

17 March 2026

Professor Helen Bartlett
Higher Education Standards Panel
Via email: HESFconsultation@atec.gov.au

Dear Professor Bartlett

The Australian higher education system is in the midst of a national examination of the ways in which public and private providers operate, the extent to which they meet the needs of students and staff, and the expectations of other stakeholders and communities.

Monash welcomes this opportunity to contribute. The remedies are not simple and the overall environment is complicated with variously applicable Commonwealth, State and Territory mechanisms and instruments.

The nature of the Higher Education Standards Framework (Threshold Standards)

The discussion paper signals an intention to introduce greater levels of prescription and guidance into the Framework. This would represent a departure from the Framework's core function as a set of standards, where Part A specifies "the minimum acceptable requirements for the provision of higher education in or from Australia by higher education providers registered under the TEQSA Act" and Part B "enables categorisation of different types of providers" (p3).

The Threshold Standards are intentionally high-level and principles-based. This approach supports a diversity of institutional contexts and focuses regulatory attention on outcomes rather than prescribed processes. The Standards are not designed to function as guidance or operational instruction, and amendments should remain consistent with this model.

This view is consistent with observations made during the development of the University Governance Principles. The Chair of the Expert Council on University Governance, Melinda Cilento, noted that additional prescriptive regulation will not necessarily resolve governance challenges in the sector. We agree that increasing prescription within the Framework would risk undermining its established role as an outcomes-focused standards regime.

Contemporary issues are more proportionately and appropriately addressed in an agile and flexible manner through mechanisms such as TEQSA's Statements of Regulatory Expectations, Guidance Notes, statutory requests for information and thematic assessments.

We strongly recommend the continued use of principles over prescription to allow for adoption based on a provider's own purpose, need and scale.

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The proposals under consultation

The current Framework addresses student and staff wellbeing in two separate domains - *Learning Environment* for students (Domain 2) and *Governance and Accountability* (Domain 6) which includes obligations to staff. TEQSA has worked collaboratively with the sector, student groups and other stakeholders over many years to assure student wellbeing, in particular through providing Best Practice Notes, involving significant engagement. We recommend consistent treatment. Complex structural issues such as racism, discrimination and barriers experienced by students living with disability cannot be addressed solely through prescriptive standards, prescriptive or otherwise. They also require sustained collaboration between higher education providers, governments, student communities and advocacy organisations to support meaningful change across the sector.

Should it be determined that the framework needs to be more explicit in relation to privacy, disability and racism then we recommend that the relevant matters be incorporated within the existing standards rather than through the creation of a separate standard, and in a manner that is sufficiently high level to avoid duplication or conflict with existing obligations under other Commonwealth/State legislation relating to privacy, disability and racial discrimination. These other instruments are developed by subject matter experts following broad and deep consultation, and we note that both the Disability Discrimination Act, and Disability Education Standards, are currently under review.

Similarly, issues that could arise relating to emerging technologies (or indeed any emerging concepts and practices) are already addressed by standards within all seven of the domains, most particularly *6.2.1e risks to higher education operations have been identified and material risks are being managed and mitigated effectively*, *1.4.3 Methods of assessment are consistent with the learning outcomes being assessed, are capable of confirming that all specified learning outcomes are achieved and grades awarded reflect the level of student attainment*, and *3.3 Learning resources and educational support*.

We support the inclusion of the University Governance Principles into the Threshold Standards, where they are not already addressed. We do not support their application being limited to public universities as a new Part C of the Framework. (The argument that public providers are not subject to board oversight is not sound, nor is it true that all private providers are covered by ASX corporate governance regulations.) The Framework should remain broad and inclusive with its standards applying across the sector. The existing Part B allows for category specific items and the forthcoming enhanced Mission Based Compacts should be used for tailored arrangements with Table A providers.

Review, impact and timing

Any amendments to the Threshold Standards should continue to be student-centred, outcomes-focused and in line with community expectations. Additional reviews and reporting obligations come at a financial cost. Both the Expert Council on University Governance and the Senate Education & Employment Committee Inquiry into Governance at Australian universities recognised the long term decline in public funding for core education and research functions, and acknowledged the effect this has had on public university budgets and expenditure allocations, course quality, student experience, staffing and workplace relations.

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We request that consideration be given to the timing of any amendments, to avoid conflict with any recommendations of the Department of Education / University Australia Better Regulation Working Group running until year's end that would require further legislative change with associated workload.

As a comprehensive university with a large campus network in Australia and overseas we have a keen interest in the currency of the Framework, as well as ensuring it remains fit for purpose within the full suite of governance and regulatory mechanisms. We are grateful for the consideration being given to the changes and look forward to participating in the next stage of this review, specifically, to provide feedback on the proposed amendments once they have been drafted.

Our responses to the questions in the discussion paper are attached.

Yours sincerely



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Amendments to the Higher Education Standards Framework (Threshold Standards) 2021 | Discussion questions

Demonstrating a commitment to addressing racism

1. What specific actions should higher education providers be required to take to demonstrate a clear, institution-wide commitment to addressing racism?
 - The current Threshold Standards require providers to foster equitable and safe learning environments (2.2 and 2.3), and for governing bodies to ensure a safe and participatory institutional environment is maintained for staff and students (6.1.4). This includes a commitment to addressing racism without being explicit.
 - It is appropriate that 6.2.1g and 2.2.2 refer explicitly to the experience and participation of Aboriginal and Torres Strait Islander Peoples in higher education, and the prioritisation/inclusion of First Nations cultures and knowledges. We note the language of 6.2.1g does not reflect contemporary approaches and recommend further consultation occur on the inclusion of self-determination and cultural safety throughout the framework.
 - Providers are specifically obliged to meet standards and act in accordance with other legislation (6.2.1a) and this includes legislation related to racism and discrimination, along with other obligations, e.g. tax, employment law, privacy etc.
 - We do not recommend a separate anti-racism standard, and recommend anti-racism be incorporated within existing standards (e.g. wellbeing, safety, governance). We note that other areas of inclusion and/or equity cohorts, or expressions of harm have not been identified in the Standards. Specific and/or targeted amendments may also risk further need to revise standards in the future.
 - Specific actions should not be prescribed. Outside the Standards, examples of actions could include mandatory or encouraged training, resource development, targeted interventions by cohort, community development interventions and social messaging campaigns.
2. What targeted guidance would most effectively support providers to meet strengthened anti-racism expectations?

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3. What are the principal benefits and potential limitations of explicit anti-racism standards compared with reliance on existing wellbeing, equity and governance provisions?
- The current Threshold Standards implicitly include racism. Universities must also comply with the Commonwealth *Racial Discrimination Act 1975* and in Victoria the *Racial and Religious Tolerance Act 2001* and *Equal Opportunity Act 2010*. Analysis is important to understanding the nature and scale of problems including where they are entrenched. Transparent reporting can illuminate the response to change, identifying what is and isn't working, promoting accountability and catalysing change. Monash University recently published its inaugural 2025 Annual Report: [Disclosures of Racism and Institutional Response](#). It outlines Monash's institutional responses to racism-related incidents that have been reported to Monash's Safer Community Unit during the 2025 reporting period.
 - Monash University's [anti-racism statement](#) sets out our commitment and our practices both to foster a safe and equitable environment and to take action if anyone in our [community experiences racism](#)
 - There is a benefit to modernising terms used in the Standards, some of which appear deficit-based (e.g. 2.2 "accommodate student diversity"). It is also possible that explicit inclusion of anti-racism standards could promote consistent and foundational understanding and institutional accountability within the higher education sector.
 - Limitations include:
 - separating racism from other experiences of harm or marginalisation may not reflect the fullness of an individual's experience.
 - The inclusion of staff in the application of such a new obligation should be considered carefully to avoid conflict or duplication with existing instruments including enterprise agreements, staff contracts, and applicable employment laws, which may differ across jurisdictions.

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Incorporating the University Governance Principles and transparency requirements

4. If a new Part C is created to incorporate the University Governance Principles, what are the advantages and risks of having some standards apply only to 'public universities'?
- The HESF is structured as principles-based thresholds - minimum acceptable requirements. HESA and Mission Based Compacts are the logical sites for specific application and tailoring.
 - We support the University Governance Principles. Many of them are implicit in the Threshold Standards and other obligations owed by public universities and other providers. There is benefit in incorporating these principles within the existing clauses of 6.1, 6.2, 6.3 and 7.3. We recommend a comprehensive mapping of the two sets to ensure consistent treatment (including guidance notes).
 - Transparency and reporting requirements are determined by the State/Territory in which the institution is established
 - Monash reports annually to the Victorian Parliament and relevant Minister, in accordance with the standards for annual reports by public sector agencies. The reporting process includes auditing of the annual accounts of universities by the Victorian Auditor-General's Office. University annual reports are a vital accountability and transparency mechanism and have resulted in some sector-leading reporting requirements.
 - Additionally, it is intended that university annual reporting requirements and performance measures be included as part of Mission Based Compacts.
 - If adopted, the application of the University Governance Principles should not be limited to 'public universities.' We disagree with the implication in the discussion paper (p13) that public universities are not subject to board oversight, and conversely, we note that not every private provider operates with a board or is listed on the ASX.
 - The risk of having these principles apply only to public universities is that there could be different standards/expectations within similar study environments (e.g. student studying similar degree/content at public v. private university, or at a TAFE). The organisational structure of the provider should not determine the obligation/service level expectation to the student.

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- If they are not deemed to be broadly applicable, they could be added to the existing Part B of the legislation for relevant provider categories.
5. How might strengthened standards on academic oversight, staffing profiles, and teaching quality affect student outcomes and experience?
- This warrants very careful consideration to avoid unintended consequences.
 - Any amendment to the Standards in relation to academic oversight would need to acknowledge the distinction between academic governance, for example, quality assurance of course learning outcomes, and the operational arrangements for academic staffing.
 - At Monash, the Academic Board is the principal academic body of the University, with powers and functions assigned through the Council regulations. The Academic Board both informs the University Council on academic matters and supports compliance with the HESF.
 - We note that the Expert Council on University Governance recommended that Academic Boards support and advise the governing body with annual reporting of staff profile by course level. For Monash, we are concerned that this level of reporting would have limited benefit, given our existing mechanisms for quality assurance.
 - While the Academic Board is an active contributor to debates regarding academic direction and quality at the University, it does not have responsibility for operational matters such as the distribution of resources or for determining the academic profile of the institution.
 - We believe the greatest improvements to student experience and outcomes derive from academic governance and the elevation of student and staff voices in decision making. At Monash this occurs through the Academic Board and its sub-committees for education and graduate research, and a range of other consultative forums, including for example: the Vice-Chancellor's Student Presidents Advisory Forum; the Monash Indigenous Congress; the Equity, Diversity and Inclusion Committee; the Respect at Monash Advisory Committee; the Monash OHS Committee; and campus-based student experience networks¹.

¹ As outlined in our submission to the Victorian Government Inquiry into enhancing Victorian university governance, available on request

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Supporting people with disability in higher education

6. To what extent would the proposed themes in the consultation paper (*inclusion, universal design and inherent requirements*) drive a more inclusive and equitable higher education system and improved student outcomes?
- The current Threshold Standards require providers to foster equitable and safe learning environments (2.2 and 2.3), and for governing bodies to ensure a safe and participatory institutional environment is maintained for staff and students (6.1.4). This includes access and inclusion for students living with disability without being explicit.
 - We do not recommend a separate standard, and encourage incorporating disability within the overarching standards for students and staff, if the intention is to include other expressions of harm and equity cohorts beyond disability and racism.
 - The HESP should seek to revise the language of the Standards to include terminology that addresses these proposed themes (e.g. universal design, inherent requirements) rather than introducing new/additional standards to the Framework.
 - We support universal design, equal opportunity and inclusion as system-level principles, with the following caveats:
 - Language / concepts can be contested, and change over time, limiting currency
 - Disability exists within both social and medical models - higher education uses both
 - Neurodiversity is not universally agreed upon as a disability, nor always linked to a medical diagnosis, although it can be disabling for some.
 - Language proposed is unclear - inclusion should not be used interchangeably when referring solely to disability. We recommend clarity, e.g. 'improve university learning and campus environments for people with disability' and use broader language like universal design for learning, or inclusion when referring to all people
 - As noted in the discussion paper, other legislation exists which the Threshold Standards require providers to comply with. This legislation, developed by relevant experts with consultation across all stakeholders, supports best practice.

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- The review of the Disability Discrimination Act continues. It is based upon the findings of the Disability Royal Commission and has involved considerable subsequent consultation with stakeholders.
 - The 5-year review of the Disability Education Standards is also continuing
 - It would be preferable for HESF to continue to refer to these instruments, rather than create a shadow set of Standards that risks duplicating obligations or worse introducing inconsistent standards, when the primary legislation is changed. By referencing the legislation rather than specifics within it, the HESF will maintain its currency without requiring legislative updates every time there is a change in the primary legislation.
7. To what extent would the proposed themes promote accountability, better governance and improved provider practice to support people with disability in higher education?
- We recommend a focus on the outcomes for students to achieve and the features of the system that support this
 - The proposed language is unclear and not necessarily aligned to an outcome, for example:
 - Outcomes could be to prevent ableism through targeted interventions, to create a more inclusive learning environment, and to improve outcomes for students with disability.
 - Would the proposed standard apply to students with disability, who are solely registered with disability support services within the university? For these students there are funding considerations and existing obligations within legislation.
 - There appears to be an underlying assumption that standardisation will result in better quality outcomes. In reality, diversity of provider approaches does not necessarily equate with inconsistency or poor quality, it is reflection of context, scale, community and purpose.

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Emerging technologies and the Higher Education Regulatory Framework

8. Does the term ‘emerging technologies’ adequately capture the range of innovations and digital technologies that are transforming higher education? If not, please suggest alternative terminology.
- There are many emerging issues and concepts that require consideration for risk treatment or other action within the higher education sector, including new technologies, pedagogies, threats and protections.
9. Do the standards currently provide adequate guidance to manage risks related to emerging technologies?
- The Standards already address issues raised by the emergence of new technologies (e.g. 6.2.1e relating to risk identification and mitigation, and also 1.4 Learning Outcomes and Assessment, 2.1 Facilities and Infrastructure, 3.3 Learning Resources and Educational Support, 4 Research and Research Training, 5.2 Academic and Research Integrity, and 6.3 Academic Governance)
 - Given the pace of change and uncertainty around future uses, risks and opportunities of a range of new technologies and practices, any specific guidances within the standards are likely to become outdated within the short to medium term, or incompatible with other national governance frameworks for technologies such as AI. Both of these situations would necessitate further legislative change.
 - As noted elsewhere, HESF is a set of minimum acceptable requirements for higher education. Best practice and treatment of emerging issues is most effectively managed through other coordinating processes and practices of TEQSA, which have historically achieved sector-wide buy-in and participation. The generative artificial intelligence example referred to in the discussion paper (involving the sector-wide request for information and subsequent publications/toolkits) demonstrates how existing

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provisions of the TEQSA Act (such as s60 thematic reviews) can be leveraged effectively to test and support the sector to manage risks associated with new technologies.

10. How should amended standards appropriately balance the management of risks with the need to preserve provider flexibility, so as to support ongoing innovation?
- The proposal emphasises risk to the detriment of opportunity. For example, if providers must act in accordance with a rigid requirement or wait for a new regulation, rather than have flexibility to identify and develop solutions that might be more fit for purpose.
 - Consistent with our position on other regulatory activities, we recommend emerging risk be addressed through mechanisms such as the Statement of Regulatory Expectations, Requests for Information and the annual Risk Assessment process. As well as being proportionate to risk, these regulatory instruments are adaptable (i.e. not forever binding), familiar to the sector, effective, and don't require legislative change.

Approach to a cyclical review of the Threshold Standards

11. What methodological approaches should underpin a cyclical review of the Threshold Standards to ensure it is robust, proportionate and evidence-informed?
- We support reviews as a way of ensuring common understanding about issues, standards and best practices.
 - If it is proposed to implement a regular review cycle, we recommend a separate program of development, including global scanning, comprehensive stakeholder and expert consultation, current data, workshops, etc to develop the methodological approach and complete process, including review time frame.
 - More generally, we recommend against frequent changes to the standards and suggest that seven years (consistent with other TEQSA review cycles) would be more appropriate, with use made of other instruments such as Statements of Regulatory Expectations and Compliance Assessments, which do not bind the whole sector.
 - The level of prescription included in the standards will have a significant impact on the review cycle. Overarching principles have the advantage of being flexible enough to bear longer review cycles. Greater detail/level of proscription, especially with respect to issues already covered in more targeted legislation, will necessitate more
12. How can a review process be designed to meaningfully engage a diverse range of stakeholders?

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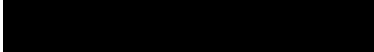
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frequent updating, at considerable burden to both government and providers.

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