

Submission to the review of TEQSA's regulatory powers ATN Universities

17 October 2025

Key recommendations for the review of TEQSA's regulatory powers:

1. TEQSA should urgently work to uplift its data capabilities and collaborate on data maturity with ATEC and JSA, enabling real-time and meaningful insights (consultation questions 2a–b, 5, 12)
2. Usage of any new regulatory tools TEQSA is given must be clearly governed by robust and transparent regulatory policies and reported for public transparency (consultation questions 6–10)

As Australia's most industry-engaged university grouping, the Australian Technology Network of Universities (ATN Universities) welcomes the opportunity to contribute to the review of TEQSA's regulatory powers. Our member universities, Curtin University, Deakin University, RMIT University, The University of Newcastle, University of South Australia and University of Technology Sydney, specialise in workforce development, applied research, and global education partnerships. We support the Government's move to update TEQSA's toolkit to fill the "feather vs hammer" gap. With a change in the way TEQSA regulates, we should explore further whether the 7-year registration cycle remains appropriate for efficiently addressing potential risks to compliance. This could reduce the burden of compliance.

ATN Universities supports putting consideration of student interests directly into the TEQSA legislation. TEQSA's core purpose should be the safeguarding of students' right to quality education. ATN Universities' other recommendations do not require legislative reform and should be progressed as a matter of urgency ahead of implementing new powers.

Regulatory policy focus has shifted toward faster, more visible responses to student safety, integrity and systemic risk. These responses are important, but must remain consistent with the TEQSA Act's governing principles of necessary, proportionate and risk-based regulation. The consultation paper risks stepping away from these principles. Regulatory reform needs to address actual risks to students and the community. The Higher Education Standards Framework already comprehensively covers governance and quality. Changes to TEQSA's powers and the Act need to be careful not to add to or conflict with these existing requirements.

The Commonwealth's broad direction to reduce regulation that hampers growth and innovation is laudable. In TEQSA's case, this should aim to reduce the duplication and fragmentation of existing regulatory obligations. Overlap between TEQSA, ASQA and ATEC should be a core concern. Reforms to these regulators should aim to harmonise their activities in the best interests of students, and support the achievement of growth in attainment as recommended in the Universities Accord.

In addition to this, TEQSA's risk and compliance frameworks and reporting of its activities are not sufficient for demonstrating its effectiveness and upholding public confidence in its assurance.

To mitigate these risks, safeguards are needed so that TEQSA can show it is regulating responsibly in a way which a) protects student interests and b) does not divert resources away from students and towards extra administrative overhead.

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1. TEQSA should urgently work to uplift its data capabilities and collaborate on data maturity with ATEC and JSA, enabling real-time and meaningful insights (consultation questions 2a–b, 5, 12)

ATN Universities supports strengthening TEQSA's ability to use integrated, sector-wide data to identify emerging risks early and target responses where they matter most. Cyclical assessment itself is important and appropriate. However, renewal of registration assessments provide lagging review of providers' governance (and other processes to a lesser extent). As the national regulator, TEQSA should be the first to identify emerging risks to quality in the sector. Its overreliance on lagging indicators undermines its ability to respond appropriately to emerging risks.

TEQSA should be responding to emerging risks on the basis of strong and timely evidence, leveraging the large amount of existing data monitoring and reporting. Investment in data capabilities would allow TEQSA to generate meaningful insights that drive its risk monitoring and regulatory activity, in collaboration with ATEC and Jobs and Skills Australia. Better data capabilities are also essential enablers of TEQSA's proposed changes in regulating transnational education delivery. Its existing data capabilities in relation to offshore delivery are not fit for purpose. A strong effort in uplifting data capabilities would reduce duplication, avoid reliance on lagging cyclical assessments, and enable regulators to act on student outcomes and sector health in a timely manner.

This could be done as part of a broader data capabilities uplift of ASQA and state authorities, which would have the added benefits of enabling better credit transfer, recognition of prior learning, and dual-sector coordination, critical for delivering a seamless student experience.

2. Usage of any new regulatory tools TEQSA is given must be clearly governed by robust and transparent regulatory policies and reported for public transparency (consultation questions 6–10)

Transparency and accountability must remain core values of both regulators and regulated entities. Institutional autonomy should be protected, but regulators must act decisively when student interests, financial stability, or systemic integrity are at risk. We reiterate Universities Australia's caution that additional powers must not add to the "growing thicket of regulation". An increasing amount of resources are being diverted towards showing compliance with a range of overlapping regulatory regimes. A prominent example is the overlap between the National Student Ombudsman and the Threshold Standards. Additional powers for TEQSA could risk adding further to the growing regulatory burden. Embedding risk-based decision-making and clear governance of the use of new powers in TEQSA's regulatory policies is an essential safeguard.

New tools such as compliance notices and enforceable undertakings are being proposed and could be appropriate interventions in severe cases. Their use must be tightly framed by transparent regulatory policy (such as a renewed and strengthened TEQSA *Compliance and Enforcement Policy*) that only deploys coercive tools where providers are not cooperating with TEQSA.

To show that TEQSA is operating effectively, its decisions must be transparent (the public must see how and why it makes decisions) and defensible (conclusions must clearly follow from the evidence). Consequently, ATN Universities strongly believes that when TEQSA uses new enforcement powers, it should clearly publish its substantive reasons and the evidence it used to come to that conclusion. TEQSA should report on how it uses its regulatory levers at a disaggregated level showing the 'pipeline' of cases and disaggregated by sub-categories of providers. Aggregate reporting is not enough to assure the public that TEQSA is a) effective and b) acting proportionately to the risks identified.

Finally, we are pleased the consultation paper outlines the various bodies with responsibilities for monitoring and regulating universities. The reform process from here needs to ensure that roles and responsibilities are clearly delineated so that overlap and gaps in coverage are both avoided.

TEQSA's regulatory approach should remain principles-based and proportionate. A modernised TEQSA Act should balance risk management with institutional autonomy.

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