

**Submission to the Higher Education Standards Panel:
Amendments to the Higher Education Standards Framework
(Threshold Standards) 2021**

**Professor Sally Kift
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Q1. What specific actions should higher education providers be required to take to demonstrate a clear, institution-wide commitment to addressing racism?

Preamble

Addressing the matters raised in the consultation should be progressed as a **holistic set of integrated reforms** (rather than siloed disaggregated initiatives) to enable the transformation of provider strategy, structures and culture across all facets of their operations for safer, more inclusive, universally designed "university-for-all/ provider-for-all" institutions. The linkages across the reforms can be exemplified as follows: the *Racial Discrimination Act 1975 (RDA)* makes it unlawful to discriminate against a person because of their race, colour, descent, national origin or ethnic origin, or immigrant status; the *Disability Discrimination Act 1992 (DDA)* makes disability discrimination unlawful and promotes equal rights, opportunity and access; the impact of "emerging technologies" can be discriminatory and exclusory if not managed and pursued with a keen equity-mindedness for inclusive education; and, all of these various matters (and more besides) must be the subject of ongoing corporate governance understanding, focus and oversight for enhanced outcomes, legislative and regulatory compliance, and day-to-day risk management and mitigation. It is particularly important in this early framing to draw attention to the increasing need for an **intersectional approach to cohort diversity and inclusion advancement**. For example, students with disability, may also be First Nations (at 20%), from low socio-economic backgrounds, from a regional or remote community (at 19%) and be subjected to racism, discrimination, marginalisation, and systemic exclusion on these bases, as well as potentially being subjected to gender-based violence. Single-cohort siloing of these matters masks and fails to adequately deal with the exacerbated disadvantage of this lived experience.

The eventual implementation of the new HESF standards, should be supported by expertly co-designed TEQSA guidance and statements of regulatory expectations as appropriate, the national development of quality assured, co-designed resources and training to support the new standards' implementation, and be monitored and evaluated against transparent success measures that include measurable targets and robust auditing practices. As regards specifically the necessity for investment in capability training as a critical enabler of sector-wide, system-wide transformation (e.g., for anti-racism, disability awareness, universal design and universal design for learning), it is noted that a companion piece of work is also being conducted through the interim Australian Tertiary Education Commission (ATEC) for "Enhancing professional practice in Australian higher education teaching" (EPPHE) being led by Emeritus Professor Liz Johnson. This work is examining and consulting on a "possible framework to drive continuing improvement of teaching quality and enhance professional practice in Australian higher education teaching" and is intended to develop recommendations for the ATEC. This important agenda, which is also proposing changes to the HESF, will further support the implementation of the new HESF standards being proposed here.

Have made these preliminary comments, I now provide the following comments in relation to Question 1.

The HESF should fundamentally align with a university-for-all/ provider-for-all ethos and commitment, that has universal design (UD, of which universal design for learning (UDL) is a component) at its core for equity and inclusion by default and anchored in compliance with Australian law. The *Irish National Charter for Universal Design in Tertiary Education* (the ALTITUDE Charter [ALTITUDE Charter - Atlantic Technological University](#)) is a cogent example of how this might be well implemented across Australian higher education (HE).

In this context for example, providers should be required to evidence a whole-of-institution anti-racism commitment strategically, structurally and culturally that is **(1) proactive, anticipatory and systemic, (2) capability-led and curriculum-enabled and, (3) governance-accountable and transparent**. For example:

A. [Whole-of-institution – proactive, anticipatory and systemic](#)

1. Embedding UD and accessibility in organisational strategy and policy to enact a **whole-of-institution UD approach** across the four ALTITUDE pillars – Learning, Teaching & Assessment; Supports & Social Engagement; Physical Environment; and, Digital Environment – with a standing cross-functional committee, annual workplan, and public reporting on progress. The Irish ALTITUDE Charter provides an example of implementation scaffolding in this regard.
2. **Publish a provider anti-racism plan** with measurable actions and targets aligned to the AHRC Respect@Uni recommendations (for governance, complaints, curriculum, workforce), co-designed with students and staff (including First Nations, Jewish, Muslim, Palestinian, and refugee and forced-migration communities) and reported annually to Council/Senate.
3. **Set and monitor compliance with the RDA** across study, work, accommodation and physical and digital spaces (with vicarious liability awareness), and explicitly reference anti-racism in codes of conduct and staff/student charters.
4. **Guarantee an accessible, navigable complaints systems** that meet TEQSA's existing Statement of Regulatory Expectations (for multiple entry points, trauma-informed processes, protections against reprisals, governing-body oversight), and publish de-identified trends and remedies.
5. **Prioritise social cohesion, inclusive, non-discriminatory and anti-racist environments in institutional strategy and in risk and compliance management**. For example, ensure policies and incident responses address heightened tensions (e.g., First Nations discrimination, antisemitism and Islamophobia (and disability below)), while upholding freedom of speech/academic freedom, as the HESF otherwise requires and in accordance with TEQSA guidance.

B. [Capability led and curriculum enabled](#)

1. Mandate **co-designed professional development learning for all provider staff** (leaders, managers, academic (including sessional) and professional staff) for non-discriminatory environments and anti-racism, that includes cultural inclusion content as foundational skills (e.g., cultural awareness, intercultural communication, understanding diverse experiences). Consider the inclusion of targeted modules for specific cohorts as necessary and the development of companion diversity awareness and anti-racism training for all students.

2. As an implementation pillar of the broader HESF amendments proposed in this consultation, develop an **institutional work plan for unit/subject and course/program design reviews** for the re-design of inclusive curriculum and assessment, with UDL checks (multiple means of engagement, representation and action), culturally responsive content, and explicit guidance for facilitating respectful, critical dialogue on contested topics.
3. As an implementation pillar also of the broader HESF amendments proposed in this consultation, **review all information provision, policies, digital and physical accessibility, and support and service provision touchpoints** across the institution for positive, inclusive framing. See below for specific issues in relation to disability inclusion.

C. Governance accountability and transparency

1. **Collect and publish anti-racism metrics** (participation, complaints resolution timeliness, resolution outcomes, satisfaction and trust in process, training completion, curriculum audits, disaggregated where safe and appropriate) guided by Respect@Uni framing and recommendations.
2. **Recognise refugee and forced-migration cohorts explicitly** in anti-racism plans (not subsumed under generic ‘international’ or ‘CALD’ or ‘NESB’). Develop co-design supports, policy accretions and services with refugee-led partners, and align institutional monitoring to track outcomes across the student lifecycle (e.g., see 2026 [State of Refugee Education Report](#))

Q2. What targeted guidance would most effectively support providers to meet strengthened anti-racism expectations?

Commission the development of a short, practical TEQSA *HESF Good Practice Note: Anti-Racism by Design* organised around the ALTITUDE pillars and aligned to Australian law.

A supporting toolkit of resources might include, for example,

1. **A policy-to-practice checklist** (for university Councils/Senates, Academic Boards, senior executives and managers) mapping HESF clauses to concrete actions (e.g., as regards governance oversight, risk registers, reporting lines, and assurance mechanisms) aligned with [TEQSA’s social-cohesion letters and guidance](#) and the SRE on complaints.
2. **Curriculum and assessment exemplars (UDL in action)** For example, short case studies showing how to embed culturally responsive learning and teaching, modelled on the existing cogent examples of First Nations-inclusive curriculum for both the *what* and *how* of Indigenising curriculum (e.g., [Indigenising Curriculum at The University of Queensland](#) and [Beyond cultural competency: A rights-based pedagogical approach to Indigenising Australian university curricula](#)), and for how to facilitate respectful discussion of contested ideas (e.g., [Calling out Racism in University Classrooms: The Ongoing Need for Indigenisation of the Curriculum to Support Indigenous Student Completion Rates](#)).
3. **Complaints pathway design patterns** Map out ‘what good looks like’ per the **TEQSA SRE** (multiple channels, anonymous options, trauma-informed triage, anti-reprisal, clear timelines, trained staff), plus a minimum dataset for trend analysis and public reporting.
4. **Develop students-as-partners protocols** to enable safe and meaningful engagement with First Nations students and communities; Jewish, Muslim and Palestinian students; and

refugee-background students in co-design, co-evaluation and co-governance (with protections from harm) consistent with the **Respect@Uni** report.

5. **Develop Refugee-focused guidance** by way of a short guidance note and/or co-designed resource on addressing **racism affecting refugee and forced-migration cohorts**: trauma-informed practice, recognition beyond visa status, data collection options post-citizenship, and links to sector resources (eg., [State of Refugee Education in Australia – Refugee Education Australia](#))
6. **Develop governance guidance on necessary alignment between the HESF, Australian law and sector compliance and risk** Urgent work needs to be undertaken for awareness raising of requirements under the *RDA, Disability Discrimination Act 1992 (DDA)* and the *Disability Standards for Education 2005 (DSE)*, with awareness raising also including the compounding effect and frequency of **intersectional issues** (e.g., disability-racism issues). This governance resource should also include Universities Australia sector statements (e.g., on antisemitism definitions) and TEQSA action and guidance (e.g., to complement TEQSA’s existing [social cohesion materials](#) to assist providers translate expectations into measurable and auditable practice in a nationally consistent way without reinventing existing quality assured frameworks.

Q3. What are the principal benefits and potential limitations of explicit anti-racism standards compared with reliance on existing wellbeing, equity and governance provisions?

There are real benefits to explicit standards, across both racism and disability inclusion imperatives

- **Clarity and consistency** The current HESF provisions on wellbeing, equity and governance are necessary but currently generic and have been proven to be ineffective to shift practice for better outcomes at scale. An explicit anti-racism requirement, together with an explicit disability inclusion requirement, underpinned by mandated UD, removes ambiguity and drives consistent interpretation by governing bodies, Academic Boards and TEQSA – particularly around compliance and risk management, complaints management, data transparency, and co-designed interventions across all provider touchpoints over the student lifecycle.
- **Systemic focus** Explicit standards signal that racism (and disability discrimination) include(s) **structural** factors in all aspects of provider provision, including the visibility of strategic prioritisation, the quality of information provision, systems, policies and processes, universally designed curriculum for inclusion, teaching capability, data collection and analysis, workforce planning for diversity, and support and service provision. This mirrors the **AHRC Respect@Uni** findings and recommendations (and similarly actions decades of disability inclusion research, analysis and advocacy, including for example, the findings of the [Disability Royal Commission](#) and previous quinquennial reviews of the *DDA* and *DSE*).
- **Focus on inclusive (universal) design**: Embedding **UD (and UDL as a component of it)** enables inclusion as the default institutional positioning (reducing reliance on individual reactive accommodations and complaints). The **ALTITUDE** Charter providing an actionable blueprint to operationalise whole-of-institutional design across all organisational domains – physical; digital; supports, services and social engagement; and curriculum, learning and teaching – in a supportive strategic and policy environment.
- **Regulatory coherence** This approach aligns with TEQSA’s recent emphasis on student safety, social cohesion, and fit-for-purpose complaints handling. An explicit standard creates a common

regulatory reference point for expectation setting, provider action and assurance, and public reporting.

Potential limitations with possible mitigations might include

- **Risk of duplication or over-prescription** Sector feedback on TEQSA’s SRE warned against burden and overlap. This could be addressed by drafting a principles-based anti-racism standard with a concise Good Practice Note that endorsed more contextualised process prescriptions tied to existing reporting cycles.

The whole tenor of my submission is also around the meta necessity for inclusive, universal design, for an enacted and lived ethos of university for all and equity and inclusion by design.

- **Actioning the standard with capability development** Standards alone will not shift practice. Implementation of an amended HESF will require mandated professional development learning for all provider staff - leadership, managers, academic and professional staff – with the follow-up possibility of cohort-specific modules. This must also be backed by workload recognition and leadership accountability (and see also ALTITUDE’s role-based PD and strategic enablers). Again, the focus should be on inclusion, equity-mindedness and understanding of cultural diversity.
- **Avoiding fragmentation across cohorts** Siloed initiatives can miss **intersectionality** (e.g., disability + race; refugee + gender-based violence). Embedding **UD** as the underpinning and common philosophy to mainstream the inclusion, respect, valuing, and mattering of all students and staff is the most desirable whole-of-institution approach and most likely also to lead to bettering the lived experience of marginalised cohorts who have long been discriminated against. I would also argue in the context of endemic racism for the explicit recognition of **refugee and forced-migration** cohorts to avoid misrecognition.

Q4. 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’?

Summary Position:

Creating a Part C for public universities *could* lift transparency on matters uniquely tied to public purpose and state legislative remit. However, restricting key governance expectations to only one provider type risks regulatory fragmentation on issues (such as racism and disability discrimination) that are legislatively universal and currently under-assured across the broader sector for all provider types. **A hybrid approach is preferable:** Part C for public university specifics, together with targeted Part A (Domain 6 especially) uplifts that apply to all TEQSA regulated providers for (eg) anti-racism, disability compliance, social cohesion risk, and complaints transparency.

Advantages of a ‘public universities only’ Part C

- **Fit for purpose to public charters and legislative constitutions** Public universities have distinctive enabling Acts, governing body compositions and public accountability conventions. A Part C could codify University Governance Principles (e.g., as proposed regarding accountability, diversity of perspectives, independence, transparency, trustworthiness, inclusivity and responsiveness, sustainability, and fairness and responsibility) in ways that reflect those specifics and are targeted in responding to the now widely acknowledged and significant governance failings of universities.
- **Clarity for TEQSA’s assurance** A discrete Part C can crystallise expectations for public universities (e.g., for “if not why not” reporting against the Principles, performance dialogues, escalation

pathways) without diluting Domain 6's principles-based character. Private providers might view this as a long-awaited rebalancing of regulatory oversight.

- **Explicit visibility over public interest issues** The HESP's consultation foreshadows stronger disclosure and oversight for matters such as council composition, remuneration transparency, and public reporting. A new Part C could anchor these where shareholder-style checks (i.e., as for listed companies) do not exist. It has been suggested that a significant amount of work would need to be undertaken by all universities for them to be able to meet these requirements (e.g., see [Strengthening University Governance: Key Principles and Recommendations for Australia's Universities](#)).

Risks of 'public universities only' standards when some elements are applicable sector wide

- **Regulatory fragmentation as regards (universally applicable) legislative obligations** The *RDA*, the *DDA* and the *DSE* clearly apply to all HE providers, with the current HESF corporate governance requirements reinforcing an existing governance oversight remit to assure legislative compliance (i.e., Standard 6.2.1.a "the governing body and the entity comply with... any other legislative requirements"). If there was any sense that, by adopting Part C 'public universities' only governance requirements, the companion consultation paper issues canvassed (of anti-racism and disability compliance in particular) were somehow more applicable to public universities than to private or faith based providers, that would be most unfortunate as a matter of perception, even if not supportable in law.
- **Known compliance failures are sector wide** The governance principles are matters of good governance more broadly and are not issues unique to public universities only. Every HE provided regulated by TEQSA should acquit the standards of accountability, diversity of perspectives, independence, transparency, trustworthiness, inclusivity and responsiveness, sustainability, and fairness and responsibility. The subset of other issues raised in the consultation paper around anti-racism, disability inclusion, accessible complaints, psychosocial risk, and digital accessibility speak to the need for strengthened governance expectations for *all providers under Part A*.

To take the instance of disability inclusion and compliance as a specific example, this is a long-standing governance and compliance risk across all providers, not just public universities, and the duty of care owed to both students and staff applies regardless of provider type. The *DSE* clarifies providers' obligations to not discriminate across enrolment, participation, curriculum, assessment, supports, and harassment/victimisation – in circumstances where governing bodies should already be assuring compliance. Governance standards around accountability, diversity of perspectives, transparency, trustworthiness, inclusivity and responsiveness, sustainability, and fairness and responsibility would assist in delivering better outcomes for both students and staff with disability across all providers. Limiting governance uplift to public universities only would leave other providers with weaker minimum standards expectations, despite identical legislative obligations and duties.

- **Complexity for ATEC, TEQSA, staff and students** The HESF already applies to all providers; differentiating governance rules could complicate TEQSA's risk-based regulatory approach and reduce student and staff (and public) clarity about minimum requirements (e.g., for diversity, equity and wellbeing, accessibility, information provision, navigable trauma informed complaints processes; public data on case handling; social cohesion controls).

Suggested approach:

I would suggest that a new, short Part C could be created for public university specifics (composition disclosures; remuneration transparency; public “if not why not” reporting against the Principles), and that a simultaneous uplift of Part A (Domain 6 with cross links to Domains 2 & 5) for all providers should also occur as regards, for example: (i) *RDA* compliance and anti-racism strategy, action and reporting, (ii) *DDA* and *DSE* compliance assurance, (iii) social cohesion, (iv) psychosocial risk oversight and student and staff mental health and wellbeing, and (v) complaints management, accessibility and transparency. This preserves public sector nuance while ensuring clear visibility across universal legal duties and student and staff protections that are not provider-type contingent.

Q5. How might strengthened standards on academic oversight, staffing profiles, and teaching quality affect student outcomes and experience?

Summary Position:

Strengthening these standards will improve student outcomes *if and only if* they **(A)** are underpinned by proactive and systemic implementation across the whole-of-institution operations for universal design transformation, **(B)** are implemented with a focus on capability uplift (e.g., re UDL and inclusive curriculum and support implementation focussed on equity by design) and curriculum enablement (via UDL) as critical enablers of inclusion, equity and quality, **(C)** mandate companion capability uplift for *all* staff as discussed in Questions 1-3 above – leaders, management, academic (including sessional) and professional staff – for anti-racism and disability awareness raising broadly, and **(D)** require digital accessibility (WCAG 2.2 AA) and physical accessibility in all provider operations segmented across the student lifecycle, and **(E)** tie governance oversight to measurable (auditable) improvements in *disability and anti-racism* outcomes across the lifecycle.

For example, strengthened governance standards should assist with:

- **Shifting from reactive supports to proactive, universally designed-in quality, flexibility and accessible for all** For example: Academic Boards might exercise academic governance by examining evidence that courses are UDL-aligned and that modalities are *accessible and flexible* in ways that reduce barriers up front, lowering reliance on individual adjustments, and demonstrably improving student progression, success, belonging and engagement. Further matters regarding disability inclusion across the HESF’s several domains (e.g., for accessible websites, information provision, support and service delivery, and for staff) could be audited for *DDA* and *DSE* compliance via UD implementation.
- **Closing the loop by explicitly requiring governance oversight of these matters (e.g., disability inclusion and anti-racism) via regular/ annual metrics reporting and data insights across the student lifecycle** For example, tying governance oversight to disability-disaggregated Student Experience Survey (SES) data and Graduate Outcomes Survey (GOS) data, complaints analytics, and lived experience led governance bodies, would enable targeted interventions where cohorts experience lower satisfaction and outcomes across the student lifecycle stages.
- **Mandating baseline capability for all HE staff to assure provider compliance with legislative obligations as discussed in other sections in this response**
- **Ensuring that all providers have appropriate resourcing directed to training, professional development opportunities, and the roles needed to support systemic improvement across a provider** For example, ensuring that appropriate resourcing is evident for capability uplift (with

workload allocation) and the enabling of third space professional support (e.g., educational developers, blended learning designers, inclusive technology/ assistive technology roles). It is noted that many free resources and training opportunities in this regard are available in the disability context by the Australian Disability Clearinghouse on Education and Training ([ADCET](#)).

- **Addressing racism, First Nations inclusion, and social-cohesion risks as teaching risks** TEQSA's recent work makes clear that providers must prevent harm, ensure safe learning spaces, and train staff to manage tensions while upholding academic freedom. For example, embedding this into academic staff and professional staff competencies to improve student safety, trust, belonging, mattering, and engagement .
- **Assuring institutional websites, physical and digital environments, supports, services, curriculum, learning and teaching and procurement processes are all inclusive by design (and default)**

Why these matters *in tandem with strengthened governance requirements* will move the dial on student success and positive experience outcomes:

- **On the matter I am more competent to speak – disability – decades-long governance inattention to DDA and DSE compliance has harmed students across the lifecycle.** The *DSE* require non-discriminatory practice explicitly across enrolment, participation, curriculum/assessment and supports; yet regulatory signals (e.g., TEQSA's SRE on complaints) and evidence of continued, longstanding, poorer outcomes for students with disability show governance systems have been ineffective in assuring compliance, undermining access, progression, retention, success, satisfaction and graduate outcomes for equity cohorts generally and for students with disability especially. The same can now be said of systemic racism. Strengthened standards create measurable and auditable duties for Councils/ Senates and Academic Boards to assure this compliance.
- **Quality and equity via inclusive excellence are mutually reinforcing.** All data points across the lifecycle show persistent outcome and experience gaps for students with disability; embedding UD and UDL, building all staff capability, embedding lived experience governance mechanisms, and assuring accessible digital and physical environments are quality interventions that close equity gaps and work to remove systemic barriers. Moreover, they are proven to improve the student experience and outcomes for *all* learners. These are enhancements that should be assured across *all* provider types regulated by TEQSA.

Q6. To what extent would the proposed themes (inclusion, universal design and inherent requirements) drive a more inclusive and equitable higher education system and improved student outcomes?

Summary Position:

These proposed themes are warmly welcomed and long overdue. They will also drive real improvement if they are translated into explicit, measurable requirements in mission-based compacts that **(A)** shift practice from reactive, case-by-case accommodations to proactive, universal design by default, **(B)** make curriculum (learning, teaching and assessment) with embedded and other wrap-around support provision the first site of inclusion (via UD and UDL), and **(C)** are accompanied by the provision of nationally consistent, quality assured, disability-led good practice training and resources that can assure sector-wide capability uplift at the systemic level (e.g., for the implementation of UD and UDL, and the development of appropriate and compliant reasonable

accommodations and inherent-requirements that meet the needs of increasingly complex disability presentations at scale). Assuring alignment with the United Nations Convention on the Rights of Persons with Disabilities ([UN CRPD](#)) norms, the further assurance of disability-led governance and compliance should also be strengthened through expectations for quality Disability Action Plans (DAPs) and processes, meaningful disability-led inclusion in disability governance and institutional leadership, and the positive framing of disability inclusion within and across organisational strategy, policy, and processes. Disability inclusion and compliance with legislative requirements must become an institutional strategic priority.

I would strongly suggest that the framing in the consultation paper of “Universal design including in digital, physical, policy and in learning environments” be amended to specifically refer to “**curriculum**” (inserted after “policy” and before “in learning environments”) to make explicit that support and service provision while necessary is not sufficient, if the locus of the learning – the curriculum – remains untouched.

Inclusion and UD as a positive, systemic duty (not reactive adjustment)

- **The DDA and DSE already require providers to ensure students with disability can participate on the same basis** as others across the provider’s website, information provision, enrolment, participation, curriculum (including assessment), student supports and services, and digital and physical environments. Embedding inclusion and UD as an explicit HESF duty would operationalise those legal obligations in provider strategies, structures, systems, policies and processes rather than leaving them to ad-hoc and uneven presentation, delivery and workarounds. This moves the sector beyond reactive responses consequent on requests for accommodations and complaints made, towards designed-in inclusion for all by default. These approaches align with the 2025 Reviews of the *DDA* and the *DSE*, both of which have proposed the imposition of **positive duties of compliance**.
- Students with disability are the [fastest growing equity cohort](#) (12.4% increase in 2024 and a 19.2% over 2021-2024) but these students have consistently **lower** levels of [satisfaction](#), [access](#), [success](#), [attainment](#), [completion](#) and [employment](#) outcomes
- **The National Student Ombudsman** (NSO) in its first year of operation has [reported](#) significant complaints from students with disability (at around 12% - 13%).

There are **currently considerable barriers to advancing disability inclusion sector-wide**, which amendments to the HESF would help overcome by driving systemic and systematic improvement.

Issues for advancing disability inclusion include:

- The lack of national HE/ tertiary education strategies that set **targets** to drive national uplift; e.g.,
 - No **National HE/Tertiary Disability Inclusion Strategy**
 - No **HE/Tertiary Mental Health Charter** (a particular issue and under-recognised risk given mental health conditions are the [largest category of disability type](#))
 - No *Universal Design Campus Guidelines* (for digital and physical accessibility)
 - No equivalent to the UK [Disabled Student Commitment](#)
- **Patchy and uneven institutional responses** due to: the non-mandatory and variable quality of Disability Action Plans (DAPs); limited UD and UDL adoption; inconsistent, unfair practices around the provision of necessary ‘reasonable adjustments’, learning access plans (LAPs), and inherent requirements; and, limited

support for key transitions points over the student lifecycle (e.g., particularly for transition in, transition to Work Integrated Learning ([WIL](#)), and transition out to [employment](#))

- **Variable all staff awareness and capability** – across leadership, managers, academics (including sessional) and professional staff – **and rising complexity in student need and demand** (e.g., unmet needs regarding student mental health, management of large numbers of non-disclosing students, accommodating **intersectionality** (e.g., regional and remote students with disability 19%; First Nations students with disability at 20%), huge increases in neurological conditions (an increase of 163% over 2021-2024);
- A specific and recent **pressure point has emerged** with the magnitude of generative artificial intelligence’s impact on reasonable adjustments for assessment: the sheer number of accommodations now required with the sector’s reversion to invigilated examinations for assessment security is further straining an already stretched sector’s capacity for transformation.
- There is extensive evidence showing that current **sector-wide responses remain fragmented, inconsistent and reactive**. Positioning inclusion and UD as a whole-of-institution standards, tied to explicit governance oversight of compliance and risk, closes that gap and will work to ensure that institutional practice is aligned systemically and systematically with the Government’s post-Accord aspirations for equity uplift, including assuring the impact for better outcomes consequent on the 2025 quadrupling of the Disability Support Fund (DSF) under the Disability Support Program ([DSP](#)).

Universal Design (UD) (and UDL) as the transformation trigger

- Making the **implementation of UD (of which UDL is one component) explicit** in the standards will address the chronic ‘retrofit’ problem that currently exists. Mainstreaming inclusion and UD adoption, so that all learners are transformatively included by default without the need for adaption or reactive specialised design, will improve participation, success and retention by reducing the volume of individual adjustments, especially in response to system shocks such as the GenAI-driven reversion to invigilated exams mentioned above. The [ADCET](#) has a range of quality assured and disability-led resources and training freely available to advance the implementation of system-level UDL adoption. The ADCET is national enabling infrastructure that is currently seeking sustainable, long-term funding to assure its continued provision and expanded capability to drive cost-effective, quality-assured, disability-led uplift at scale
- A particular priority is that standards-mandated UD must include **digital accessibility**. Providers should be required to meet **WCAG 2.2 Level AA** for all web pages, information provision, systems, content, platforms, and proctoring/AI tools, together with accessible procurement and infrastructure policies, and public accessibility roadmaps made available for accountability and transparency. WCAG 2.2 Level AA is now the Australian Human Rights Commission (AHRC) [recommended minimum baseline](#) and it is already reflected in [Australian government practice](#). All institutional documentation should be compatible with screen readers in accordance with [AS ISO 14289.1](#).

Inherent requirements: national consistency, clear necessity test, and UD and UDL alignment

Without high quality, disability-expert-led national guidance, ‘inherent requirements’ are too often arbitrary and inconsistent and may unlawfully restrict disability inclusion and participation. A nationally consistent framework (co designed and disseminated through ADCET) should require: **(A)** a clear connection to essential learning outcomes/competence, **(B)** [UN CRPD](#) evidence that barriers

cannot be removed with reasonable adjustments or UDL aligned alternatives, and **(C)** governance sign-off with disability-led input. This aligns directly to the *DSE*'s 'on the same basis' test and would see many of the entrenched barriers flagged in numerous research examinations fall away. The interaction between inherent requirements and reasonable adjustments in WIL and placement environments is another area of particular tension for disability inclusion in the sector that should be explicitly addressed.

Summary:

If the themes are embedded as **explicit, measurable expectations** in the HESF such that they each become institutional strategic priorities – for example, for UD (and UDL) by default with digital and physical accessibility compliance and inclusive policy and procurement provisions, and a nationally consistent inherent requirements framework – they will combine to work to reduce preventable barriers, lower avoidable adjustment load, and lift participation, progression, success, satisfaction and completion for students with disability.

Q7. To what extent would the proposed themes promote accountability, better governance and improved provider practice to support people with disability?

Summary Position:

The proposed themes should materially lift accountability and governance *provided that companion TEQSA guidance* is developed also to:

- reinforce that proactive disability inclusion and **positive duty compliance** under the HESF, the *DDA* and the *DSE*, is a governing-body (corporate) assurance responsibility, measurable against institutional equity targets for “[measurable performance indicators](#)” under ATEC negotiated mission-based compacts ([ATEC Bill 2025](#) section 29)
- work to ensure that disability inclusion and universal design are adopted as an institutional strategic priority and implemented with **whole-of-institution mainstreaming intent** as the responsibility of the entire university community across digital, physical, policy, curriculum and in learning environments in transparent and accountable ways
- hard-wire **digital accessibility (WCAG 2.2 AA)** and physical accessibility into institutional strategy and policies, including, for example, for website and document accessibility, accessible procurement policy and procedures, and for all LMS, teaching, learning, and support and service content and delivery
- connect the recently quadrupled DSF investment to **nationally consistent, quality assured, disability-led good practice** (resources and training) via a sustainably funded **ADCET** as national enabling infrastructure
- incentivise the development of **essential disability-led governance, leadership and compliance resources**, including for: quality Disability Action Plans (DAPs) and processes; and substantive, disability-led inclusion in disability governance and leadership.

Action and accountability for legal compliance, disability inclusion and student safety

- HESF Domain 6 already requires governing bodies to **assure compliance with “other legislative requirements”**. However, universities are not currently assuring their non-discriminatory obligations under the *DDA* and *DSE*, with significant lifecycle impacts for students with disability. This is an ongoing **enterprise-wide risk** that requires explicit governance attention, monitoring,

management, and mitigation. Making the *DDA* and the *DSE* assurance explicit under the themes would assist with closing this gap

- TEQSA’s recent **Statement of Regulatory Expectations** on complaints underscores the system’s need for accessible, trauma-informed mechanisms that have explicit governing-body oversight – particularly essential given persistent under-reporting of the level of students with disability inclusion needs and existing low trust and satisfaction. Accessible, UD-aligned complaint pathways must be part of the inclusion governance remit
- **Academic Boards** could be asked to certify UD (and UDL) alignment across digital, physical, policy, curriculum and in learning environments to assure the institutional shift from reactive adjustments to front-end, proactive design and service and support delivery
- ADCET could facilitate the development of nationally consistent, quality assured, disability-led approaches to reasonable adjustments, the mediation of Learning Access Plans (LAPs), and the development of appropriate and compliant inherent requirements
- The proposed themes should lead to assurance of **baseline disability awareness capability** to enable the implementation of UD, including UDL, with workload recognition, and monitoring and reporting (e.g., reporting completion rates and impact measures as part of governance dashboards), to shift from isolated pockets of good practice to systemic and systematic capability uplift
- Making **WCAG 2.2 AA** conformance an explicit requirement for all student-facing systems and content (and for third-party tools) is a governance lever that prevents discriminatory inequity at the source and aligns with current AHRC and the Australian Government practice and expectations (as mentioned above). Governing bodies should require **public accessibility statements** and remediation roadmaps.
- The **ATEC, National Student Ombudsman and TEQSA should work together** to provide guidance on a coherent assurance pathways for university Councils/ Senates as a matter of good governance in the drive to improve the oversight of tangible institutional uplift.

Summary:

The themes will promote accountability and better governance **if** they are enshrined as **concrete duties** that governing Councils/ Senates and Academic Boards must **assure and evidence** – implementing UD (and UDL in curriculum), WCAG 2.2 AA in digital operations, consistent and quality assured approaches to reasonable adjustments and the mediation of LAPs, the development of appropriate and compliant (lawful) inherent requirements, and the systematic harnessing of **ADCET’s national enabling infrastructure** to standardise, scale and advance provider practice across the sector for systemic uplift.

Q8. Is “emerging technologies” the right term?

I do not think so: “emerging technologies” is imprecise and time-variant. Though I am not as expert as many in the sector, to whom I would defer, I would suggest **“AI and other data-driven digital systems”** as a more precise umbrella that keeps the HESF contemporary, proportionate and evidence-informed, with examples parenthetically listed (e.g., generative/agent AI, automated decision-making, learning analytics, biometric proctoring, XR/VR, robotics, etc). The current evidence base (including TEQSA publications and its Gen-AI toolkit, the House of Representatives’ 2024 [Study Buddy or Influencer](#) Report), point to AI (generative and automated) and other data-driven digital systems as the specific category transforming risk, equity, assessment, governance, and student

experience. This formulation better captures **(A)** AI in its broader forms (predictive algorithms, LLM-based generative AI, and autonomous ‘agentic’ systems), and **(B)** mature tools that are being re-configured in higher education and raising clear fairness, integrity and privacy issues (e.g., learning analytics, proctoring, automated flagging), that are not really “emerging” at all – they are already deployed and data-driven. In short, the governance issues would seem to be more *algorithmic* and *data* problems (bias, transparency, contestability, data sovereignty), so the label should foreground them. See generally the [Australian Framework for Artificial Intelligence in Higher Education](#).

Q9. Do current standards give adequate guidance to manage risks?

Partly only. The HESF provides a solid principles base across Domains 1–7, but it **does not yet make explicit the key controls needed for AI and automated systems** (e.g., governance, ethical procurement, transparency/ contestability, equity impact assessment, data privacy and governance, Indigenous data sovereignty, and ongoing evaluation). The [Australian Framework for Artificial Intelligence in Higher Education](#) maps these controls to HESF domains and offers implementation guidance (governance structures, policy, procurement, professional learning, evaluation) that could be reflected in standards or a concise Good Practice Note.

Q10. How to balance risk management with flexibility for innovation?

It would seem appropriate to use **principles-based, technology-neutral** language that requires *what* must be assured, not *how* to do it. For example, the comprehensive [Australian Framework for Artificial Intelligence in Higher Education](#) identifies and discusses seven core principles, building on previous work in the schooling sector (the [Australian Framework for Generative AI in Schools](#)):

- Human-centred education
- Inclusive implementation
- Ethical decision-making through fairness, accountability, transparency (three of the four Fairness, Accountability, Transparency, and Ethics (FATE) principles) and contestability
- Indigenous knowledges (with specific regard to Indigenous data sovereignty)
- Ethical development and deployment (the fourth FATE principle)
- Fostering adaptive skills for AI integration, and
- Evidence-informed innovation.

Implementation guidance is also provided in the Framework as regards: governance structures; policy development; procurement and the development of AI technologies; professional learning; pedagogical integration; research applications; an evaluation framework; cross-institutional collaboration; how to support ; and the benefits of a national resource repository and a coordinated research agenda. Future directions are also identified. This approach, developed by acknowledged experts, preserves provider flexibility (with no specific tools mandated) while anchoring minimum, auditable practices that keep students, staff and their data safe and uphold equity.

Q11. What methodological approaches should underpin a cyclical review of the Threshold Standards so it is robust, proportionate and evidence-informed?

It is suggested that approaches could include those that are centred around:

- **Principles based and risk reflective** to maintain the HESF's outcomes' focus, with targeted updates where risk/evidence shows material gaps (e.g., as has occurred to trigger the current consultation re anti-racism, disability inclusion, AI governance), so the framework stays contemporary without over prescription
- **A structured, transparent cycle** that would likely involve the publication of an issues paper, then an exposure draft, with a plain English summary of proposed changes, rationales, and a decisions register, mirroring the current consultation model that has also included webinars and a call for submissions.
- **Mapped evidence base** It would be helpful to require any proposed change to identify its inter-dependencies and cross references across HESF domains, relevant legislation (e.g., here the *RDA*, the *DDA* and the *DSE*), and current regulatory guidance (e.g., TEQSA's work on social cohesion and complaints SRE), to situate the proposed draft standard and explicate its anticipated broader impact
- **First Nations, equity and inclusion impact analysis** Specific regard should be had to embedding the routine development of a short Equity and Disability Impact Assessment and a First Nations Impact Assessment check for each material amendment
- **Horizon scan and benchmarking** The inclusion of a light touch international scan and a mid-cycle 'horizon note' (year 2–3) to capture fast moving areas (e.g., AI/algorithmic systems; digital accessibility) would be of assistance
- **Use of multiple data sources/ evidence bases** Iterative review of the HESF should be informed by triangulated TEQSA intelligence, sector roundtables, and system signals (e.g., themes identified by the National Student Ombudsman) to calibrate proportionality and risk management

Q12. How can a review process be designed to meaningfully engage a diverse range of stakeholders?

Working from a broad-based evidence-informed approach as suggested in response to Q11 above should provide objective indicators of foci for interrogation and the diverse range of stakeholders with which any review process should engage. This could be further facilitated by mechanisms that model and ensure inclusion and diversity, for example:

- **Multi modal, accessible engagement** The combination of written submissions, online forums, and open webinars, ensuring all materials meet WCAG 2.2 AA standards and are available in plain English and alternative formats, would assist with inclusion and diversity.
- **Deliberate inclusion of priority and regulated cohorts** Standard practice might include the routine conduct of dedicated sessions and/ or roundtables with key stakeholder groups, such as: students and staff with disability; First Nations students and staff; culturally diverse communities; private providers; professional accreditation bodies; and, student and staff unions
- **Partnering and engaging with sector infrastructure (beyond usual peak body engagement)** Expert perspectives should be routinely invited from, for example, First Nations peak bodies (such as the Coalition of Aboriginal and Torres Strait Islander Peak Organisations ([Coalition of Peaks](#)) and the National Aboriginal and Torres Strait Islander Higher Education Consortium ([NATSIHEC](#))), the [ADCET](#) (for disability inclusion practice), the [ACSES](#) (for equity evidence), [EPHEA](#) (broad-based equity), the [NSO](#), TAFE Directors Australia (for public VET), Refugee Education Australia ([REA](#) for refugee and forced migration) and other peak professional bodies (e.g.,

[ANZSSA](#), [ACODE](#), [ASCILITE](#), [CAUDIT](#), [CAULLT](#), Teaching/ Education Focused Academics Network ([TEFA Network](#)). The ATEC and TEQSA could co-host thematic workshops and provide template resources for submissions to reduce burden and widen participation.

- **Publish who was heard and what changed** As occurred for the Universities Accord consultations, release an engagement summary with participant profiles and a distillation of key themes. It might also be possible to develop a ‘you said / we did’ table alongside the final amendments to build trust and a platform for future, ongoing engagement.

Professor Sally Kift PFHEA FAAL ALTF GAICD
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