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Interim Australian Tertiary Education Commission

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By email: HESFconsultation@atec.gov.au

Dear Higher Education Standards Panel (HESP),

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

Submission from Macquarie University

Thank you for the opportunity to respond to the Higher Education Standards Panel's consultation on amendments to the Higher Education Standards Framework (Threshold Standards) 2021. Periodic reconsideration of the Threshold Standards is appropriate and necessary if Australia's higher education regulatory architecture is to remain contemporary, coherent, and proportionate. The five areas identified for attention – addressing racism, governance and transparency, support for people with disability, emerging technologies, and a cyclical review mechanism – are all legitimate matters for consideration.

Our submission proposes that any amendment should preserve the character of the Threshold Standards as a principles-based quality assurance instrument. The standards work best when they define threshold expectations clearly and at the right level, while leaving legislation, guidance, and institutional practice to do the more detailed work. The review should focus on carefully refining the existing standards architecture, rather than turning the HESF into a more prescriptive code.

Sincerely



Professor S Bruce Dowton MD

Vice-Chancellor and President

ATTACHMENT

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

OVERALL RESPONSE

The Threshold Standards should remain focused on their central purpose: assuring the quality, integrity, and sustainability of higher education provision in Australia. The HESF is strongest when it sets threshold expectations in a durable way. It becomes weaker when it is used to carry detailed stipulations better suited to legislation, subordinate rules, guidance, or codes of practice.

However, Macquarie does not interpret ‘principles-based’ as a reason to avoid specificity where specificity is genuinely needed. In areas such as racism, disability, public office standards, or emerging technologies, the challenge is not whether the Framework should respond. Rather, the challenge is how the Framework should be adjusted to respond without losing coherence.

A careful approach to refinement is needed to ensure that the HESF remains a stable, principles-based threshold instrument aligned with legislation and supported by guidance. The approach should be evidence-informed, attentive to the cumulative regulatory burden on providers, and transparent about student interests it is designed to protect.

DEMONSTRATING A COMMITMENT TO ADDRESSING RACISM

Macquarie supports explicit recognition in the Framework that Universities must foster environments that are safe, inclusive, and conducive to participation and success for all students and staff. The current standards already speak to safe and equitable environments, but do not explicitly require a demonstrated commitment to addressing racism. This gap is real and should be closed.

More broadly the amendment should:

- reinforce provider responsibility to maintain safe, respectful, and inclusive environments.
- require providers to have effective institutional arrangements to prevent and respond to racism.
- avoid overly detailed or exhaustive prescription in the standards themselves.

Universities are places of intellectual challenge, contestation, and open inquiry. Any drafting should be framed so that it strengthens safety and inclusion while remaining consistent with freedom of speech and academic freedom, which are already recognised in the HESF. The present standards require the governing body to maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected, students and staff are treated equitably, and wellbeing is fostered.

A sensible amendment would be to clarify expectations around anti-racism as part of a safe and equitable learning environment, rather than creating a heavily stipulative standalone regime within the HESF.

On the consultation questions, we would suggest that “specific actions” in the standards should be limited to threshold matters such as requiring providers to have institution-wide policies, reporting pathways, education and prevention measures, and review mechanisms. Operational detail should sit in guidance. Guidance could cover definitions, examples of proportionate evidence, links to anti-discrimination law, complaints handling, staff capability, and how to balance anti-racism obligations with freedom of speech and academic freedom.

GOVERNANCE PRINCIPLES, TRANSPARENCY, AND STANDARDS OF PUBLIC OFFICE

Sound governance is central to public confidence in the sector. The consultation paper argues that there is evidence of continuing variability in governance capability, transparency, and accountability, and canvasses both the incorporation of the University Governance Principles and the possibility of a new Part C applying only to public universities.

Macquarie does not support the creation of a separate Part C applying only to public universities. Any such segmented approach may introduce unnecessary complexity into what is currently a coherent threshold instrument. It may also create the impression that governance quality is principally, or only, a public university issue, when sound governance is a whole-of-sector expectation. If there are specific transparency obligations that government wishes to impose on public universities because of their public character, there is a stronger case for locating those obligations in legislation or in a targeted legislative instrument, rather than in a threshold framework that otherwise applies across provider categories.

Expectations about lawful, ethical, and responsible conduct are clearly relevant and should be expressed in the HESF only to the extent that they bear on effective governance of higher education quality and integrity. The HESF should not become a substitute for broader public sector law, corporations law analogues, remuneration rules, or ministerial accountability arrangements.

The existing HESF already contains a substantial governance architecture in Domain 6. Standard 6.1 requires a formally constituted governing body with independent members and competent oversight over all Australian operations, including accountability for awards and compliance with the HESF. Standard 6.1.4 also already requires the governing body to maintain an environment in which freedom of speech and academic freedom are protected, people are treated equitably, wellbeing is fostered, and students can participate in institutional processes. Standard 6.2 then requires systematic monitoring of operations, risks, incidents, complaints, integrity matters, and compliance lapses.

We instead suggest the strengthening of Domain 6 where genuinely needed, keep core governance standards sector-wide, and use legislation, not the HESF, for public-sector-specific disclosure or public office requirements.

On the University Governance Principles specifically, Macquarie sees merit in retaining them as a standalone document, analogous to the ASX Corporate Governance Principles and Recommendations, with Standard 6 containing a reference to them sufficient to provide enforceability. This preserves the Principles' flexibility, while ensuring they carry regulatory weight.

ACADEMIC OVERSIGHT, STAFFING PROFILES, AND TEACHING QUALITY

The consultation paper also links governance reform to stronger standards on academic oversight, staffing profiles, and teaching quality. There is a sensible case for better articulation here, but the current HESF already contains useful foundations in 3.2 Staffing. The current standards already require providers to maintain sufficient academic staffing, with the capability to exercise appropriate academic oversight and intellectual leadership, and with staff whose disciplinary expertise and pedagogical skills are current.

The issue is whether the current wording is sufficiently clear. If refinement is required, it should strengthen expectations around academic oversight and staffing sufficiency, not introduce prescriptive staffing ratios into the HESF. The Framework should recognise institutional diversity while making clear that educational quality ultimately rests on adequate academic capacity and oversight.

SUPPORTING PEOPLE WITH DISABILITY IN HIGHER EDUCATION

Macquarie strongly supports improving outcomes for students and staff with disability. The consultation paper observes that the existing standards require compliance with disability legislation but do not explicitly reference inclusive practices, disability-specific responsibilities, or staff obligations. It canvasses strengthening the Framework through inclusion, universal design, and inherent requirements. These gaps should be addressed.

We support explicit reference in the HESF on inclusive participation and equitable access. The consultation paper presents universal design as a way of reducing systemic barriers and improving accessibility from the outset, while acknowledging that individualised supports will still be needed.

The standards should not attempt to codify detailed disability practice. The University proposes threshold expectations that providers:

- design and deliver learning environments, services, and processes inclusively.
- identify and respond to barriers to participation and success.
- provide timely and appropriate support and reasonable adjustment consistent with law.
- communicate inherent requirements clearly, accurately, and review them regularly.

On inherent requirements specifically, the consultation paper is right to highlight the need for currency, accuracy, and alignment with universal design principles. That said, “inherent requirements” must not become a mechanism for unnecessary exclusion or defensive overreach. The standards should emphasise that such requirements must be academically and professionally justified, transparent, capable of review, and considered alongside reasonable adjustment obligations.

As with racism, detailed examples, interpretation, and implementation advice should sit in guidance, not in the standards themselves.

EMERGING TECHNOLOGIES

The consultation paper proposes stronger requirements around governance oversight, academic integrity protections, data management, and risk management frameworks in relation to emerging technologies, including generative AI. It also asks whether the term “emerging technologies” is itself adequate.

Our view is that the HESF should not embed detailed, technology-specific rules. Technologies evolve too quickly, and regulation drafted against a particular generation of tools risks obsolescence or unintended rigidity. The Framework should instead articulate enduring principles and institutional responsibilities.

The current standards already provide part of the foundation. Domain 5.2 addresses academic and research integrity. Domain 6.2 requires providers to monitor risks and take corrective action. Domain 6.3 addresses academic governance. These can support principled oversight of technology-related risks without the standards trying to specify every permissible or impermissible use case.

Any amendment should be framed around the following threshold expectations:

- providers should have effective governance and academic oversight of technologies that materially affect teaching, assessment, research, student equity, privacy, and institutional risk.
- providers should ensure that learning outcomes and assessment remain valid and credible.
- providers should support staff and students to engage with new technologies responsibly and effectively.
- providers should manage technology-related risks proportionately and transparently.

We would also urge caution on terminology. “Emerging technologies” is serviceable for a consultation, but as drafting language it may age poorly because some relevant technologies are no longer emerging. A broader phrase such as “digital and other technologies that materially affect higher education delivery, assessment, research, or institutional operations” may prove more durable. Even so, the key point is not the label; it is that the standard should remain principle-based and technology-neutral.

More broadly, the Framework should resist a “guardrails first” posture if that is taken to mean front-loading prohibition and prescription. Universities should be expected to approach new technologies with curiosity, seriousness, and proper governance. The threshold standard should require capability and responsibility, not institutional timidity.

CYCLICAL REVIEW OF THE THRESHOLD STANDARDS

We support a regular review cycle. The consultation paper notes that the Australian Tertiary Education Commission Bill, currently before Parliament, proposes a five-year cyclical review of the Threshold Standards.

A five-year cycle is sensible. It balances stability with responsiveness, and it reduces the risk that change is made only in reaction to controversy or crisis.

In our view, a cyclical review should be evidence-informed, explicitly threshold-focused, attentive to cumulative regulatory burden, informed by implementation experience under the current standards, and transparent in its treatment of sector diversity.

Stakeholder engagement should be broad and meaningful. Universities, other providers, students, staff, regulators, professional bodies, equity groups, and community representatives should be canvassed.