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HIGHER EDUCATION
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IHEA SUBMISSION

HIGHER EDUCATION STANDARDS PANEL: CONSULTATION ON AMENDMENTS TO THE HIGHER EDUCATION STANDARDS FRAMEWORK (THRESHOLD STANDARDS) 2021

15 March 2026

IHEA Submission

Higher Education Standards Panel: Consultation on Amendments to the Higher Education Standards Framework (Threshold Standards) 2021

Independent Higher Education Australia (IHEA) welcomes the opportunity to provide feedback to the Higher Education Standards Panel's Consultation on Amendments to the Higher Education Standards Framework (Threshold Standards) 2021.

Introduction

By way of background, the Higher Education Standards Framework (Threshold Standards) 2021 is a legislative instrument made under the *Tertiary Education Quality and Standards Agency (TEQSA) Act 2011*.

The Threshold Standards are legally binding and set the minimum standards that higher education providers must meet to be registered and to have their courses accredited. The Threshold Standards are administered and enforced by TEQSA.

The consultation paper identifies the following areas in which it is recommended to make amendments to the Threshold Standards:

- Demonstrating a commitment to addressing racism.

- Incorporating the University Governance Principles and transparency requirements.

- Supporting people with disability in higher education.

- Emerging technologies and the Higher Education Regulatory Framework.

IHEA recognises the seriousness of the issues identified in the consultation paper, including the findings of the Racism@Uni Study, concerns raised through the Australian Universities Accord, disparities in outcomes for students with disability and the systemic implications of rapidly evolving technologies. Independent providers are committed to ensuring safe, inclusive and academically rigorous environments. Our submission does not question the legitimacy of these policy concerns. Rather, it focuses on the most effective and proportionate regulatory mechanism to address them, consistent with the principles−based architecture of the Threshold Standards.

With any proposed amendments to the Threshold Standards, we believe it is important to take account of existing requirements that would give similar effect to addressing the issues in question. Furthermore, it is important to consider that the Threshold Standards are a set of baseline and universal requirements for all higher education providers that are enforceable by the Tertiary Education Quality and Standards Agency (TEQSA). In addition to considering whether TEQSA has an adequate and appropriate legislative arsenal to fulfil its functions, **i**t is also necessary to consider whether TEQSA is operating effectively, consistently and transparently with the considerable powers it already has.

Accordingly, the central question is not simply whether particular harms or risks exist. Rather, it is whether there is a demonstrable regulatory gap that cannot already be addressed through:

- Existing legislative obligations (for example, anti−discrimination and disability law).

- The current Threshold Standards.

- TEQSA's substantial compliance and enforcement powers under the TEQSA Act 2011.

Under the TEQSA Act, TEQSA may impose conditions on registration or accreditation, accept enforceable undertakings, seek injunctions, revoke registration, and apply civil penalties for false or misleading information. These are significant powers. The effectiveness of the Framework therefore depends not only on the drafting of

the Standards but on regulatory practice: timeliness, proportionality, transparency and consistency.

IHEA has previously raised this issue in our submission on *Modernising and Strengthening TEQSA's Powers Consultation Paper* in October 2025 where we called for a performance review that considers TEQSA's operations against the Government's Regulator Performance Guide. This would consider timeliness, transparency, proportionality, accountability and efficiency. We still think this is important, particularly in the face of ever expanding regulation, such as the imminent legislative creation of a new regulator, the Australian Tertiary Education Commission and the proposed expansion of the Threshold Standards. Ensuring that regulation is appropriate, fit for purpose, not duplicative and administered professionally and competently by the principal regulator is important clarity for providers and to the benefit of the students that they teach.

As such, in addressing the proposed amendments to the Threshold Standards, the approach needs to be mindful of the root cause of the issue that is sought to be addressed and whether the proposed remedy should be applied in the same way to all providers. This is particularly important for small independent providers who may be asked to meet requirements that address issues stemming from large, more highly resourced providers, and where differentiated regulatory expectations may be more appropriate. A blanket presumption that all providers need to take the same actions, including for issues that are associated with other providers runs the risk of unnecessary regulatory overreach and burden. Hence, it is paramount that any new requirements are fit for purpose.

As detailed in this submission, the Threshold Standards already include principles based and outcomes−focused standards that cover the issues that are the subject of this consultation paper. This was the intent of the Threshold Standards – baseline, universal, minimum standards, which were not expected to cover every specific issue that arises but to still allow TEQSA to address those issues should they arise. This design feature is important. Regardless of the wording of the Threshold Standards, their effectiveness is only as effective, consistent, transparent and risk based as the operations of the regulator.

Under the TEQSA Act 2011, TEQSA has a comprehensive suite of compliance and enforcement powers to enforce the current Threshold Standards, without further amendment. These include the authority to impose conditions on registration or accreditation (Sections 32 and 53), to accept enforceable undertakings (Section 127), to seek injunctions through the courts (Section 134), to revoke or cancel registration or accreditation (Sections 36–39) and to apply civil penalties for false or misleading information (Sections 136–137).

Across the themes raised in this consultation, IHEA encourages a proportionate and risk−based approach that distinguishes between the source of governance failures and other providers. Consideration needs to be given to the diverse risk profiles of smaller, specialist and independent providers. Blanket regulatory expansion without regard to institutional context risks unnecessary burden and additional layers of regulation.

As such, consideration should be given to addressing any perceived gaps through targeted and specific guidance, which is tailored to provider type and the issue that is sought to be addressed.

Demonstrating a commitment to addressing racism

1. *What specific actions should higher education providers be required to take to demonstrate a clear, institution–wide commitment to addressing racism?*

2. *What targeted guidance would most effectively support providers to meet strengthened anti–racism expectations?*

3. *What are the principal benefits and potential limitations of explicit anti–racism standards compared with reliance on existing wellbeing, equity and governance provisions?*

Existing legal and regulatory frameworks

IHEA acknowledges the findings of the Racism@Uni Study that racism can manifest in systemic as well as interpersonal forms, and that confidence in complaints mechanisms varies across the sector. These findings warrant serious institutional reflection and sustained leadership attention. The question, however, is whether amendment of the Threshold Standards is the most effective mechanism to drive improvement, or whether strengthened regulatory guidance, transparency expectations and targeted monitoring would achieve more durable change within the existing framework.

Higher education providers, including independent providers, are already subject to extensive and well–established legal and regulatory obligations to address racism and unlawful discrimination. These obligations are not new. Providers must comply with the *Racial Discrimination Act 1975* and relevant State and Territory anti–discrimination legislation, which prohibit unlawful conduct and provide enforceable remedies for individuals. Workplace health and safety legislation also imposes positive duties on employers to identify and manage psychosocial risks, including harassment, discrimination and other harmful conduct.

In addition, the Threshold Standards already require providers to:

- Include requirements that providers must foster and promote a safe environment (2.3.4).

- Maintain effective complaints and grievance mechanisms (2.4).

- That governing bodies take steps to develop and maintain an institutional environment in which students and staff are treated equitably and wellbeing of students and staff is fostered (6.1.4).

- Compliance with all relevant legislation (6.2.1.a).

The consultation paper argues that there is a deficiency because there is no specific requirement to demonstrate a commitment to addressing racism, extremism and prejudice.

However, the current Threshold Standards while not overt on the specific details do clearly already cover these issues. The provisions encompass institutional responsibility to prevent and respond to racism. As such, the expectation that providers demonstrate a commitment to addressing racism is already embedded within the existing regulatory framework. The issue is therefore not the absence of standards, but rather variability in institutional capability, culture, implementation and enforcement.

For independent providers in particular, these obligations have long formed part of core governance, risk and compliance frameworks. Many smaller and specialist providers have established clear and accessible complaints processes, close student engagement, and culturally responsive learning environments as part of their operating model. It is therefore important that any regulatory response recognises that the underlying duties are not new and that the sector is already working within a mature legal and regulatory framework.

The consultation material, including findings from the Australian Human Rights Commission and the Racism@Uni Study, highlights evidence of systemic racism and low confidence in institutional responses in parts of the sector. However, much of the available public evidence and recent high–profile incidents relate to large, publicly funded

universities. A uniform regulatory amendment applying across all higher education providers risks being disproportionate.

<u>Importance of guidance materials</u>

Significant work on top of the Threshold Standards has already occurred. These include the establishment of the National Student Ombudsman (NSO) from 1 February 2025, the appointment of the Race Discrimination Commissioner in March 2024 to lead the Racism@Uni project Commissioner and TEQSA's issuing of a Statement of Regulatory Expectations in October 2025 to advise providers of clear actions to meet the applicable Threshold Standards. It is worth noting that recommendations made by the NSO can be enforced; likewise by the Department of Education (DoE) if they relate to a breach of the National Code on Preventing and Responding to Gender−Based Violence; and by TEQSA where a recommendation relates to a breach of the Threshold Standards. In the case of the latter, TEQSA can take enforcement action, which includes:

- Imposing conditions on registration.

- Requiring compliance action.

- Issuing infringement notices.

- Suspending or cancelling registration in serious cases.

This quite clearly shows that if a provider ignores an NSO recommendation and that conduct also constitutes non−compliance with the Threshold Standards, TEQSA can intervene.

Hence, there is already significant activity that, if anything, would benefit from regulatory streamlining. As such, if further clarity is considered necessary, this would be best achieved through targeted guidance and risk−based regulatory engagement by TEQSA. This approach would support consistency without creating unnecessary regulatory duplication. Guidance could focus on practical implementation, including:

- Identifying racism as a systemic institutional risk within existing governance and risk management frameworks.

- Strengthening transparency, accessibility and confidence in complaints and grievance mechanisms.

- Leadership capability and accountability.

- Culturally safe and inclusive learning environments.

In contrast to changing the Threshold Standards, strengthened and targeted regulatory guidance would supplement the existing legislative regime. This approach would also better recognise the diversity of the higher education sector and avoid imposing additional regulatory burden where existing frameworks are already operating effectively. Under current arrangements, TEQSA can monitor and enforce compliance where racism creates risks to student wellbeing, safety or quality. Introducing a specific anti−racism clause risk duplicating and over−complicating existing obligations and fragmenting the principled structure of the Threshold Standards by specifying and detailing specific and particular social harms rather than regulating systemic risk and governance effectiveness.

Incorporating the University Governance Principles and transparency requirements

4. *If a new Part C is created to incorporate the University Governance Principles, what are the advantages and risks of having some standards apply only to 'public universities'?*

5. *How might strengthened standards on academic oversight, staffing profiles, and teaching quality affect student outcomes and experience?*

Applicability across the sector

The University Governance Principles were developed to address the Australian Government's concerns about governance within public universities. Given this focus, the Principles were designed specifically for those institutions and are not necessarily fit for purpose across the broader and more diverse higher education sector. This is particularly so given the markedly different operating models, funding structures and governance frameworks that exist, particularly in the independent higher education sector.

The University Governance Principles were developed in response to concerns identified through the Australian Universities Accord and subsequent work of the Expert Council, which focused on governance arrangements in public universities. Furthermore, the evidence cited in the consultation material, including issues relating to transparency, workforce governance and accountability for public funding, relates predominantly to that part of the sector.

Given this focus, the Principles were intentionally designed for public universities and reflect their specific legislative, funding and governance contexts. These institutions are typically established under State or Territory legislation and do not operate within corporate governance frameworks or shareholder accountability mechanisms.

By contrast, many independent higher education providers operate under corporate or not−for−profit structures and are already subject to additional governance and reporting obligations. Applying the Principles uniformly across the broader higher education sector may therefore create regulatory duplication and impose compliance obligations that are not aligned with institutional risk or operating models.

Independent providers that are incorporated entities are already subject to robust governance and accountability obligations under the *Corporations Act 2001*. These include directors' duties relating to care and diligence, good faith, proper purpose and the avoidance of conflicts of interest, supported by civil and criminal enforcement mechanisms.

Financial accountability requirements include preparation and audit of annual financial statements, directors' declarations and oversight by the Australian Securities and Investments Commission. These frameworks create strong incentives for compliance through personal liability and reputational consequences.

Creation of a new part C for public universities

IHEA recognises that recent public inquiries have raised legitimate concerns regarding governance capability, transparency and accountability within parts of the university sector, particularly where substantial public funding is involved. Restoring and maintaining public trust is essential. Any regulatory response, however, should be calibrated to the governance structures and statutory contexts to which those concerns relate.

While the consultation raises establishing a new Part C within the Threshold Standards that would address University Governance specific to public universities, we still have concerns with this approach. We believe this detracts from the Threshold Standards as universal, baseline standards for all providers. In time, it may also lead to requiring non−public university higher education providers to comply with these principles, which unlike public universities, they were not consulted on and were not developed with working knowledge of the operations of these providers.

Embedding governance principles designed specifically for public universities into the Threshold Standards would undermine their role as a universal baseline and introduce fragmentation. An alternative and potentially more

proportionate approach would be to implement the Principles through a Statement of Regulatory Expectations issued by TEQSA. There is clear precedent for this approach, including recent Statements on workplace compliance and student grievance mechanisms.

This would allow:

- Governance expectations to be calibrated to institutional context.

- Flexibility and adaptability.

- Avoidance of duplication with corporate law obligations.

- Targeted monitoring and enforcement.

Strengthening regulatory engagement and enforcement through an SRE would likely have greater impact than introducing additional structural standards.

An SRE would enable a targeted and flexible implementation framework, allow sector−specific guidance, and preserve the integrity of the Threshold Standards as baseline regulatory requirements. It would also allow expectations to evolve over time without requiring structural amendments to the Framework.

For all other providers, the Threshold Standards already include robust governance requirements:

- Clear governing body accountability (6.1).

- Academic governance oversight (5.2).

- Risk management and corporate compliance (6.2)

- Financial viability and sustainability (3.1).

In addition to this, providers that are incorporated entities are subject to requirements under the *Corporations Act 2001*.

Supporting people with disability in higher education

1. *To what extent would the proposed themes in the consultation paper (inclusion, universal design and inherent requirements) drive a more inclusive and equitable higher education system and improved student outcomes?*

2. *To what extent would the proposed themes promote accountability, better governance and improved provider practice to support people with disability in higher education?*

Established legal obligations

The consultation paper identifies issues regarding participation, outcomes and student experience for students with disability. However, it is important to recognise that the core legal and regulatory obligations in this area are well established and enforceable.

Higher education providers are already bound by comprehensive disability and human rights legislation. In particular, the *Disability Discrimination Act 1992* and the Disability Standards for Education 2005 impose clear and enforceable obligations on providers to make reasonable adjustments and ensure students with disability can access and participate in education on the same basis as their peers. These obligations apply across all aspects of higher education, including admissions, teaching, assessment, support services, work integrated learning and campus environments.

In addition, the current Threshold Standards already reinforces these obligations.

- Providers must accommodate student diversity and create 'equivalent opportunities' for academic success, but only First Nations students are specified as a cohort under this provision (2.2).

- A requirement that providers offer support services to students that are informed by the needs of student cohorts, including mental health and disability needs (2.3.3).

- A requirement that providers must comply with 'any other legislative requirements' (6.2.1(a)). This includes compliance with the *Disability Discrimination Act 1992* and the Disability Standards for Education 2005.

However, the consultation paper argues that the Threshold Standards do not explicitly require inclusive practices, disability specific supports or provide clarity on the responsibilities of staff. As mentioned above with respect to issues around racism, the current Threshold Standards do address these issues in a performative based way.

IHEA recognises that, notwithstanding established legislative protections, outcome disparities persist for students with disability. These disparities highlight the importance of institutional culture, capability and proactive design, not merely legal compliance. The issue is therefore one of strengthening institutional maturity and implementation consistency, rather than legislative absence.

Inclusion, universal design and inherent requirements

The themes of inclusion, universal design and inherent requirements are already addressed within the existing legislative and regulatory framework and are capable of being met by higher education providers under current arrangements. The core obligations in this area are well established through the *Disability Discrimination Act 1992* and the Disability Standards for Education 2005, which require providers to ensure that students with disability are able to access and participate in education on the same basis as other students. These duties are enforceable and apply across all aspects of the student lifecycle, including admissions, teaching, assessment, support services, work integrated learning and campus participation. The legal test of reasonable adjustment already requires providers to identify and address barriers, while maintaining academic and professional standards. As such, the concept of inclusion is embedded within existing statutory obligations, even where it is not always expressed in contemporary terminology.

The Threshold Standards reinforce these obligations through its principles based and outcomes focused approach.

Providers are required to accommodate student diversity, provide support services informed by student needs, maintain accessible learning environments, ensure appropriate facilities and infrastructure, and comply with all relevant legislation. These requirements support inclusive practice at an institutional level and allow flexibility for providers to adopt systemic and proactive approaches. Universal design principles are already capable of being implemented within this framework through continuous improvement, quality assurance and risk management processes. Many providers have progressively embedded inclusive digital design, flexible teaching and varied assessment approaches without the need for prescriptive regulatory requirements. The existing standards are intentionally technology neutral and design neutral, enabling innovation and responsiveness to evolving practice.

Similarly, inherent requirements are already governed through academic governance and quality assurance mechanisms. Providers must define learning outcomes, maintain academic integrity, ensure transparency and meet professional accreditation standards. The existing legal and regulatory framework already requires that inherent requirements be essential, justifiable and balanced with reasonable adjustment obligations. In practice, many providers publish inherent requirements statements and regularly review these in consultation with professional bodies and stakeholders. The current framework therefore supports both academic integrity and equitable access.

Amending the Threshold Standards risks duplicating existing legal requirements, increasing regulatory complexity and shifting focus toward compliance activity that may not translate into improved student outcomes. There is also a risk that prescriptive approaches could divert resources from practical support and innovation.

One important amendment that IHEA does indeed support is the modernisation of terminology within the Threshold Standards to reflect contemporary inclusive language, including removal of outdated expressions such as "special needs", provided such amendments remain concise and principles−based.

Independent higher education providers

For many independent providers, disability inclusion is already embedded in student−centred learning design, flexible delivery and close engagement with students. Smaller cohorts and more direct relationships often enable early identification of barriers and timely adjustments. A uniform regulatory response that does not recognise these contextual differences may impose disproportionate burden without necessarily improving outcomes. Targeted regulatory engagement and guidance may therefore be more effective in supporting improved practice than detailed or prescriptive regulatory requirements.

Emerging technologies and the Higher Education Regulatory Framework

3. *Does the term 'emerging technologies' adequately capture the range of innovations and digital technologies that are transforming higher education? If not, please suggest alternative terminology.*

4. *Do the standards currently provide adequate guidance to manage risks related to emerging technologies?*

5. *How should amended standards appropriately balance the management of risks with the need to preserve provider flexibility, so as to support ongoing innovation?*

While the term "emerging technologies" is an umbrella or overarching term, it may benefit from clarification to reflect the dynamic and evolving nature of technology. However, rather than focusing on specific tools or platforms, terminology such as "advanced and rapidly evolving digital technologies" or "digitally enabled teaching, learning and institutional systems" may better capture the breadth of developments that are shaping the higher education sector. This includes generative artificial intelligence (Gen AI), learning analytics, adaptive learning platforms, automated decision making, immersive technologies and data driven student support. A technology neutral formulation would support regulatory durability and avoid the need for frequent amendment.

The current Threshold Standards already capture the core risks associated with emerging technologies, including academic integrity, governance oversight, quality assurance, data security and institutional risk management. The framework is deliberately principles based and adaptable, requiring providers to maintain robust academic and corporate governance, effective risk management and systematic monitoring of academic quality irrespective of delivery mode or technological environment. These obligations apply equally to online, blended and technology enabled learning.

Gen AI and related developments do not create entirely new categories of regulatory risk. Rather, they reshape and amplify existing risks already contemplated within Domains 3 (Teaching), 4 (Research and Research Training), 5 (Institutional Quality Assurance) and 6 (Governance and Accountability). For example, risks to assessment integrity are addressed through existing requirements that assessment methods are valid, reliable and secure. Governance standards already require both corporate and academic governing bodies to oversee risk, maintain academic standards and ensure appropriate monitoring and review of outcomes. Similarly, existing obligations relating to information management, privacy and cybersecurity encompass the management of digital and data driven risks.

Accordingly, the key issue is not a regulatory gap, but rather ensuring that current standards are interpreted, implemented and overseen effectively in light of technological change. TEQSA has already undertaken work in this area. Since the public release of generative AI tools in late 2022, TEQSA has engaged extensively with the sector through webinars, guidance and consultation. This has included a formal Request for Information process, the development of practical guidance on assessment security and academic integrity, the establishment of a dedicated generative AI knowledge hub, and a clear shift toward a more regulatory–led posture requiring providers to demonstrate how emerging technology risks are governed at both corporate and academic levels. These developments demonstrate that the current legislative and regulatory architecture is sufficiently flexible to accommodate new and evolving risks without immediate structural amendments.

Further prescriptive regulatory changes may introduce several unintended risks. Technology specific amendments risk becoming outdated as tools, platforms and use cases evolve rapidly. Regulatory requirements tied to current technologies may require frequent revision and create uncertainty. Highly detailed provisions may also inadvertently constrain responsible innovation, particularly in areas such as authentic assessment redesign, adaptive learning, research analytics and student support. This risk is particularly relevant for smaller or specialist providers, which may face disproportionate compliance costs and barriers to innovation if detailed operational requirements are introduced.

There is also a risk of duplicating existing governance and risk management obligations. Domain 6 already requires governing bodies to oversee institutional risk, including emerging and systemic risks. Requiring explicit oversight of emerging technologies may restate rather than strengthen existing expectations.

For the avoidance of doubt, IHEA supports the explicit recognition that corporate and academic governing bodies should be able to demonstrate that they are:

- monitoring technological risk at a strategic level;

- ensuring academic integrity safeguards evolve alongside assessment redesign;

- investing in staff and student capability development; and

- maintaining transparency with students regarding the use of AI−enabled tools.

However, our view is that these expectations should be articulated through a more sustainable regulatory approach that maintains the technology neutral and principles−based character of the Threshold Standards while reinforcing that emerging technologies fall within existing governance, integrity and quality assurance obligations. Where clarification is required, this could be achieved through specific and targeted guidance.

Such an approach should avoid mandating specific tools, detection technologies or operational processes. Instead, it should focus on transparency, accountability, human oversight and continuous improvement. This would preserve institutional flexibility and enable providers to respond to evolving technologies in ways aligned with their mission, scale and student cohort.

International policy and regulatory developments reinforce the importance of risk based approaches. For example, Singapore's Model AI Governance Framework adopts a principles based model emphasising human oversight, transparency and accountability. In the United Kingdom, higher education quality assurance guidance has focused on assessment integrity, governance oversight and institutional responsibility rather than mandating specific technological controls. Within the European Union, the *Artificial Intelligence Act* adopts a tiered, risk−based regulatory model that imposes detailed obligations proportionate to system risk, focusing on governance, documentation, transparency and human oversight rather than prescribing particular tools or technical solutions. These approaches recognise that technological innovation is continuous and that regulatory resilience depends on flexibility. These international approaches demonstrate that regulatory resilience in rapidly evolving technological environments depends on principles based, risk informed governance rather than technology specific prescription. The existing structure of the Threshold Standards is already consistent with this model.

Approach to a cyclical review of the Threshold Standards

6. *What methodological approaches should underpin a cyclical review of the Threshold Standards to ensure it is robust, proportionate and evidence‑informed?*

7. *How can a review process be designed to meaningfully engage a diverse range of stakeholders*?

IHEA supports a structured five−year review cycle, provided amendments are preceded by:

- a formal regulatory impact assessment;

- evaluation of previous amendments and their measurable outcomes;

- clear articulation of the system−level risk the amendment seeks to address; and

- consideration of alternative regulatory mechanisms (including sector guidance or SREs).

While periodic review of the Threshold Standards is a sound approach in theory, there should also be a reason to do so. There is a risk that constant review and amendment of the Threshold Standards will lead to uncertainty and confusion within the sector, which would be counterproductive if it were to occur more frequently than once every five years. There also needs to be consideration that the Threshold Standards are not a reactive tool to be amended every time an issue arises. The Threshold Standards should be a principles based set of minimum standards that can be operationalised by any higher education provider, regardless of the operating model. Making them more prescriptive would diminish their purpose and effectiveness.

Any future review of the Threshold Standards, whether it occurs as a standalone event or part of a cyclical arrangement, needs to focus on whether existing standards remain effective in managing system level risk and protecting student and public interests. This should be informed by regulatory intelligence, sector performance data, student outcomes, complaints and risk monitoring undertaken by TEQSA. Where relevant, it should include a formal evaluation of previous amendments to determine whether they have achieved their intended outcomes and, in fact, whether they are leading to unintended outcomes.

In addition, the Threshold Standards are only as effective as the regulator with responsibility for them. As such, it would be appropriate for TEQSA to be subject to a formal performance review to ensure its regulatory decision−making is effective, efficient and responsive to the needs of higher education providers. A performance review would identify operational inefficiencies, streamline processes and ensure that TEQSA's existing powers are applied consistently and constructively, before any consideration is given to changing the underpinning Standards. Given the extent of regulation that higher education providers are currently subjected to, a performance review that considers TEQSA's operations against the Government's Regulator Performance Guide, which emphasises timeliness, transparency, proportionality, accountability and efficiency is therefore the most sensible and appropriate way forward prior to changing the regulation that TEQSA oversees.

Conclusion

IHEA shares the objective of ensuring that Australia's higher education regulatory framework remains contemporary, effective and trusted. Independent providers are committed to safe, inclusive and academically rigorous environments. The question is not whether improvement is needed in parts of the sector, but how reform can be designed to be durable, proportionate and coherent.

Across racism, governance, disability inclusion and emerging technologies, the core legal and regulatory framework is already in place. The predominant challenge is implementation variability, not legislative absence.

A specific exception concerns the University Governance Principles, which were designed to address governance in public universities and would be more appropriately implemented through a Statement of Regulatory Expectation issued by TEQSA rather than by amendment to the Threshold Standards.

As such, IHEA recommends the following approach:

- Preserve the Threshold Standards as universal, principles based baseline standards.

- Avoid duplicative or operationally prescriptive amendments.

- Implement the University Governance Principles outside the Threshold Standards, targeted to public universities.

- Utilise targeted guidance to address areas where clarity is needed and Statements of Regulatory Expectations, if necessary, to drive improved practice.

- Ensure any review, whether cyclical or standalone, is evidence–based and proportionate.

- Include consideration of TEQSA's own performance and regulatory practice through a performance review against the Government's Regulator Performance Guide.

This approach would maintain regulatory clarity, support innovation, recognise institutional diversity and focus reform effort where it will have the greatest practical impact—on implementation and accountability rather than a proliferation of the Threshold Standards.

Who We Are

Independent Higher Education Australia Ltd. (IHEA) is a peak body established in 2001 to represent Australian independent (private sector) higher education institutions. Our membership spans independent universities, university colleges and other institutes of higher education, all of which are registered higher education providers accredited by the national higher education regulator, TEQSA or associate members seeking registration.

There is a long tradition of independent higher education providers in Australia, with the first provider created as early as 1815, only 27 years after the first British settlement in Sydney in 1788. In total, five providers were established between 1815 and 1845 and preceding the first public university. The fifth of these was St James College, which was created in 1845. The founders of St James College were then involved in creating Moore College in 1856, and remarkably Moore College, a University College, still exists and is Australia's longest continuously operating independent higher education provider.

Our Vision is that: students, domestic and international, have open and equitable access to world class independent higher education in Australia, built on the foundations of equity, choice, and diversity.

Our Mission is to represent independent higher education and promote recognition and respect of independent providers as they contribute to Australian education, the Australian economy, and to society in general. We achieve this by promoting continuous improvement of academic and quality standards within member institutions, by advocating equity for their staff and students, and by delivering services that further strengthen independent providers' reputations as innovative, sustainable, and responsive to the needs of industry and other relevant stakeholders in both higher education and vocational education and training. IHEA's commitment is to excellence, productivity and growth in independent higher education being delivered through a trusted Australian education system underpinned by equity, choice, and diversity.

IHEA members have different missions, scales, and course offerings across the full AQF range (Diplomas to Doctorates). IHEA has 92 members, which rises to 124 if providers' constituent colleges and subsidiaries are included.

IHEA's 92 members comprise:
- Five private Universities (Australian University of Theology, Avondale University, Bond University, Torrens University and University of Divinity).
- Six University Colleges (ACAP University College, Australian University College of Divinity, Alphacrucis University College, Excelsia University College, Moore Theological College and SAE University College).
- Seventy−seven not−for−profit and for−profit institutions of higher education (which includes three self−accrediting institutes); and related corporate entities.
- Four corporate/affiliate members.

IHEA members teach approximately 74 percent of the students in the independent sector (i.e., more than 130,000 students) and educate students in a range of disciplines, including law, agricultural science, architecture, business, accounting, tourism and hospitality, education, health sciences, theology, creative arts, information technology, human services and social sciences.

IHEA holds a unique position in higher education as a representative peak body of higher education providers. Membership in IHEA is only open to providers registered, or seeking registration, with the Australian regulator − TEQSA. However, some IHEA members are dual and multi−sector providers who also deliver VET and/or English Language Intensive Courses for Overseas Students (ELICOS) courses.

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