

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

Submission to the Higher Education Standards Panel

15 March 2026

Professor Helen Bartlett
Chair
Higher Education Standards Panel

Via email: HESFconsultation@atec.gov.au

Dear Professor Bartlett,

Torrens University Australia (Torrens) welcomes the opportunity to contribute to the Higher Education Standards Panel's consultation on proposed amendments to the Higher Education Standards Framework (Threshold Standards) 2021.

We support the objective of ensuring that the Threshold Standards remain contemporary, proportionate and fit-for-purpose across a diverse higher education sector. Confidence in governance, transparency and academic integrity is fundamental to the standing of Australian higher education, domestically and internationally.

This submission focuses primarily on section 2 of the consultation paper - incorporating the University Governance Principles and transparency requirements - while also addressing other areas relevant to Torrens' institutional context.

About Torrens University Australia

Torrens University is a private, for-profit Australian university and a Table B provider under the Higher Education Support Act 2003. Since commencing teaching in 2014, Torrens has developed a national footprint educating a diverse domestic and international cohort through on-campus and online delivery.

Torrens champions applied, flexible learning - “made for real life” - through industry partnerships, work-integrated learning, and personalised support designed to prepare students to graduate work-ready and adaptable for evolving careers. Torrens operates campuses across Adelaide, Melbourne, Sydney, Brisbane and the Blue Mountains. Built on the strong foundations of our distinguished schools and colleges, such as Billy Blue College of Design and Blue Mountains International Hotel Management School, Torrens offers more than 160 undergraduate and postgraduate courses to over 17,500 students in business, design and creative technology, health, hospitality, and education. Torrens is one of the few universities globally, and the only one in Australia, recognised as a Certified B Corporation for balancing profit with purpose, social and environmental impact, and transparency.

Torrens is wholly owned by Strategic Education, Inc., a Nasdaq-listed U.S. company. Torrens is governed by the Corporations Act 2001 and regulated by ASIC, and through its parent company is also subject to U.S. Securities and Exchange Commission reporting and governance obligations.

This dual regulatory regime places Torrens within a governance and disclosure framework that is legally enforceable, externally scrutinised, and subject to continuous reporting obligations across two jurisdictions.

Consultation section 2 – Incorporating the Governance Principles and transparency requirements

Consultation question 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?

Torrens recognises the policy rationale for strengthening governance standards in response to evidence of variability and weakness within segments of the public university sector. Where institutions are established under statute and manage substantial public funding, enhanced transparency and accountability measures may be appropriate.

However, the introduction of a new Part C applying only to public universities must be approached with care.

Potential advantages

A discrete Part C may:

- provide proportional regulation aligned to the public funding and legislative foundations of public universities;
- allow targeted regulatory response without altering the baseline standards that apply to all providers; and
- clarify expectations in areas such as public reporting and transparency.

Where carefully drafted, such an approach can support public confidence while preserving flexibility within the broader framework.

Risks and concerns

There are, however, risks if Part C is not carefully designed.

1. Creation of a two-tier perception

If governance principles are codified exclusively for public universities, there is a risk that stakeholders may infer that non-public universities are subject to lesser standards. That would be both inaccurate and undesirable.

All universities, regardless of ownership model, must continue to meet strong baseline governance obligations under Part A.

2. Regulatory spillover

Even if Part C formally applies only to public universities, there is a real possibility that supervisory practice or sector expectations could treat those requirements as a benchmark across the entire sector. Over time, this could produce de facto extension without legislative clarity.

3. Duplication and structural conflict

Torrens previously submitted to the Expert Council on University Governance that overlaying a public university governance model onto institutions already subject to enforceable corporate governance regimes risks duplication, confusion and, potentially, contradiction.

Torrens' governance framework includes:

- a majority-independent Governing Board;
- skills-based board appointments through a formal nominations process;
- Audit and Risk oversight of financial integrity, a comprehensive risk-management structure, compliance, and student safety; and

- external audit and continuous disclosure obligations under both Australian corporate law and U.S. securities law.

These obligations are not advisory or voluntary. They are legally enforceable and subject to regulatory scrutiny by ASIC and the SEC.

Introducing mandated governance structures designed for statutory public universities could inadvertently weaken clarity of accountability in privately regulated institutions rather than strengthen it.

Design principles Torrens recommends

If Part C proceeds, Torrens recommends:

- A narrow and precise definition of institutions captured (for example, clearly defined public or Table A universities).
- Explicit confirmation that Part A governance standards remain the universal baseline for all providers.
- Clear recognition that governance effectiveness may legitimately be achieved through diverse regulatory and ownership models.
- Avoidance of mandated stakeholder composition requirements for governing bodies, or recognition that governing body composition may be influenced by alternative regulatory requirements.
 - This is not to say that meaningful consultation and involvement of stakeholders such as the Academic Board, staff, students and others is not important. It clearly is. But there are a variety of ways through which that can be achieved.
- Avoidance of mandated committee structures or prescriptive governance architecture, or recognition that governing body composition may be influenced by alternative regulatory requirements.

Good governance is measured by integrity, accountability, transparency and effective oversight, not by uniform structural design.

Consultation question 5: How might strengthened standards on academic oversight, staffing profiles and teaching quality affect student outcomes and experience?

Torrens supports clearer expectations regarding academic oversight, staffing capability and teaching quality.

Well-designed standards in these areas can enhance student outcomes by:

- strengthening confidence in academic integrity and assessment practices;

- improving consistency across delivery modes; and
- reinforcing internal accountability for course quality and student experience.

However, strengthened standards should remain outcome focused. They should not prescribe uniform staffing ratios, committee configurations, or academic governance structures that assume a particular institutional scale or mission.

Torrens maintains a clearly separated Academic Board with student and staff representation and established mechanisms for Indigenous engagement. The Academic Board operates independently of management in relation to academic standards, with formal reporting pathways to the Governing Board and participation in the Governing Board.

Standards should require effective academic oversight — not replicate public-sector governance design.

Other consultation areas

1. Demonstrating a commitment to addressing racism

Torrens supports clearer expectations that providers demonstrate proactive and institution-wide commitment to addressing racism and fostering safe environments.

In our view, the most effective approach is to imbue the institution with a culture that celebrates diversity. The desired expectations can be embedded within governance, complaints handling, student wellbeing frameworks and leadership accountability. But it is the creation of the appropriate culture which should be our ambition rather than introducing overly prescriptive compliance requirements with ever growing onerous reporting

Clear regulatory signals are appropriate. However, implementation must remain practical and adaptable across different institutional contexts.

3. Supporting people with disability in higher education

Torrens supports modernising terminology and strengthening expectations around inclusion and universal design.

Clearer articulation of institutional responsibility can improve consistency across the sector. Clear allocation of responsibility for reasonable adjustments in work-integrated learning and third-party settings is critical, particularly for applied and industry-based

institutions. At the same time, amendments should avoid duplication of obligations already contained in anti-discrimination and disability legislation.

Standards should focus on demonstrable outcomes: access, participation, and success.

4. Responding to emerging technologies in the Threshold Standards

Torrens supports explicit recognition that governing bodies and academic authorities must oversee risks associated with emerging technologies, including generative artificial intelligence.

Governance-level oversight of academic integrity, data protection, cyber security and institutional capability is appropriate.

Amendments should, however:

- preserve flexibility for innovation in pedagogy and assessment design to ensure curriculum teaching approaches align with employability and industry requirements and outcomes;
- avoid overly prescriptive technological definitions that will rapidly become outdated; and
- focus on risk management and accountability rather than technical specification.

5. Approach to a cyclical review of the Threshold Standards

Torrens supports a structured cyclical review process.

Review processes should meaningfully engage the full diversity of Australian providers, including private universities, to ensure reforms do not default to assumptions based solely on the public university model.

Conclusion

Torrens supports strengthening governance and transparency across the higher education sector in ways that restore and sustain public confidence.

At the same time, reforms must:

- remain proportionate;
- preserve the principles-based character of the Threshold Standards;
- recognise diverse institutional governance models;
- avoid structural prescription and unnecessarily onerous reporting; and

- avoid duplication where robust, enforceable governance and disclosure regimes already apply.

Strong governance can be achieved through different institutional forms. The regulatory framework should assess effectiveness and integrity, not mandate uniform architecture.

Torrens's comments are guided by its view that Australia's national interest lies in maintaining a tertiary education policy framework that creates space for private sector and foreign investment in Australia's universities. It is evident that the government's budgetary constraints will weigh heavily on the government's ability to achieve its laudable aims to increase participation and produce a workforce adapted to the economy's needs. Private sector and foreign investment can make a valuable contribution. The governance and other standards therefore must safeguard and promote education standards and governance integrity to which both public and private universities must adhere but preferably in ways that do not deter private or foreign investment.

Torrens appreciates the opportunity to contribute to this consultation and would welcome further engagement as amendments are refined.

Yours sincerely,

A handwritten signature in blue ink that reads "Michael Thawley".

Michael Thawley AO

Chancellor

Torrens University Australia