

Australian Catholic University

Feedback to the Higher Education Standards Panel

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

March 2026

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Australian Catholic University (ACU) welcomes the opportunity to provide feedback to the Higher Education Standards Panel's (HESP) consultation on amendments to the *Higher Education Standards Framework (Threshold Standards) 2021* (hereafter "HESF").

At the outset, it is important to acknowledge the purpose of the HESF. The HESF sets the minimum threshold that higher education providers must meet, and maintain, to be registered to deliver higher education. Its importance to the Australian higher education sector and to the broader community lies in its role in safeguarding a system that is both diverse and of high quality. As such, the standards presented in the HESF are, appropriately, designed to be high-level and principles based.

Broadly, ACU considers the standards in the HESF are fit for purpose and do not require significant amendment. There is perhaps scope to enhance them through minor principles-based amendments aligned to the existing standards, noting the issues under consultation. Primarily, however, sector discourse and timely, non-prescriptive guidance from TEQSA on key areas would be the most useful and effective assistance to the sector. This would help to inform institutional risk assessment and self-assurance processes, promoting continuous improvement towards these shared objectives, and enabling a rapid and coherent response to emerging risks and challenges.

How compliance is effectively assessed is as important as the standards themselves. TEQSA, as the independent regulator, has responsibility to ensure providers comply with the HESF. All standards, therefore, must be verifiable and achievable, and TEQSA should be able to reasonably assess them.

A key focus for the HESP should be on how the issues raised in the Consultation Paper might be codified, to ensure that TEQSA and providers have clear guidance on the Standards and what constitutes compliance. As an underlying principle, Australian universities should have autonomy to define how they will address these matters within the context of their operations and strategic intent. TEQSA's role should be to provide support for the development of each university's approach, and provide checks against each university's plan or strategy to approach each topic. A standardised or "tick-box" approach to compliance and monitoring of these issues is unsuitable. Rather, the emphasis should be on supporting sector engagement in these complex areas, encouraging the development of context-guided best practice and initiatives that are fit-for-purpose at the institutional level.

ACU recommends the HESP avoid proposing amendments to the HESF which:

- are too prescriptive and leave little room for providers to adapt provisions to their individual missions, contexts, student and staffing profiles, and circumstances;
- contain provisions that are too broad for providers to implement or have compliance fairly assessed against; and/or
- unduly impose additional (and possibly overlapping) regulation, and administrative burden and associated costs on all providers.

Noting the short timeframe for consultation and the significance of the issues at hand, once the wording and form of any proposed changes to the HESF are developed, ACU urges further consultation be undertaken with the sector prior to their finalisation. ACU provides the following feedback on issues raised in the Consultation Paper.

Demonstrating a commitment to addressing racism

ACU in principle supports the introduction of explicit reference(s) to anti-racism in the Threshold Standards and would recommend a further consultation round with the sector on any wording for inclusion in the HESF, prior to finalisation, to ensure any amendments are fit for purpose. Any amendments should align with the existing standards, which are high-level and principles-based. For example, consideration could perhaps be given to including a reference to demonstrating a commitment to addressing all forms of racism on campus and online in Standard 2.3.4 which requires providers to promote and foster a safe environment (Wellbeing and Safety), and/or Standard 6.1.4, which requires that governing bodies take steps to develop and maintain an institutional environment in which

students and staff are treated equitably and the wellbeing of students and staff is fostered (Corporate Governance).

The recent release of the Australian Human Rights Commission's report on the Racism@Uni Study¹ highlights the need for sector wide responses in this area. Racism is everyone's concern. It requires a whole of society response in all settings; across all communities, and public and private settings.

ACU remains committed to inclusivity and support for all individuals. As an institution deeply rooted in its Catholic mission and dedicated to upholding the dignity of the human person and fostering the common good, ACU unequivocally condemns all forms of racism, harassment, discrimination or intimidation on any of its campuses.

There is significant variability in the local contexts of each provider and their individual student, staff, and community profiles. Providers must have the latitude to be responsive to their local contexts to uphold the Standards. Furthermore, as resources are finite, adopting a standardised approach to regulation should be avoided to ensure prudent and effective use of public funding. That is, TEQSA's activities and compliance assessments against the HESF should affirm a proportionate, risk-based approach to regulation and quality assurance. Regulatory expectations need to be clear and adaptable to provider settings. This approach promotes proportionality of regulatory actions for low-risk providers, and effective engagement with the sector.

ACU recommends TEQSA closely consult and engage with the sector and relevant stakeholders to develop a Guidance Note on anti-racism. This could reflect the principles of the *National Anti-Racism Strategy*, adapted to a higher education context. The Strategy promotes ensuring the Australian community has a clear understanding of "what racism is, and how it can be prevented and reduced", and aims to achieve this through three objectives:

1. create awareness of racism and how it affects individuals and the broader community;
2. identify, promote and build on good practice initiatives to prevent and reduce racism; and
3. empower communities and individuals to take action to prevent and reduce racism and to seek redress when it occurs.²

Dedicated guidance could offer practical suggestions to assist providers to strengthen their efforts to address racism, supporting wider community efforts to combat all forms of racism in Australia. It is imperative, however, that any guidance and regulatory assessments by TEQSA closely adhere to the HESF, and do not extend beyond those regulatory parameters. By definition, guidance notes are non-prescriptive. The HESP may also wish to consider the UK Quality Code for Higher Education model with the provision of sector agreed principles to identify fundamental features, which is underpinned by key practices to demonstrate how providers adhere to the principles and includes guidance.

Incorporating the University Governance Principles and transparency requirements

ACU is supportive of the University Governance Principles developed by the Expert Council on University Governance. The eight key themes of accountability, diversity of perspectives, independence, transparency, trustworthy, inclusive and responsive, sustainable, and responsible, have broad resonance. If these principles are to be incorporated into the HESF, either in a new Part C or within the existing standards, they should be accompanied by an explicit provision which acknowledges provider diversity, as promoted by the Expert Council:

*"The Expert Council recommended mandatory annual public reporting by public universities against the Principles on an 'if not, why not' basis. It considered **each university governing body [is] best placed to determine and 'own' how the Principles should be applied to its particular circumstances and context**; and requiring universities to provide a reasonable, justifiable and transparent explanation for why a Principle has not been implemented."* [Emphases added] (Consultation Paper, p. 13).

¹ AHRC. (2026). *Respect at Uni: Study into Antisemitism, Islamophobia, Racism and the Experience of First Nations People*.

² See <https://humanrights.gov.au/resource-hub/by-resource-type/projects-and-reports-folder/national-anti-racism-strategy-and-racism-it-stops-me-campaign>

This “if not, why not” provision, or wording to this effect, should be explicitly incorporated into the HESF alongside the eight principles, if such amendments are made. Alternatively, the principles could be articulated in a TEQSA Guidance Note. Supporting diversity over a homogeneous, standardised approach to university governance is essential for maintaining a high quality, competitive, and responsive higher education sector. Research also indicates a “one-size-fits-all model of governance does not exemplify ‘good’ practice”³.

The HESF accommodates and makes provision for a range of provider types to operate in the higher education sector to meet community educational needs. These providers have diverse governance structures reflective of, and responsive to, their institutional histories, missions, and/or the particular Communities they serve. ACU, for example, is a national, publicly funded Catholic university with campuses in three states and one territory, and an overseas campus in Rome, Italy. ACU is a Table A provider under the *Higher Education Support Act 2003* (Cth). ACU has around 34,000 students and over 2,300 staff and welcomes people of all faiths and none.⁴ The University was established as Australian Catholic University Limited (Corporation), a public company limited by guarantee. The company was established under the repealed Companies (Victoria) Code and its activities are now regulated by the *Corporations Act 2001* (Cth), and the Australian Charities and Not-for-Profits Commission (ACNC); meeting ACNC requirements for registration as a charitable organisation through the University’s pursuit of advancing education.

ACU is recognised by three State Acts of Parliament⁵. The main objective of the Corporation is to conduct ACU as a Catholic university. Within this charter, ACU is open to persons of all religious beliefs and persuasions and is fundamentally committed to the pursuit of truth through academic inquiry. ACU’s Senate, which serves as the University’s governing body and assures ACU’s HESF compliance, has a diverse membership; including representation from each Australian state and territory in which ACU has a campus, and with industry (including areas of ACU’s teaching and research focus such as health and education), professional, church, and ACU staff and student representation or expertise. These characteristics make ACU unique in the Australian university sector in that it operates across local, state, and federal law. As a leading Catholic university, ACU brings a distinctive diversity to the sector through its individual mission. Therefore, ACU stresses that the diversity of governance structures that exists across Australia’s higher sector must be appropriately accommodated and represented in the regulatory framework, and in any reforms to the HESF.

With respect to standards on academic oversight, staffing profiles, and teaching quality, ACU considers the current standards are fit for purpose. The current legislative and regulatory framework also afford TEQSA sufficient powers to regulate the sector in this regard. Equipping TEQSA with additional resources to engage with the sector on the standards would be the best means through which to enhance the sector’s work in this area, and support continuous improvement to ensure Australian higher education remains high quality, innovative, and internationally competitive.

Supporting people with disability in higher education

ACU endorses the themes of inclusion, universal design, and inherent requirements, as a means through which to promote a more inclusive and equitable higher education system and improved student outcomes, and would in principle support the inclusion of equity and inclusion requirements for people with disability in the HESF. Any proposed amendments should be subject to a further consultation process with the sector. A permanent Australian Tertiary Education Commission (ATEC) would have an important stewardship role in this area, and could facilitate the sharing of best practice across the sector and case studies, to assist providers with their efforts to realise these important equity objectives. As societal understanding of disability, as well as the sector’s, continues to evolve and progressively improve, facilitating greater sector collaboration in efforts to provide appropriate support services is essential.

³ Trakman, L. (2008). Modelling University Governance. *Higher Education Quarterly* 62(1-2), 63-83, p. 66.

⁴ Student numbers refer to headcount figures while staff numbers refer to full-time equivalent (FTE).

⁵ Namely: *Australian Catholic University Act 1990* (NSW); *Australian Catholic University (Victoria) Act 1991* (VIC); and *Australian Catholic University (Queensland) Act 1991* (Qld).

Emerging technologies and the Higher Education Regulatory Framework

The Consultation Paper seeks feedback on whether the term “emerging technologies” adequately captures the range of innovations and digital technologies that are transforming Australian higher education. ACU suggests using broader terminology such as “new and emerging technologies” or “new, emerging and next-generation technologies”, to better capture the range of innovations and digital technologies the sector must navigate. The term “emerging technologies” would not adequately future-proof the HESF given the advanced digital, AI/Generative-AI capabilities already in use globally.

If the HESP is minded to recommend the development of new regulatory standards in this area for inclusion in the HESF, ACU recommends adopting a principles-based approach. The Standards and compliance activities should not stifle sector diversity and responsiveness to the needs of their particular student cohorts and staff. Providers also need the agility to be able to respond to changing educational and provider contexts. For example, key principles could centre around ethical use, transparency, and education on new and emerging technologies, and promoting provider self-assurance with respect to the risks these technologies present.

The sector would greatly benefit from ongoing discussion, for example, through sector consultations and forums to identify and manage risks related to new and emerging technologies. This is a complex, challenging and rapidly changing area for all. Work such as that undertaken by TEQSA in 2023 to explore the implications of ChatGPT on learning, teaching, and assessment, should be continued as a matter of form as new and emerging technologies continue to raise complex and evolving questions for higher education providers to navigate. Nationally endorsed expectations for transparency, disclosure, and attribution in the use of AI tools, supported by federal guidance and harmonised policies to ensure consistency and reduce regulatory fragmentation across the sector, would also be of assistance.

With respect to research, there would be value in shared standards, guidance, and assurance mechanisms that support the identification, classification and management of risks to research integrity and quality associated with AI, categorised within a risk framework. While research integrity is paramount, government approaches must not have the unintended consequences of slowing Australia’s capacity to engage with, and drive, appropriate ethical AI development. Federal leadership and investment in sector-wide capability building is required, including the development of nationally consistent training resources and frameworks to support universities in educating supervisors and HDR candidates in the responsible use of AI, particularly in relation to technology-enabled research integrity risks such as contract research and paper mills.

Approach to a cyclical review of the Threshold Standards

In principle, ACU is supportive of the proposal to review the HESF every five years. Regarding a methodological approach that could underpin a cyclical review of the HESF, the HESP could consider standard government methodology and frameworks, such as that utilised by the National Audit Office. ACU notes that legislation to establish a permanent ATEC is currently before federal Parliament, which proposes transferring responsibility for providing advice and recommendations on the HESF to ATEC; currently undertaken by the HESP. The Panel has been an effective mechanism playing an important role in ensuring the HESF remains fit for purpose, principles based, and proportionate. The direct involvement of higher education sector staff and drawing upon relevant expertise is an important feature of its decision-making processes. Key provisions within the current TEQSA Act relating to the work and membership of the HESP could be adopted to ensure any new body or committee responsible for reviewing the HESF continues to hold the necessary expertise, experience, and independence from government.⁶

⁶ For example, *Tertiary Education Quality and Standards Agency Act 2011* (Cth), s 167, s 58(3)(a), s 58(4)(a).