



The Hon Jason Clare MP
Minister for Education

Reference: MS25-000793

Mr Tony Cook PSM
Secretary
Department of Education

By email: SecretaryOffice@education.gov.au

Dear Mr Cook

I am pleased to provide you with the following Regulatory Statement of Expectations, which outlines the priorities I expect the department to observe in order to deliver better outcomes for learners and their families.

The department's regulatory functions help to safeguard quality and safety across the education system. New legislative powers granted in 2025 strengthen quality and safety in early childhood settings and help families have trust in our child care system. Similarly, the implementation of the National Higher Education Code to Prevent and Respond to Gender-based Violence supports accountability in the university sector and helps make campuses safer for staff and students.

The following document formalises my expectations for the department. Strong regulatory performance is central to the government's commitment to deliver reforms that build the education system Australia needs now and into the future. I look forward to our continued work together delivering real outcomes for the Australian people.

I have copied this letter to Senator the Hon Dr Jess Walsh, Minister for Early Childhood Education and Minister for Youth and the Hon Julian Hill MP, Assistant Minister for International Education.

Yours sincerely

JASON CLARE

/ / 2026

- Encl.** [Appendix A](#): Regulatory Ministerial Statement of Expectations issued by Minister Clare to the Department of Education
[Appendix B](#): Department of Education regulatory functions
[Appendix C](#): Department of Education regulatory performance measures and targets
- Cc.** Senator the Hon Dr Jess Walsh, Minister for Early Childhood Education and Minister for Youth
The Hon Julian Hill MP, Assistant Minister for International Education

Appendix A: Regulatory Ministerial Statement of Expectations issued by Minister Clare to the Department of Education

Ministerial Statements of Expectations (SOEs) are intended to provide greater clarity about government policies and objectives relevant to a regulator, in line with its statutory objectives. As the responsible Minister, this SOE outlines my expectations of how the Department of Education (the department) will achieve its regulatory objectives, carry out its regulatory functions, and exercise its powers.

Consistent with Regulator Performance Resource Management Guide 128 (RMG 128) and the Department of Finance's *Prioritising Productivity* guidance, this SOE outlines the principles I expect the department to observe in performing its regulatory functions.

Overview

The department works to create a better future for all Australians through education. It does this through providing strategic direction and national leadership of Australia's education system and stewarding the Australian government's vision for reform. The department's regulatory functions play a role across the education landscape, supporting and working alongside other Australian Government and state and territory regulators to ensure quality and safety across the education system. These regulatory functions, including new legislative powers granted to the department in 2025, underscore the importance of protecting children and young people's safety, especially in early childhood education and care settings.

The department undertakes 10 broad categories of regulatory functions across early childhood education and care, schools, higher education and international education (see Appendix B).

The government's policy priorities and objectives

Regulatory reform agenda

The Australian Government is modernising regulation and improving regulator performance through data, innovation, and stewardship to ensure regulation is fit-for-purpose in a digital era; protect against regulatory failures; and improve productivity. To achieve this, Australian Government regulators should balance risk mitigation with efficiency, growth and dynamism.

I expect the department to take a proportionate risk-based approach to regulation. I also expect the department to consider the impact of its regulatory activities on productivity and to adjust its regulatory posture where appropriate to support an environment that enables productivity growth. The department should seek to proactively reduce unnecessary regulatory burden, remove duplication and streamline processes to improve efficiency, including by working with other regulators and states and territories.

The government is also strengthening regulator performance, capability and culture through a stewardship approach to regulatory reform. This supports broader Australian Public Service reform by strengthening trust in government and its institutions and by putting business and community at the centre of policy and services.

Regulatory reform in education

I acknowledge the department's ongoing commitment to delivering significant reforms to further strengthen safety, quality and financial integrity across the education system. These include reforms to strengthen quality and child safety in early childhood education and care and commencement of the National Higher Education Code to Prevent and Respond to Gender-Based Violence from 1 January 2026.

I note you outlined many of these reforms in your response to a letter from the Treasurer and Minister for Finance in July 2025. I request the department address these reforms in its responding SOI, including how the department will track and report progress. The department should work with the Department of Finance where appropriate through usual budget processes to implement and report on any reform proposals to reduce unnecessary regulatory burden.

Principles of regulator best practice

I expect the department to comply with the principles of regulator best practice outlined in the Regulatory Policy, Practice & Performance Framework in its decision-making, policies, processes and communication practices and to strive for continuous improvement with regard to these principles:

1. **Targeted and risk-based:** the department's regulations must be targeted, risk-based and proportionate.
2. **Integrated in existing systems:** the department should take a whole-of-system approach to regulation by integrating, leveraging, improving, and modernising existing regulatory systems, where appropriate.
3. **User-centred:** the department's regulation should put people and business at the centre through user-centred design and delivery.
4. **Evidence-based and data-driven:** the department's regulation should be data-driven and based on available evidence, and the department should understand the effectiveness and impacts of its regulations on business and the community.
5. **Reflective of the digital era:** the department's regulation should reflect the realities of the digital era and take full advantage of digital and technology capabilities and practices, while also ensuring equitable access to regulatory systems, including for those with low digital connectivity and literacy.
6. **Continuously improved and outcomes-focused:** the department should adopt a system-wide practice of stewardship to evaluate and improve regulation, ensuring regulatory systems are transparent and responsive to evolving regulatory environments and shifting expectations from government and community.

I also expect the department to act in accordance with the principles of regulator best practice outlined in RMG 128:

1. **Continuous improvement and building trust:** the department should adopt a whole-of-system perspective, continuously improving its performance, capability and culture to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** the department should manage risks proportionately and maintain essential safeguards while minimising regulatory burden and leveraging data and digital technology to support those they regulate to comply and grow.
3. **Collaboration and engagement:** the department should be a transparent and responsive communicator, implementing regulations in a modern and collaborative way.

Innovation and regulatory change

The department should continually monitor the environment in which it operates and engage with other regulators, international regulatory bodies, and the global regulatory operating environment as appropriate to ensure that approaches keep pace with changes in technology, industry practices and community expectations. This includes work to understand how regulatory obligations and market forces impact the operating contexts of regulated entities, including looking for ways to support innovation, small business and new market entrants.

I also expect the department to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure prompt and proportionate responses to the changing social, technological and commercial context in which it operates.

Relationship with Minister and portfolio

The department plays an essential role in supporting the government to respond promptly to policy challenges and opportunities arising from the department's regulatory remit. I expect you to work closely with me and my colleagues to support regulatory reform that achieves your regulatory objectives at the lowest cost to citizens and business. Accordingly, I expect the department to provide accurate and timely policy advice on significant issues relating to its regulatory functions, in accordance with the government's priorities and objectives.

As the responsible Minister, I will provide an enabling environment for the department to consistently implement best practice by ensuring you are well informed of the government's policy direction, as specific initiatives and strategies are being considered.

I look forward to the department's reply to this SOE with an SOI that outlines how it will deliver on my above-mentioned expectations. I request both documents be made publicly available on the department's website, and that the department continues to incorporate regulator performance reporting into its reporting processes, including its Corporate Plan and Annual Report consistent with RMG 128 under the *Public Governance, Performance and Accountability Act 2013* and the *Public Governance, Performance and Accountability Rule 2014* (see Appendix C).

Appendix B: Department of Education regulatory functions

Early childhood education and care (ECEC) regulatory functions

Function/s	Description	Authorising legislation
Regulation of Child Care Subsidy (CCS) approved providers and services	<p>Regulating CCS approved providers and services to ensure they meet their obligations under Family Assistance Law (FAL). This includes:</p> <ul style="list-style-type: none"> - ensuring quality and safety is a paramount consideration when assessing CCS provider approvals - undertaking unannounced service visits and spots checks - publicising actions taken against providers - monitoring the financial viability of large child care providers and promoting and enforcing compliance with large provider reporting obligations. <p>This work ensures the integrity of the CCS program and proper use of the CCS.</p>	<p><i>A New Tax System (Family Assistance) Act 1999;</i> <i>A New Tax System (Family Assistance) (Administration) Act 1999;</i> <i>Child Care Subsidy Minister's Rules 2017;</i> <i>Child Care Subsidy Secretary's Rules 2017;</i> <i>Regulatory Powers (Standard Provisions) Act 2014</i></p>
Regulation of service delivery in certain ECEC services subject to Minister's Rules	<p>Regulating quality and safety in ECEC services operating under Minister's Rules, e.g. In Home Care services and Community Child Care Funded Restricted services.</p>	<p><i>A New Tax System (Family Assistance) Act 1999;</i> <i>A New Tax System (Family Assistance) (Administration) Act 1999;</i> <i>Child Care Subsidy Minister's Rules 2017;</i> <i>Regulatory Powers (Standard Provisions) Act 2014</i></p>
Regulation of the Inclusion Support Program (ISP)	<p>Managing contractual arrangements with:</p> <ul style="list-style-type: none"> - Inclusion Agencies: providers engaged to support eligible ECEC services in embedding inclusive practices, and - Inclusion Development Fund Manager (IDFM): the provider contracted to administer and manage the 4 funding streams under the Inclusion Development Fund (IDF), with the department retaining final decision-making authority. <p>Note: the department has contracted administration and compliance monitoring of the IDF to the IDFM. Non-compliance not rectified is referred to department teams.</p>	<p><i>A New Tax System (Family Assistance) Act 1999</i></p>

School education regulatory functions

Function/s	Description	Authorising legislation
Approval for funding under the Act, including financial assurance, compliance and reviews	<p>Approval of authorities and bodies representing one or more schools, as well as monitoring, promoting, and enforcing compliance with requirements under the Act.</p>	<p><i>Australian Education Act 2013 (Cth) (the Act);</i> <i>Australian Education Regulations 2023</i></p>

Higher education regulatory functions

Function/s	Description	Authorising legislation
Administering approval of higher education providers	Administering applications to become a higher education provider under the Act and managing suspensions and revocations of approvals.	<i>Higher Education Support Act 2003 (the Act); Higher Education Provider Guidelines 2023; Higher Education Support (Fit and Proper Person) Instrument 2019</i>
Promoting, monitoring and enforcing compliance by higher education providers with requirements under the Act	Compliance with providers' set obligations in relation to the administration of the Higher Education Loan Program (HELP), including: setting student contribution amounts and tuition fees; adhering to withdrawal requirements; setting census dates and EFTSL values; and generating notices to students.	<i>Higher Education Support Act 2003 (the Act); Higher Education Provider Guidelines 2023; Higher Education Support (Administration) Guidelines 2022</i>
	Compliance with providers' quality and accountability requirements, including but not limited to: financial viability; fairness towards students; compliance with the National Higher Education Code to Prevent and Respond to Gender-based Violence; student services and amenities fees; tuition protection; setting fees; and publishing information.	
	Compliance with set obligations around how providers manage and protect information they collect, use and disclose under the Act including personal and sensitive information.	
	Compliance with providers' obligations around notification of tax file numbers (TFN) and cancellation of enrolment where students do not have TFNs.	
Administering the Commonwealth Grant Scheme (CGS)	Administering higher education funding arrangements under the CGS, including designated medical Commonwealth Supported Places (CSPs), allocations of additional CSPs, Innovative Places, National Institutes and approving professional pathway courses.	<i>Higher Education Support Act 2003; Commonwealth Grant Scheme Guidelines 2020</i>
Administering the National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code)	<p>Monitoring and enforcing compliance with the National Code by higher education providers and any student accommodation provider/s which the provider directly owns, operates and/or manages, controls, or is affiliated with. The National Code commences on:</p> <ul style="list-style-type: none"> - 1 January 2026 for all Table A and B Providers under the <i>Higher Education Support Act 2003</i>; - 1 January 2027 for all other providers registered under the <i>Tertiary Education Quality and Standards Agency Act 2011</i>; and - the date on which the provider is registered under the <i>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</i> for all providers registered after 1 January 2027. 	<i>Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025; National Higher Education Code to Prevent and Respond to Gender-based Violence 2025; Higher Education Support Act 2003</i>

Higher education regulatory functions cont.

Function/s	Description	Authorising legislation
Approving use of the word “university”	Approval of applications to use the word “university” (or a derivative) in domain names, company names and business names.	<p><i>Tertiary Education Quality and Standards Agency Act 2011;</i> <i>Tertiary Education Quality and Standards Agency TEQSA (Minister) (Use of Domain Names) Delegation 2021</i> (Instrument No. 21-002); <i>Tertiary Education Quality and Standards Agency (Matters Relevant to the Approval of Domain Names) Determination 2021;</i> <i>Tertiary Education Quality and Standards Agency TEQSA (Words or Expressions with the Same or Similar Meaning to the Word University) Determination 2021;</i> <i>Corporations Act 2001; Corporations Regulations 2001;</i> <i>Corporations Regulations (Company Names Containing the Word University) Authorisation 2022</i> (Instrument No. D22-031); <i>Business Names Registration Act 2011;</i> <i>Business Names Registration (Availability of Names) Determination 2015;</i> <i>Business Names Registration (Business Names Containing the Word University) Authorisation 2022</i> (Instrument No. D22-032)</p>

International education regulatory functions

Function/s	Description	Authorising legislation
Governing delivery of education to international students in Australia on a student visa	Ensuring Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered providers pay their annual registration charges.	<p><i>Education Services for Overseas Students Act 2000;</i> <i>Education Services for Overseas Students (Registration Charges) Act 1997;</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></p>
	Administering applications from schools to become CRICOS registered providers which enables those schools to deliver international education, in consultation with state and territory education regulators.	
	Regulating CRICOS registered schools for delivery of international education under the ESOS Act, ESOS regulations and the National Code, in consultation with state and territory education regulators.	

Appendix C: Department of Education regulatory performance measures and targets

RMG 128 Principles of regulator best practice	Performance measures	Targets
Continuous improvement and building trust: regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.	PM002: Proportion of accurate Child Care Subsidy payments to all services.	90% or higher
	PM012: Proportion of eligible universities able to meet specified superannuation expenses.	100%
	PM014: Proportion of domestic undergraduates who are from a low socio-economic background (based on Statistical Area level 1).	16% or higher
	PM015: Proportion of domestic undergraduates who identify as First Nations.	2.2% or higher
	PM079: Timely lodgement of acquittal certificates by states and territories for government schools by 30 June, as set out within the <i>Australian Education Act 2013</i> .	100%
	PM080: Timely lodgement of acquittal certificates and audited financial statements by approved authorities for non-government schools by 30 June, as set out within the <i>Australian Education Act 2013</i> .	85% or higher
Risk-based and data-driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.	PM002	90% or higher
	PM012	100%
	PM014	16% or higher
	PM015	2% or higher
	PM079	100%
	PM080	85% or higher
Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.	PM002	90% or higher
	PM012	100%
	PM079	100%
	PM080	85% or higher

As published in the department's 2025-26 Corporate Plan.