



INDEPENDENT
HIGHER EDUCATION
AUSTRALIA

IHEA SUBMISSION

TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY CONSULTATION PAPER: STATEMENT OF REGULATORY EXPECTATIONS: ADOPTING A DEFINITION OF ANTISEMITISM

17 September 2026

IHEA Submission

Tertiary Education Quality and Standards Agency Consultation Paper: Statement of Regulatory Expectations: Adopting a Definition of Antisemitism

Independent Higher Education Australia (IHEA) welcomes the opportunity to respond to Tertiary Education Quality and Standards Agency Consultation Paper: Statement of Regulatory Expectations: Adopting a Definition of Antisemitism, for which submissions are due by 17 September 2026.

Introduction

The new Standard 6.4.1, which was introduced through the 2026 amendments to the Higher Education Standards Framework (Threshold Standards) 2021, will apply to all higher education providers from 1 January 2027. The Standard requires providers to develop and maintain a safe and inclusive institutional environment for staff, students and visitors that prevents and responds to racism and other discriminatory conduct, including by:

- a. having definitions of racism and specific forms of racism relevant to a provider's higher education operations, including racism towards Aboriginal and Torres Strait Islander peoples, antisemitism, Islamophobia and any other forms of racial discrimination and vilification which are specific to the needs of the provider's community.

In implementing this new requirement, IHEA considers that the Statement of Regulatory Expectations (SRE) should provide clear and predictable regulatory expectations, while allowing providers to adopt approaches that are proportionate to their size, structure, community and risk profile.

This is particularly important for small and specialist independent higher education providers. Such providers should be expected to achieve the same substantive outcomes in relation to student and staff safety and inclusion but should not be expected to replicate the governance structures, staffing or administrative processes of large, research-intensive universities where their existing arrangements can achieve the required outcomes.

IHEA also has concerns about the sequencing of TEQSA's two phases of guidance. Phase 1 focuses on the process for selecting and adopting definitions, while Phase 2 is intended to provide further guidance on implementation, embedding, monitoring and oversight.

As the new Standard will commence on 1 January 2027, providers will need to begin implementing the new requirements before the full Phase 2 guidance is available. IHEA considers this regulatory sequencing creates avoidable regulatory uncertainty, particularly where providers may need to make decisions about implementation, resourcing, training and governance without knowing the full regulatory expectations TEQSA subsequently intends to apply.

Governance and accountability

Governing bodies have responsibilities for approving the provider's approach, considering relevant risks and potential impacts, overseeing implementation and ensuring appropriate resources are available, and the application of these expectations through the SRE should be proportionate to the provider's size, structure, complexity and risk profile.

The diversity of the higher education sector means that governance arrangements will vary considerably. A small independent private provider may have a relatively simple governance structure, with responsibilities for academic governance, student matters, risk and compliance distributed across a small number of existing bodies and senior staff. This does not, of itself, mean that its governance arrangements are less effective.

IHEA therefore recommends that TEQSA assess whether a provider has effective governance and accountability arrangements, rather than whether it has established particular committees, positions or documentation processes.

Providers should be able to use existing governance mechanisms, including governing body and academic governance processes, to oversee the adoption and implementation of a definition.

Similarly, the expectation to retain records of risk analyses, consultation and advice should not result in a requirement for extensive bespoke documentation. Existing minutes, risk registers, policy records and governance papers should be sufficient where they demonstrate appropriate consideration and decision making.

The final SRE should make clear that the nature and extent of governance arrangements and supporting documentation should be proportionate to the provider's size, complexity and risk profile.

Definition of antisemitism

IHEA supports the SRE's approach of allowing providers to develop or adopt a definition that is relevant to their institutional context. The SRE states that TEQSA will not prescribe which definition a provider must adopt, while encouraging providers to consider established definitions, including the full International Holocaust Remembrance Alliance (IHRA) and Universities Australia (UA) definitions.

IHEA considers that preserving provider choice is important. The draft SRE identifies relevant characteristics for providers to consider when selecting or developing a definition, including whether it is conduct-focused, directed to equal participation and safety, legally compatible and operationally usable, with appropriate safeguards. IHEA considers that the final SRE could provide greater certainty by clarifying whether these characteristics are the matters TEQSA will apply when assessing whether a provider-developed definition satisfies Standard 6.4.1.a, and whether any additional criteria will apply.

This clarification would assist providers that choose to develop or adopt an alternative definition to understand what is required for compliance, without detracting from the flexibility already expressly provided by the SRE to select a definition appropriate to their institutional context.

The definition must also be able to be applied practically. Providers should be able to use it consistently in complaints, student conduct, staff conduct and other relevant processes without the definition itself becoming a substitute for fair assessment of individual circumstances.

The SRE recognises the need to safeguard academic freedom, lawful expression, procedural fairness and viewpoint neutrality. These safeguards will be particularly important where antisemitism is considered in the context of teaching, research, political discussion or student activism.

Consultation and engagement

The draft SRE emphasises safe and inclusive consultation, confidentiality, diverse participation and transparency about how feedback has been considered. Any consultation undertaken by providers should be proportionate to the provider and its community.

There should not be an expectation that every provider must establish a large or highly formal consultation process. In a small provider, direct engagement with students and staff may be more meaningful and effective than replicating the representative structures of a large university.

Providers may, where appropriate, draw on existing expertise and resources, including through collaboration with other providers. The SRE should not create an expectation that providers obtain costly external specialist advice, particularly where this would impose a disproportionate financial or administrative burden on smaller providers.

While consultation should inform the provider's decision making, it should not create an expectation that consensus must be reached among those consulted.

Consideration of implementation

The SRE provides a focus on implementation, including integration into relevant policies and processes, training, complaints handling, leadership messaging and appropriate decision-making arrangements. However, the sequencing of TEQSA's guidance presents a significant implementation issue, given that the new Standard 6.4.1

commences on 1 January 2027.

At the same time, TEQSA's Phase 2 guidance addressing implementation, embedding, monitoring and oversight is to be developed subsequently. This means that providers must make decisions about implementation before they have access to the full guidance intended to support that implementation.

This is particularly problematic for smaller providers. A large university may have dedicated policy, legal, governance, student safety and training resources that enable it to respond to regulatory uncertainty and subsequently modify its arrangements. A small provider may have only a small number of staff performing multiple functions. Requiring those providers to undertake significant policy development and then potentially revisit that work following the release of Phase 2 guidance would impose a disproportionate burden.

There is also a practical tension in the current approach. Phase 1 asks providers to consider how their chosen definition will operate in practice, including its implications for implementation, while more detailed guidance about implementation will not be available until Phase 2.

IHEA therefore recommends that TEQSA either publish Phase 2 guidance before 1 January 2027 or establish a clear minimum implementation baseline for that date.

At a minimum, TEQSA should confirm that:

- Phase 2 guidance will not introduce new substantive obligations beyond the Threshold Standards.
- Providers will not be assessed against new expectations that were not reasonably knowable to them at the relevant time.
- Providers will be given reasonable time to respond to any material new guidance.
- TEQSA will take account of the guidance available to a provider at the relevant time.
- Providers will not be expected to repeat consultation or governance processes solely because further guidance is subsequently published.

This is particularly important because TEQSA states that the new requirements will be incorporated into its regulatory activities and that it may seek evidence of demonstrable progress towards compliance.

The final SRE should also make clear that adopting and applying a definition of antisemitism does not, of itself, require a provider to establish a dedicated antisemitism position, committee or standalone system. Providers should be able to use existing roles, governance arrangements and complaints processes where these can effectively perform the required functions. For example, responsibility for considering or resolving complex matters involving the application of the provider's definition could be assigned to an appropriately trained existing senior staff member or academic leader, with external expertise obtained where necessary.

Similarly, training should be proportionate and targeted to those who need it. Providers should be able to integrate relevant material into existing staff and student induction, professional development and governance training.

There is also a risk that uncertainty about the implementation of Standard 6.4.1 could lead providers to adopt overly restrictive approaches to avoid regulatory risk. This could potentially affect academic freedom, freedom of speech and legitimate debate.

IHEA recommends that TEQSA provide practical implementation resources, including examples and templates tailored to a provider's size, structure and risk profile.

Monitoring, review and improvement

The draft SRE identifies factors including safety and wellbeing, inclusion, changing contexts, consistency, timeliness, proportionality, fairness, freedom of speech and academic freedom. However, monitoring and review should be proportionate and evidence based.

Providers should be able to incorporate monitoring into existing quality assurance, risk management and

governance processes rather than establishing a separate monitoring framework.

A review should be informed by evidence, including complaints and incidents, identified risks, changes in the provider's community, changes in relevant law or emerging issues. A provider should not be required to reconsider an established definition or undertake extensive additional consultation simply because a predetermined review date has been reached where there is no evidence of a problem.

The timing of TEQSA's guidance should also be taken into account. If Phase 2 guidance is issued after 1 January 2027, providers should have a reasonable opportunity to consider its implications before being expected to make changes. The subsequent review of the SRE itself, which TEQSA states will occur by 31 December 2027, should likewise not create shifting compliance expectations during the first year of implementation.

Any material changes to the SRE should be subject to appropriate consultation and implementation arrangements.

Conclusion

In the final SRE, TEQSA should provide greater regulatory certainty and recognise the diversity of the higher education sector. The draft appropriately allows providers to develop or adopt a definition relevant to their institutional context and identifies characteristics to be considered in doing so. The final SRE could provide further certainty by clarifying how those characteristics, and any additional criteria, will be applied when TEQSA assesses whether a provider-developed or alternative definition satisfies Standard 6.4.1.a.

The sequencing of Phase 1 and Phase 2 guidance is a significant concern. The substantive requirements commence on 1 January 2027, while the more detailed guidance on implementation, embedding, monitoring and oversight will follow. Providers should not be required to implement a new Standard without sufficient visibility of TEQSA's expectations, nor should later guidance be applied retrospectively.

For small and specialist independent providers, proportionality is particularly important. The same substantive protections should apply across the sector, but providers should be able to achieve those outcomes through governance, staffing, consultation, training and monitoring arrangements appropriate to their circumstances.

IHEA therefore recommends that the final SRE provide:

- Clarification of whether the characteristics identified in the SRE constitute the criteria TEQSA will apply when assessing a provider-developed or alternative definition for compliance with Standard 6.4.1.a, and whether any additional criteria will apply.
- Proportionate expectations for small and specialist providers.
- Clear safeguards for academic freedom, lawful expression and procedural fairness.
- Clear identification of the minimum implementation expectations applying from 1 January 2027.
- Publication of Phase 2 guidance before commencement, wherever practicable.
- No assessment against new expectations introduced through subsequently issued guidance without first providing providers with reasonable time to respond.
- Appropriate transition arrangements where further guidance materially affects implementation.
- Practical implementation resources, including examples and templates, for smaller providers.

This approach would support the objectives of Standard 6.4.1 while providing greater certainty, proportionality and consistency across a diverse higher education sector.

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 94 members, which rises to over 120 if providers' constituent colleges and subsidiaries are included.

IHEA's 94 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).
- Eighty not-for-profit and for-profit institutions of higher education (which includes twelve full or partially self-accrediting institutes); and related corporate entities.
- Three corporate owners of higher education providers.

IHEA members teach approximately 74 percent of the students in the independent sector (i.e., more than 140,000 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.

Contacts:

The Hon. Dr. Peter Hendy
Chief Executive Officer
Email: Peter.Hendy@ihea.edu.au
Phone: 0418 679 911

Dr James Hart
Chief of Policy
Email: James.Hart@ihea.edu.au
Phone: 0418 694 680

IHEA Member Institutions



Universities

Australian University of Theology
Avondale University
Bond University
Torrens University Australia
University of Divinity

University Colleges

ACAP University College
Alphacrucis University College
Australian University College of Divinity
Excelsia University College
Moore Theological College
SAE University College

Institutes of Higher Education

Academies Australasia Polytechnic
Academy of Interactive Technology
Acknowledge Education
Adelaide Central School of Art
AIBI Higher Education
AIM Business School
Australasian Academy of Higher Education
Australasian College of Health and Wellness
Australian Chiropractic College
Australian College of Christian Studies
Australian College of Nursing
The Australian College of Physical Education
Australian Data and Cyber Institute
The Australian Institute of Music
Barton Business School
Campion College Australia
Central Institute of Technology and Innovation
Christian Heritage College
CIHE Australia
COLLARTS
The College of Law
Eastern College Australia
Education Centre of Australia
 Asia Pacific International College
 ECA College of Health Sciences
 Higher Education Leadership Institute
Endeavour College of Natural Health
EQUALS International
Fairmont College Australia
Gateway Business College
Governance Institute of Australia
Holmes Institute
IBC Education

iCareers Institute

ICHM

Ikon Institute of Australia

International College of Management, Sydney

International School of Global Leaders

JMC Academy

Kaplan Business School

Kaplan Higher Education

King's Own Institute

Laurus Higher Education

LCI Melbourne

Le Cordon Bleu Australia

Leaders Institute

Lyons College

Marcus Oldham College

MIECAT

Morling College

Nan Tien Institute

National Institute of Organisation Dynamics Australia

Navitas

 Curtin College

 Edith Cowan College

 Eynesbury College

 Deakin College

 La Trobe College Australia

 Griffith College

 SAIBT

 SIBT

 Western Sydney University International College

Nova Higher Education

Photography Studies College

Polytechnic Institute Australia

Russo Business School

Sheridan Institute of Higher Education

Skyline Higher Education Australia

S P Jain School of Global Management

Stanley College

Sydney Institute of Higher Education

Sydney International School of Technology and Commerce

Sydney Met

Southern Academy of Higher Education

Tabor College

The Tax Institute Higher Education

Torrens University Australia

 Think: Colleges

Universal Business School Sydney

Universal Higher Education

UoW College

UTS College

Wentworth Institute

Key Findings.

Independent higher education is an important contributor to Australia's economic activity.

The sector contributes



**\$8.2
billion**

to Australia's GDP



**196,000
students**



61%

International*



39%

Domestic*

*Shares based on EFTSL

For every **\$3** the sector directly contributes to GDP, it supports around **\$1** of additional value added elsewhere in the economy

Contributes



**\$3.0
billion**

in government tax revenue

International students contribute



**\$7.6
billion**

to Australia's GDP

Increases output by



\$14.0 billion

Supports



**18,906
FTEs**

across the economy

Contributes



\$13.1 billion

to total incomes

The sector contributes to the Australian economy through several major impact channels:



institutional
spending



international
student living
expenses



expenditure of
visiting friends
and family



net increase in
student labour
supply



graduate labour
productivity
uplift



research driven
productivity
uplift