

Submission to the
Department of
Education

October 2025



THE UNIVERSITY OF
MELBOURNE

TEQSA Act Consultation

Executive Summary

The University of Melbourne welcomes the opportunity to respond to the Department of Education's consultation on the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).

The University of Melbourne acknowledges the important role TEQSA has played since its establishment in 2011. In accordance with its legislation, TEQSA's current regulatory approach emphasises a proportionate, risk-based approach, fostering a culture of quality assurance among providers, with intervention occurring only when necessary and proportionate to achieve regulatory objectives. This model is a foundational feature of the Australian higher education system and should be preserved.

Recent challenges in the sector have highlighted the importance of robust regulatory frameworks to ensure universities deliver on their social contract and are publicly accountable for the quality of higher education they provide. While TEQSA has identified limitations in its current powers, it is important to note that Australian universities already operate under extensive regulatory oversight, including TEQSA's Higher Education Standards Framework (Threshold Standards) 2021 (HESF) and numerous legislative requirements. The University of Melbourne, as a comprehensive, research-intensive university, must comply with more than 400 pieces of legislation across its operations.

TEQSA possesses a wide range of powers related to registration, accreditation, compliance, and enforcement. TEQSA can issue requests for information and warning letters that higher education providers take very seriously given the potential consequences. Additionally, the powers to enter into voluntary or enforceable undertakings with providers, to shorten or place conditions on a provider's registration and, in extreme circumstances, to cancel a provider's registration are significant enforcement tools. TEQSA also plays an important educative function by periodically issuing Statements of Regulatory Expectations and Guidance Notes to assist providers in interpreting the HESF and addressing emerging risks, as well as offering workshops, webinars and briefings on various emerging issues.

Reports on TEQSA's performance, including the 2023 TEQSA provider survey, suggest that there are capacity issues that impede the regulator's effectiveness. These should be addressed as part of this review. Further, in the move to cost-recovery of TEQSA's services, financial burden has increased on providers. Any uplift in TEQSA's role in the public interest must be accompanied by a commensurate increase in government funding to support the work.

With appropriate government resourcing, a revised strategy and operational plan, and staff with the requisite expertise, the University believes that TEQSA would be able to more efficiently use its existing powers to respond to issues arising in the sector. This would avoid the need for extensive changes to the TEQSA Act that might complicate the procedural steps involved in enforcement.

The University does not believe that powers to immediately suspend providers would create a more student-centred regulatory system and may indeed undermine it by introducing uncertainty and confusion amongst students. Additionally, the University is concerned that granting TEQSA powers to appoint administrators to governing bodies will weaken institutional autonomy.

We support a modest expansion of TEQSA's powers, broadening TEQSA's scope and capability to identify systemic risks; and providing it with authority to issue compliance notices when it has reason to believe a provider has seriously contravened a requirement in the TEQSA Act, provided that the requirements linked to enforcement powers are clearly documented. TEQSA should also place higher priority on enhancing its educative functions to address emerging sector-wide challenges.

Additionally, with the inception of the National Student Ombudsman, the Australian Tertiary Education Commission and legislation to support a National Code for the Prevention of Gender Based Violence, it is important that the Government clarifies responsibilities and interactions between TEQSA and these bodies

and instruments to avoid duplication and confusion. Overlapping regulation, such as that relating to Support for Students, should be streamlined.

Any expansion of TEQSA's remit must be sector aligned, clearly defined, judiciously applied, and accompanied by commensurate government resourcing to ensure effective implementation.

For further information or to discuss the submission, Professor Gregor Kennedy, Deputy Vice-Chancellor (Education) can be contacted at gek@unimelb.edu.au.

Recommendations

The University of Melbourne recommends that the Government:

1. Amends Section 60 of the TEQSA Act, to broaden the scope of TEQSA's thematic assessments, allowing the regulator to systematically review other thematic risks that emerge across multiple providers and which are not necessarily related to particular courses of study. The notice period TEQSA must provide to the Minister and Panel before starting a thematic assessment could also be shortened.
2. Clarifies the use and standing of Statements of Regulatory Expectations.
3. Embeds First Nations self-determination within the Threshold Standards, such that consultation with First Nations stakeholders informs standards and quality assessments.
4. Provides greater clarity, alignment and delineation of responsibilities between TEQSA, ATEC, the National Student Ombudsman, State and Territory Ombudsmen, and the Department of Education, reducing overlapping regulatory requirements where possible. This should be bolstered by improved information sharing and reporting, including with the new ATEC.
5. Adequately resources TEQSA to effectively use its existing powers. TEQSA should also reform existing activity to re-allocate resources to review sector specific risks. Any additional powers or functions would also need to be accompanied by commensurate government resourcing.
6. Boosts government resourcing for TEQSA's existing educative function to address emerging systemic risks via sector guidance and best practice advice and engagement, modelled on TEQSA's approach to generative AI. This function could be bolstered by using existing data sets to provide insights and system-wide analysis.
7. Extends the provider re-registration period beyond the current seven years for providers with a consistent track record of compliance or replaces it with a more frequent but lighter-touch re-registration process.
8. Grants TEQSA a new power to issue compliance notices when it has reason to believe a provider has seriously contravened a requirement in the TEQSA Act and the matter is not already regulated by another entity.
9. Notes TEQSA's ability to place conditions on a provider's registration which are significant in terms of addressing shortcomings and on a provider's reputation.
10. Does not grant TEQSA the power to immediately suspend providers, noting the risk this power would present to students and noting that existing powers already allow similar actions supported through procedural fairness.
11. Does not grant TEQSA the power to appoint a monitor, independent adviser or administrator to the governing body.

Response to consultation questions

A regulatory system that puts students first

1. What changes to the TEQSA Act are needed to ensure students are at the centre of the regulatory system?

Universities are both intrinsically and extrinsically motivated to place students at the centre. It is a core part of universities' purpose and mission. Beyond regulatory requirements, they are driven by a genuine commitment to fostering student success, enhancing learning experiences, and building a reputation for excellence that attracts future students and funding opportunities.

The TEQSA Act already explicitly includes protecting students as one of its primary objects, specifically "to protect students undertaking, or proposing to undertake, higher education in Australia by requiring the provision of quality higher education." Another object of the Act ensures students have access to information relating to higher education, promoting transparency and informed decision-making. Many of the Threshold Standards focus specifically on student needs, experiences, and outcomes.

While these provisions demonstrate a strong student-centric approach, we recognise that TEQSA's objectives and functions are necessarily broad. Universities are expected to fulfil multiple objectives under their establishing legislation. For instance, the University of Melbourne's objects include undertaking "scholarship, pure and applied research, invention, innovation, education and consultancy of international standing," "enriching cultural and community life," and "elevating public awareness of educational, scientific and artistic developments". These broader objectives contribute to the overall quality and value of higher education, benefiting students and society at large.

It is also important to consider the roles of other higher education sector regulatory bodies. For example, State and Territory-based ombudsman offices and the new National Student Ombudsman (NSO) play vital roles in addressing individual student complaints and concerns. Students can make complaints to the Australian Human Rights Commission if they believe they have experienced discrimination or human rights breaches at a university. In Victoria, they can also make complaints to the Victorian Equal Opportunity and Human Rights Commission if they think they have experienced discrimination, sexual harassment, victimisation or racial and religious vilification.

Any adjustments to better centre student needs under TEQSA's remit would be more appropriately addressed through amendments to the Threshold Standards, rather than in the Act itself. In this way, the Higher Education Standards Panel develops a draft standard, after which the Minister must consult with TEQSA and the Council of Commonwealth, State, and Territory education ministers before making the new Standard. This is a more responsive, consultative and timely approach that allows for greater detail than amendments to the Act. Additionally, clarifying the delineation of roles between TEQSA and other regulatory bodies (such as the NSO) could enhance the overall effectiveness of the student-centred approach without necessitating legislative changes. Specifically, the NSO could focus on individual student complaints and refer systemic issues and risks to TEQSA for sector-wide consultation and responses.

Ensuring TEQSA has adequate resources to effectively implement its existing student-focused objectives could also yield more immediate and tangible benefits.

2. What changes to the TEQSA Act and the regulatory system are required to allow TEQSA to take a more risk-based approach to regulation of the sector, prioritising engagement on risks which have the greatest impact – whether due to the number of students impacted or the significance of the matter?

The University believes that the current TEQSA Act already provides a strong foundation for risk-based regulation, but we acknowledge that there may be opportunities to enhance TEQSA's capacity to respond to emerging systemic risks more effectively.

Under the existing TEQSA Act, TEQSA is required to apply the principles of regulatory necessity, risk, and proportionality. This framework enables TEQSA to conduct annual risk assessments across each provider's scope of registration and to perform environmental scans to detect emerging sector risks. TEQSA currently tailors its oversight of providers based on risk profiles, which is intended to protect students and the sector while reducing unnecessary compliance costs.

However, we understand that TEQSA has identified limitations in its ability to conduct thematic assessments of risk. Currently, these assessments are restricted to the quality of education provided by higher education providers or systemic issues relating to courses of study that lead to one or more higher education awards. This constraint may hinder TEQSA's capacity to address broader sector systemic risks effectively.

We suggest considering an amendment to Section 60 of the TEQSA Act, to broaden the scope of TEQSA's thematic assessments, allowing the regulator to systematically review other types of risks that emerge across multiple providers and which are not necessarily related to particular courses of study. The requirement that TEQSA give the Minister and Panel written notice at least 60 days before starting a thematic assessment that impacts most providers could also be shortened.

a. Does the TEQSA Act need to reduce the focus on cyclical assessment and prioritise rapid response to regulated risk more strongly?

Cyclical assessment places a significant burden on both TEQSA and providers, including those deemed low risk. This diverts resources from institutions' core functions and reduces TEQSA's ability to identify and respond to sector-wide risks. We appreciate TEQSA's recent efforts to streamline the re-registration process by focusing on institutional self-assurance mechanisms. However, we believe there is room for further improvement.

The current system faces challenges with long and increasing turnaround times for assessments, as well as the use of lag indicators in risk assessments. TEQSA's 2023 [provider survey](#) found that TEQSA's most poorly rated measures related to timeliness. Only 40 per cent of providers rated TEQSA's performance on "minimising the time taken between submitting an application and first receiving a regulatory decision" positively, and only 42 per cent positively rated its performance on "providing timely feedback on whether your organisation is meeting expected standards." Those metrics show no signs of improvement and have remained at that level since tracking began in 2016. Additionally, the earlier Australian National Audit Office's 2020 [audit of TEQSA](#) found its "approvals processes were effective but not always timely." The ANAO noted "TEQSA did not meet its targets for re-registration and re-accreditation approvals for low-risk providers."

These factors can hinder TEQSA's ability to respond rapidly to emerging risks in the sector. To address this, we suggest considering either extending the re-registration period beyond the current seven years for providers with a consistent track record of compliance and low risk or implementing a more frequent but lighter-touch re-registration process with timeframes enshrined in regulations.

b. How should other regulatory activities be delivered? How should TEQSA provide oversight for these activities?

The University believes that TEQSA's recent approach to addressing the systemic risks associated with generative AI serves as a model for how other regulatory activities could be delivered.

In the case of generative AI, TEQSA has been proactive and collaborative with the sector and experts, reflecting best practice. Rather than imposing top-down regulations, TEQSA has engaged in meaningful

dialogue with higher education providers, seeking to understand the risks, challenges and opportunities presented by this emerging technology. This approach has allowed for the collection of diverse perspectives and experiences from across the sector.

TEQSA has also facilitated the sharing of best practices among institutions. This has been particularly valuable in an area where technology is rapidly evolving. Given the diverse nature of the higher education sector, where institutions have varying levels of resources to tackle these issues, TEQSA's efforts in sharing knowledge and strategies has helped to inform the sector and promote sector-wide preparedness. By acting as a conduit for information exchange, TEQSA has helped institutions learn from each other and develop more robust strategies for integrating AI into their educational practices while mitigating associated risks for academic integrity.

We believe this model of engagement, information gathering, and knowledge sharing could be effectively applied to other regulatory activities and in areas of emerging and potential systemic risk. However, this would require adequate resourcing and staff with sector and policy development experience to build understanding and trust with providers. We note that TEQSA reports it has only has around 110 staff to regulate 211 providers with over 1.6 million student enrolments.

Universities provide significant data to the Department of Education through initiatives such as [TCSI](#). TEQSA already has access to TCSI data, issuing a Provider Information Request each year with data requirements. However, the current state of reporting using TCSI data is slow and inconsistent – there is much more capacity in the current data set to provide insights and system-wide analysis than is currently utilised. Full utilisation of the existing data and publishing reports on specific issues would add significant value. Transparency would lead to reduced risk sector-wide, as institutions are informed and incentivised to address systemic risks.

3. Should providers have a positive duty to comply, and maintain compliance, with the Threshold Standards, in order to better protect student and other stakeholder and community interests? How might this duty be framed?

Providers already have a positive duty to comply with the Threshold Standards, as these are the regulations against which providers are registered. Additionally, Section 29 of the Act requires providers to notify TEQSA within two weeks if any of the following events happen or are likely to happen:

- (a) an event that will significantly affect the provider's ability to meet the Threshold Standards;
- (b) an event that will require the Register to be updated in respect of the provider.

If the regulations under the Threshold Standards are breached, TEQSA already has enforcement and sanction capabilities under various Parts of its Act. Given these existing provisions, additional framing of a positive duty is not necessary.

4. Are any changes to the TEQSA Act and the regulatory system needed to support First Nations self-determination in higher education?

We acknowledge the importance of embedding First Nations self-determination within higher education, noting that this was a key recommendation in the Universities Accord. As outlined in the Accord, this means *“ensuring First Nations leadership in policies, programs, funding and decision-making that affects First Nations staff and students within individual institutions and nationally through representation by a First Nations Council responsible for advising Ministers and the Australian Tertiary Education Commission on a self-determined approach to matters relating to First Nations people in the tertiary education sector.”*

Consideration could be given to embedding First Nations self-determination within the Threshold Standards, following consultation with First Nations stakeholders. For example, Standard 6.2.1(g) in Part A of the Threshold Standards could be broadened. This currently requires providers to demonstrate and for governing bodies to assure themselves, that the provider is operating effectively and sustainably, including that “educational policies and practices support participation by Aboriginal and Torres Strait Islander people and are sensitive to Aboriginal and Torres Strait Islander knowledge and cultures.”

We note that the Expert Council on University Governance is also considering relevant reforms; one of the 10 priority areas identified by Education Ministers is to “have First Nations membership on the governing body, and separate, transparent processes to capture First Nations leadership and engagement on university strategy, policies and performance.” To ensure alignment, agencies including TEQSA, ATEC, and peak bodies representing Australian universities should be consulted at the appropriate time to frame changes that are consistent and mutually reinforcing across sector governance and activity.

Beyond legislative and regulatory changes, TEQSA could play a greater role in supporting self-determination of First Nations students by ensuring providers have the support services in place alongside a positive operating environment to enable First Nations students to thrive.

A modern regulator with powers to address emerging and systematic challenges

5. How can TEQSA’s regulatory focus shift more towards proactive risk prevention or should it remain primarily on compliance with the Threshold Standards?

The University recognises the potential benefits of shifting TEQSA's regulatory focus towards proactive risk identification. A risk identification focus would require closer, more open engagement between TEQSA and the sector. While TEQSA currently provides guidance through various communications, dialogue could be enhanced to better address providers' specific questions and concerns. For example, TEQSA could ensure Guidance Notes and Statements of Regulatory Expectations (SREs) are drafted with sufficient granularity to provide tailored guidance for provider types with different scope of operation and risk profiles. Additionally, TEQSA could share best practice or case studies from providers on how they have established systems, reporting and management processes.

Enhancing TEQSA's ability to identify sector-wide risks could then aid in risk management. This approach could complement the existing compliance framework, providing a more comprehensive regulatory strategy. For example, there are risks associated with the use of education agents to recruit students. If the University found one of our agents acting in breach of our contract, the University would no longer work with that agent. However, there is no way to communicate this to other institutions that may also be using that agent. Institutions could report this to TEQSA (as they currently do for contract cheating websites) to facilitate a sector-wide risk response.

We recognise that a shift towards risk identification would require additional resourcing for TEQSA to undertake more comprehensive horizon scanning and proactive engagement with the sector without compromising compliance with the Threshold Standards. It is for this reason that we support a longer re-registration period for low-risk providers as one way to free up existing resources to support a forward-looking aspect to TEQSA’s sector risk management role.

6. How can TEQSA be empowered to use a wider range of timely enforcement approaches when justified and in the public interest?

- a. This might include civil penalties, injunctions, compliance notices, enforceable undertakings, and/or suspension powers, in relation to non-compliance with the Threshold Standards.**

TEQSA already possesses a substantial range of enforcement powers under the current TEQSA Act. These include powers related to conditions of registration, accreditation, compliance with the Threshold Standards, information gathering, and broader enforcement capabilities.

Specifically, Part 7 of the Act provides TEQSA with significant enforcement powers, while Clause 134 in Part 8 grants TEQSA broad authority to carry out its functions. These existing powers should allow TEQSA to respond to a wide variety of compliance issues in the sector.

We acknowledge that there are checks on enforcement powers, including court involvement, which can sometimes affect TEQSA's responsiveness. However, we believe these checks are crucial for maintaining procedural fairness and the proper exercise of powers.

One potential area for consideration is granting TEQSA the power to issue compliance notices when it has reason to believe a provider has seriously contravened a requirement in the TEQSA Act and where the issue is not already regulated by another entity. These notices could clearly state what a provider must do to rectify an issue and by when, potentially serving as a strong incentive for compliance due to the reputational risks involved. However, if such a power were to be introduced, it would be essential to clearly define in the legislation, and supporting regulations, the circumstances under which compliance notices could be issued, the evidentiary threshold, and procedural fairness. This would help ensure that this power is used appropriately and proportionately.

7. Should TEQSA have new powers to immediately suspend a provider's registration in response to acute risks? What should be the grounds for suspending a provider registration?

The University has concerns about granting TEQSA new powers to immediately suspend a provider's registration in response to acute risks. We question whether this power would create a more student-centred system, noting it could cause significant disruption to students' education.

TEQSA already possesses substantial powers to address non-compliance, including the ability to cancel a provider's registration or the accreditation of a particular course of study if the provider is not complying with the Threshold Standards. TEQSA also has the power to compel information under Section 28. These existing powers come with necessary checks and balances, such as the requirement for TEQSA to provide written notice of the decision, reasons, and effective date, reflecting the significance of such actions.

We believe that suspension of a provider's registration should only be considered as a final step after other avenues have been exhausted (for example responding to the findings of a compliance assessment or having conditions put on a provider's registration). Rather than introducing new suspension powers, it may be more beneficial to focus on enhancing TEQSA's ability to identify and address risks early, potentially through improved monitoring and engagement with providers.

We note that additional powers will likely lead to higher workloads for TEQSA, which may require additional expertise and government funding.

8. Currently there is a cascading regulatory system where the Minister sets the Threshold Standards for providers and may choose to make Codes where legislation allows, and TEQSA may choose to issue guidance such as Statements of Regulatory Expectation. Is the overall regulatory architecture working effectively to manage risks in the sector? Is any change to this needed?

The University believes that the current cascading regulatory system, where the Minister sets Threshold Standards and may make Codes, while TEQSA issues Guidance Notes and SREs, is appropriate. However, we see opportunities for enhancement within this framework.

A focus should also be on reducing the delays in the re-registration process currently being experienced and ensuring that compliance tools like SREs can be effected clearly and expeditiously.

We suggest that TEQSA is organised and resourced to use its existing powers more efficiently and effectively, including more regular use of Guidance Notes and engagement with providers in response to emerging systemic risks. The recent approach to generative AI demonstrates the potential value of TEQSA's educative function, and we encourage its further development.

Consideration could also be given to granting TEQSA some additional powers, such as the ability to issue compliance notices when TEQSA has reason to believe a provider has seriously contravened a requirement in the TEQSA Act. These powers, if implemented, should be clearly defined and used judiciously.

While these enhancements could strengthen the regulatory framework, we emphasise the importance of maintaining the current balance between ministerial oversight, TEQSA's regulatory role, and institutional autonomy. It is also important to minimise the regulatory burden placed on institutions where possible, noting that regulatory burdens may redirect resourcing into compliance and away from core services, such as teaching, learning and research.

9. What powers does TEQSA need to step in when it is justified and in the public interest? For example, in the event of a serious failure in governance, should TEQSA have the power to appoint a monitor, independent adviser or administrator to the governing body?

The University notes that TEQSA is currently empowered to impose conditions on registration or suspend or cancel registration in cases of serious failures, such as a loss of financial viability. The University has significant concerns about granting TEQSA additional powers to intervene directly in institutional governance, including appointing monitors, independent advisers, or administrators to governing bodies.

While we understand the intent behind such proposals, we believe they present considerable risks to institutional autonomy, which is a cornerstone of the higher education sector. Universities' ability to self-govern and make independent decisions is crucial for maintaining academic freedom, fostering innovation, and ensuring that institutions can respond effectively to the needs of their students and communities.

Rather than expanding TEQSA's powers in this direction, we suggest prioritising the use of its existing powers to address governance failures, ensuring more timely and proactive engagement by the regulator to identify and mitigate specific risks with providers, and strengthening TEQSA's capacity to provide guidance and support to institutions in improving their governance practices. Where providers have seriously contravened the requirements of the TEQSA Act, this could include issuing compliance notices to providers.

10. Are there other powers TEQSA should have, comparable to other modern regulators, when balanced against the need for an efficient and streamlined regulatory approach?

TEQSA was established in 2011, and its establishing legislation has been amended more than 20 times since, considerably more than both the Threshold Standards and the AQF.

The current TEQSA Act provides a strong foundation for risk-based regulation, under which TEQSA is required to apply the principles of regulatory necessity, risk, and proportionality. These are the hallmarks of a modern regulator. Contemporary regulators also embed a constructive and proactive approach to sector engagement and deploy regulatory, compliance and guidance tools to steer the regulated stakeholders. As highlighted in the responses above, there may be scope to make modest amendments to TEQSA's existing functions to identify and address systemic risks across the sector, enabling a more proactive approach to regulation. TEQSA could also be granted the power to issue compliance notices in certain circumstances,

providing a more immediate and targeted regulatory tool.

Opportunities to streamline regulation for universities and other education providers, so they can focus on teaching and learning

11. What regulatory requirements or actions could be accomplished in a more efficient way that may lead to increased productivity, while ensuring regulatory outcomes are achieved?

Significant efficiency gains could be achieved by addressing the current overlap in responsibilities between various regulatory bodies in the higher education sector. At present, several entities have similar or overlapping responsibilities, including TEQSA, ATEC, the National Student Ombudsman, State and Territory bodies, and the Department of Education.

This overlap can lead to duplication of efforts, increased compliance burden for providers, and potential confusion for students and other stakeholders. We suggest that improving the way these agencies work together could lead to increased productivity and more effective regulation.

Specific areas for improvement could include clearer delineation of responsibilities, enhanced information sharing between agencies, streamlined reporting processes, a coordinated approach to addressing sector-wide issues and meaningful consultation with the sector.

12. What opportunities exist to streamline regulation between TEQSA, the Department of Education, the National Student Ombudsman, or other Commonwealth, State and Territory government bodies?

In recent years, the sector has observed a proliferation of legislation and regulation, resulting in considerable overlap of responsibilities among these entities. The multitude of regulatory 'front doors' can be confusing for students seeking information or assistance. Moreover, this overlap creates challenges for providers, particularly when data sharing between regulatory bodies is inadequate. Providers often find themselves supplying similar information to multiple agencies, which increases administrative burden and reduces efficiency. Examples of overlapping regulation, requirements and responsibilities are provided below:

- The Department of Education's reporting requirements for the Support for Students Policy overlap with providers' compliance requirements under section 2.3 and 3.3 of the HESF. Providers are already required to offer services and support tailored to the needs of their diverse student cohorts. In instances where TEQSA requires reporting against these standards, the nature of the reporting is similar to that required under the Support for Students Policy.
- There are provisions on how governing bodies should be constituted in Domain 6 of the HESF, State University Acts, the Victorian Government Appointment Guidelines, the University Chancellors Council's (UCC) Code of Governance Principles and Practice for Australia's Public Universities, and now in the National Higher Education Code to Prevent and Respond to Gender-based Violence. The principles developed by the Expert Council on University Governance may replace the UCC Code but will still need to be read in conjunction with the other documents listed. These provisions could be aligned and consolidated.
- The recently passed *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Bill 2025* grants the Department of Education Secretary regulatory powers, including the power to issue compliance notices, to ensure providers follow the National Code. However, many of the requirements under the Code overlap with existing OH&S laws.
- TEQSA issued an SRE on compliance with workplace obligations in August, setting out TEQSA's expectations that providers are meeting their obligations under workplace laws. These matters would normally be addressed by the Fair Work Ombudsman.

We believe there is a pressing need for greater clarity and delineation of responsibilities between these regulatory bodies. In any amendment to the TEQSA Act, care should be taken to not create additional duplication. As highlighted by the Group of Eight, any amendments must also be drafted with reference to the legislation to establish the substantive ATEC, noting the importance of the two agencies working closely together. TEQSA's approach should align with ATEC's Statement of Strategic Priorities to ensure better integration with ATEC, allowing system management and regulation to work collaboratively and cohesively.

13. Should TEQSA's functions be broadened to allow better access to transfer complaints to other agencies, for example with the National Student Ombudsman?

The University notes that there is already a [Memorandum of Understanding](#) in place addressing the transfer of complaints between TEQSA and the National Student Ombudsman. This existing arrangement demonstrates that the regulators recognise the need for efficient complaint handling and transfer between these two key agencies.

TEQSA should have the ability to transfer individual complaints and to receive complaints information about issues with sector-wide implications with all relevant agencies. This would lead to a more appropriate resolution of issues, reduce the risk of complaints falling through gaps between agencies, and improve the overall student experience. It would also align with the principle of having a more integrated and streamlined regulatory approach.

14. How could the TEQSA Act be amended to ensure providers are required to implement recommendations made by the National Student Ombudsman?

Rather than amending the TEQSA Act to require providers to implement recommendations made by the NSO, a more effective approach would be to strengthen the relationship between the NSO and TEQSA in addressing systemic or emerging sector-wide risks in partnership with the sector.

We suggest that the NSO could play a valuable role in identifying and referring systemic issues to TEQSA for investigation while focussing its activities on individual student complaints. This would leverage the NSO's unique position, in handling individual student complaints, to recognise broader trends and potential risks across the sector.

Upon receiving such information from the NSO, TEQSA could then use requests for information (RFI), SREs, consultations and other regulatory tools to address these risks. TEQSA could also develop targeted training programs, Guidance Notes, or other supportive materials to help providers address identified issues. TEQSA could work with the NSO to develop these materials, showcasing best practice and expectations, noting the NSO has an existing educative function to uplift practices and process through training and forums.

15. More broadly, would more standardised public disclosure of information across areas including student outcomes, teaching quality and research impact improve accountability, assist students in choosing courses of study or providers, assist Government to assess the effectiveness of public investment, and help providers to demonstrate compliance? How might such a system work?

We note that such systems already exist in various formats, including QILT, commercial rankings, and other government data collections.

While these existing systems provide valuable information, their effectiveness is often constrained by factors such as significant time lags in data publication. For example, 2024 QILT data was not released until September 2025. Similarly, full year 2024 higher education statistics were only published on the Department

of Education website in September 2025. This delay can limit the relevance and utility of the information for students making current decisions about their education.

We believe that before implementing any new system of standardised public disclosure, it would be beneficial to conduct a more in-depth review of how existing resources, such as the ComparED website, are used by students. This review should assess the degree to which students find the current information useful in their decision-making processes.

Additionally, there are quick wins to be gained through provision of access to existing data and through the development of more timely standard reports on topics such as student attrition. By providing open access to key data sources, the Department could support the development of a more extensive research base on key student outcomes (such has been the practice with IPEDS in the US system). TEQSA could also use this data to assess provider risk and initiate compliance action. For example, providers with low retention rates could be given a higher risk status and be required to report on actions they are taking to address those issues.

While we acknowledge TEQSA's role in ensuring students have access to information relating to higher education, disclosure of information to assist Government to assess the effectiveness of public investment is outside of the regulator's remit.

A system that supports a joined up tertiary system, helping more Australians get the skills and qualifications they need

16. Are changes to the TEQSA Act needed to support better joined-up arrangements across higher education and vocational education?

- a. What are the current regulatory challenges faced by students and providers and how could changes to the TEQSA legislation support a more streamlined experience?**

We note that TEQSA and ASQA recently released the [Dual sector regulatory strategy](#). This strategy acknowledges the challenges dual-sector providers face in meeting separate and sometimes overlapping regulatory requirements of the two regulators. To reduce this administrative burden, it outlines a three-year program of work to improve information sharing and collaboration with ASQA, align regulatory processes, and support providers to strengthen governance and responsiveness to industry needs.

While it does not form part of the current strategy due to its complexity, the strategy notes that, "Where it is practical to more closely align the structure, language and priorities of key legislation [underpinning ASQA's and TEQSA's work], or to make pieces of legislation more complementary to one another, there is an opportunity to reduce regulatory burden across the sector, and help increase the efficiency of the regulators." It noted an opportunity to align integrity provisions within the ESOS legislation with NVETR legislation.

The Universities Accord Final Report recommended that ATEC "address the appropriate diversity of tertiary education providers of varying size, shape, purpose and location to meet national and place-based needs." Some of the specific sub-recommendations, including relaxing the requirement to meet benchmark levels of research in at least 3 broad Fields of Education, would require revisions to the Provider Category Standards. Other recommendations included encouraging more cross-provision of VET by higher education providers and vice versa. This would require better alignment of legislation between ASQA and TEQSA, as noted in the *Dual sector regulatory strategy*, to reduce barriers. Maintaining the existing standards-based framework and avoiding overprescription within the Standards will also be crucial for enabling sector diversity.

The University of Melbourne

Grattan Street, Parkville, Victoria 3010 Australia

t 13 MELB (13 6352)

+61 3 9035 5511 (International)

unimelb.edu.au



THE UNIVERSITY OF
MELBOURNE