

Amendments to the *Tertiary Education Quality and Standards Agency Act 2011* – Changes to offshore higher education delivery ATN Universities

2 November 2025

Key takeaways:

1. A clear and consistent definition of transnational education is essential to provide regulatory certainty and support innovation
2. TEQSA should show how it applies its regulatory principles of necessity, proportionality, and risk-based regulation in its authorisation and reporting framework, supporting effective oversight without adding unnecessary burden
3. Ongoing collaboration with the sector will be critical to enabling smooth implementation and capability building

As Australia's university grouping with the largest transnational education (TNE) footprint, the Australian Technology Network of Universities (ATN Universities) welcomes the opportunity to provide feedback on the proposed amendments to the *Tertiary Education Quality and Standards Agency Act 2011* relating to offshore delivery of Australian higher education programs.

ATN Universities members, 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 objective to uphold Australia's global reputation for high-quality education through a proportionate, transparent, and practical regulatory framework for TNE.

Our member universities collectively deliver a diverse and mature portfolio of offshore programs across multiple countries and models. Drawing on this experience, ATN Universities offers the following three key messages for implementation of the new framework.

1. A clear and consistent definition of transnational education is essential to provide regulatory certainty and support innovation

ATN Universities supports the Bill's introduction of a clear, principle-based definition of TNE to reduce ambiguity and ensure consistent application across jurisdictions. A definition anchored on learner location, i.e. students located in a country other than where the awarding institution is based, offers an internationally recognised and practical foundation for regulatory oversight.

To ensure clarity, TEQSA's guidance to the sector should explicitly define in-scope and out-of-scope activities.

- In scope: delivery of an Australian higher education award offshore, in whole or in part, through branch campuses, single, joint or dual award arrangements, or third-party

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partnerships involving direct academic delivery (including face-to-face, hybrid, or online modes).

- Out of scope: student exchange and study-abroad programs, articulation or RPL arrangements without offshore delivery of an Australian award, and non-award short courses or professional-development programs.

Notwithstanding this, there may be other arrangements which are more ambiguous. TEQSA should provide clear guidance on what it considers to be in and out of scope.

ATN Universities also supports the inclusion of guidance requiring evidence of genuine academic engagement, clear reporting into institutional governance processes, and compliance with relevant offshore accreditation requirements. This clarity will allow TEQSA to focus on genuine TNE activity while providing flexibility for new models of international collaboration.

2. TEQSA should show how it applies its regulatory principles of necessity, proportionality, and risk-based regulation in its authorisation and reporting framework, supporting effective oversight without adding unnecessary burden

ATN Universities supports the proposed three-part framework i.e. provider authorisation, notification of material changes, and annual reporting, as a balanced approach that enhances transparency while recognising provider maturity.

The Bill requires TEQSA to collect annual reporting from authorised providers and allows for TEQSA to define in a legislative instrument what information the reports must contain. To ensure the framework remains efficient and workable, ATN Universities recommends that TEQSA:

- Use existing national reporting mechanisms wherever possible in place of re-requesting the data from providers to avoid duplication in data reporting.
- Limit the requested data to essential fields such as field of education (FoE), partner, AQF level, delivery mode, student headcount and EFTSL, and program status (active, teach out).
- Exclude financial data, recognising its commercial sensitivity.
- Apply a risk-based approach, with lighter reporting for established, low-risk providers and more detailed reporting for new entrants or complex delivery models.
- Recognise flexibility for market-specific contexts, such as China's Joint Institutes and 4+0 programs, by allowing data collection and reporting processes to accommodate local regulatory and operational realities, such as staged enrolments, dual accreditation timelines, and differences in data capture, while maintaining consistent oversight.

TEQSA's implementation of the annual reporting consistent with its existing three regulatory principles will provide it with meaningful visibility of offshore activity while guarding against unnecessary regulatory burden for providers.

3. Ongoing collaboration with the sector will be critical to enabling smooth implementation and capability building

ATN Universities welcomes TEQSA's intent to work collaboratively with the sector and stands ready to assist in developing practical implementation guidance. Our members' collective experience across diverse TNE models provides a strong foundation for testing and refining the new framework.

We recommend that TEQSA and the Department:

- Develop good-practice guidelines for TNE governance; these would recognise the maturity of established universities and share lessons they have learned in order to support capability building among emerging providers.
- Publish illustrative case studies demonstrating in-scope and out-of-scope activities and effective quality assurance approaches.
- Maintain regular consultation with peak bodies and providers as implementation proceeds, particularly ahead of the 1 January 2026 authorisation commencement and 31 December 2026 reporting start date.
- Ensure clear transition and grandfathering arrangements for existing offshore programs.

ATN Universities supports the intent of the legislative amendments to strengthen quality assurance, transparency, and international confidence in Australian offshore delivery. ATN Universities and its member universities stand ready to work with TEQSA and the Department to ensure these reforms reinforce Australia's position as a world leader in high-quality, industry-engaged, and globally connected higher education.

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