students Policy requirements. Given this complexity, it is advisable to make only minimal short-term changes to TEQSA's powers, while committing to further review and consultation once these new entities have been in operation for a reasonable period. A measured and careful approach is important as ATEC seeks to harmonise the tertiary sector and facilitate pathways for students moving between vocational and higher education. Additionally, we recommend that changes are implemented to eliminate unnecessary duplication of regulatory effort, such as by ensuring that all student complaints are referred directly to the NSO.

3. Collaborative quality assurance

TEQSA is most effective when working proactively with the sector on systemic risks, promoting good practice, and consulting on guidance notes and Statements of Regulatory Expectations (SREs). Notable recent examples include academic integrity and the impact of AI in education.

While some refinement of TEQSA's powers may be needed to enable swift action in response to acute risks, it is important that TEQSA continues to prioritise working with the sector to promote and drive quality practices. TEQSA should avoid becoming primarily an enforcer of compliance and instead focus on identifying ways to use its existing tools - like SREs - more efficiently to address future systemic risks identified as not yet adequately managed across the sector. Similarly, it is critical that the tasks of updating the Threshold Standards and enforcing them remain separate and led by the Higher Education Standards Panel (HESP). Consideration could be given to requiring the HESP to review and consult widely on the standards more regularly than has occurred in recent times, or to conduct rolling target reviews on priority sections of the standards identified as having gaps.

4. Tertiary harmonisation

The Bradley Review's recommendation to move towards a single national tertiary education system regulator remains unfulfilled. Achieving this goal would eliminate the current duplication in the oversight of dual-sector providers and support both the Government's and ATEC's objectives of creating an integrated national tertiary education system.

5. Regulatory principles and sanctions

The regulatory principles embedded in the TEQSA Act - necessity, risk, and proportionality - are essential given the diversity of providers that TEQSA regulates. Sanctions like deregistration must remain measures of last-resort and there is a case for TEQSA to have more nuanced and proportionate enforcement options at its disposal. However, these options should be developed in close consultation with providers to ensure they are workable, that procedural fairness remains fundamental to the regulatory process, and there is no duplication with the powers and regulatory activities of other bodies.

6. First Nations self-determination

One consideration for strengthening First Nations self-determination within the TEQSA Act could be to explore ways of more explicitly recognising Aboriginal and Torres Strait Islander peoples' authority, participation, and control in higher education governance and regulation. This might include recognising self-determination as a guiding object in the Act and Threshold Standards, increasing First Nations representation within TEQSA's governance structures, and enabling Indigenous decision-making in accreditation and quality assurance processes, particularly where Indigenous education and research are concerned. Consideration could also be given to promoting culturally safe learning environments, Indigenous data sovereignty, and stronger accountability through community-endorsed engagement strategies and transparent reporting. Collectively, these measures could help position TEQSA as a partner in advancing Indigenous-led aspirations and ensuring that higher education systems reflect and uphold Indigenous knowledge, leadership, and autonomy.

7. Positive duty

A legislated positive duty on providers risks creating defensive, performative compliance cultures. A co-regulatory approach fostering continuous proactive improvement and collaboration is strongly preferred.

8. Legislative instruments under the TEQSA Act

There is merit in enabling TEQSA to make enforceable codes under the TEQSA Act, aligning with other legislation (e.g. ESOS Act) to consolidate compliance codes under one regulator. To further improve policy coherence and reduce regulatory and compliance duplication for tertiary education providers, consideration should again be given to the potential benefits and risks of integrating the ESOS Act/National Code with the Threshold Standards/TEQSA Act and framework – a longstanding objective since TEQSA and ASQA were established as separate regulators, after the Bradley Review recommended a single national tertiary education system

regulator. Achieving such reform would not only remove regulatory duplication but also ensure a student experience for domestic and international students that is underpinned by common threshold standards for course delivery, student safety and support services. The University addressed these issues in some detail in [our submission to the Department's Review of the ESOS Act in 2022](#).

9. **Streamlining data access to support risk assessment and thematic reviews**

[TEQSA's March 2025 submission](#) to the Senate Education and Employment Legislation Committee's inquiry into the quality of governance at Australian higher education providers outlines the significant challenges it faces accessing accurate, up-to-date data from across the sector. In principle, if the compliance burden associated with data sharing and reporting can be reduced overall, we support exploration of TEQSA's proposal to expand its role in information gathering, sharing, and guidance on systemic risks, as well as establishing a national data sharing framework to support risk monitoring and timely sector-wide thematic reviews. Here we note that when TEQSA commenced in 2012, it was agreed that it would, wherever possible, obtain the data it needed from existing sources, not duplicate reporting requirements. We would welcome involvement in these discussions.

10. **Research and research training regulation clarity**

The consultation paper does not address TEQSA's future role and powers regulating research and research training. This omission is significant, given the intrinsic link between research and teaching in the Threshold Standards, as well as the minimum research requirements for a provider's registration and reregistration under the 'Australian University' and 'Australian University of Specialisation' Provider Category Standards. While the reasons for the Department's focus on student issues in these consultations are well understood, it is important that this review does not miss the opportunity to clarify the future roles, powers and responsibilities of both TEQSA and the Australian Research Council (ARC) in relation to the practical application of the research and research training standards.

Conclusion

We hope the feedback provided above assists the Department at this stage of its review of the TEQSA Act.

The University of Sydney is committed to constructive engagement and looks forward to participating in further discussions as the consultation progresses.

We welcome the opportunity to continue contributing to the development of a robust and collaborative regulatory environment that underpins and assures the quality of Australia's tertiary education sector.

Yours sincerely,

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Deputy Vice Chancellor (Education and Students)