



Australian Government
Department of Education

Tertiary Education Legislation Amendment (There For Education, Not Profit) Bill 2025

Submission from the Department of Education to
the Senate Education and Employment Legislation

Committee



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Tertiary Education Legislation Amendment (There For Education, Not Profit) Bill 2025

Introduction

The Department of Education welcomes the opportunity to make a submission to the Senate Education and Employment Legislation Committee inquiry into the Tertiary Education Legislation Amendment (There For Education, Not Profit) Bill 2025.

This submission summarises the current regulatory environment for the Australian higher education system, including in response to the findings and recommendations of the Australian Universities Accord (Accord), and broader Australian Government reforms that are underway and relevant to the scope of the inquiry.

The Accord was clear that many more Australians need tertiary qualifications if Australia is to meet its future skills and employment needs. Consistent with this, the Australian Government has set an ambitious target of lifting tertiary education attainment to 80 per cent of working age people by 2050.

This target will be a key driver of long-term productivity, prosperity and fairness in the Australian community. Meeting it will require training more Australians for local jobs and a system that helps people from underrepresented backgrounds to enter study and succeed. To help achieve the target, the Australian Government is taking steps to improve and reform the tertiary education sector.

At the heart of these reforms is a vision for a university system where governance is robust, leadership is accountable, and institutions are safe, inclusive, and equitable places to study and work.

The Australian Government's Commitment to Improving University Governance

The Australian Government is delivering significant reforms to build a better and fairer higher education system. These reforms aim to increase tertiary participation, particularly for students from under-represented groups, strengthen university governance to ensure universities are safe and welcoming places to work and study in, and make sure students get the education they are paying for. As part of this, the Minister for Education has been working with state and territory counterparts to strengthen university governance and improve working conditions for university staff.

The Australian Universities Accord reforms

The release of the Australian Universities Accord Final Report (Accord Final Report) in 2024 provided the Australian Government with a comprehensive blueprint to transform the higher education over the next decade and beyond. The Accord set out an ambitious plan to deliver a dynamic, collaborative, and responsive system that serves the national interest.

In addition to the 47 recommendations included in the Accord Final Report, the Interim Report recommended five priority actions to address fundamental challenges currently facing the Australian higher education system. Priority Action 5 of the Interim Report recommended the Australian Government work with state and territory governments and universities to improve university governance.

Priority Action 5 – University governance

On 26 April 2024, all Australian Education Ministers agreed to a series of actions to strengthen university governance, including ensuring universities as exemplary employers, and to enhance the accountability, transparency, engagement, and representation of university governing bodies. These actions included:

- establishment of an Expert Council on University Governance;
- development by the Tertiary Education Quality and Standards Agency of new guidance and reporting requirements to ensure higher education providers have governance and management processes in place to meet enterprise agreements and industrial obligations;
- independently facilitated workshops between the National Tertiary Education Union, Universities Australia and the Australian Higher Education Industrial Association to identify and resolve priority issues to ensure universities are exemplary employers; and
- improving data collection on the use of casual and fixed term employment arrangements in universities.

The Expert Council on University Governance

The Australian Government Minister for Education, with state and territory Education Ministers, established the Expert Council on University Governance (the Expert Council).

The Expert Council has been asked to develop a set of University Governance Principles and Recommendations to respond to 10 priority areas identified by Australian Education Ministers. The Principles and Recommendations will enhance the accountability, transparency, engagement, and representation of university governing bodies. The Expert Council is working with experts and stakeholders, including the states and territories, universities, students, and peak bodies to develop the Principles and Recommendations.

A priority area that the Expert Council has been asked to address in the development of the Principles and Recommendations is to:

‘demonstrate and maintain a rigorous and transparent process for developing remuneration policies and settings for senior university staff, with consideration given to comparable scale and complexity public sector entities and ensure remuneration policies and packages are publicly reported’

The Expert Council will present the Principles and Recommendations to Australian Education Ministers later this year for their consideration.

The Australian Higher Education Regulatory Framework

As at 7 August 2025, the Australian higher education system comprises 213 higher education providers, delivering education to more than 1.6 million students. There are 44 universities in Australia, a further 161 Institutes of Higher Education and eight University Colleges. Of the 44 universities listed in the *Higher Education Support Act 2003 (HESA)*, 39 are publicly funded Table A providers.

All public universities, with the exception of the Australian National University (ANU), are established by an Act of Parliament in the state and territory in which they are registered. The ANU is established under a Commonwealth Act of Parliament. Some private universities are also established by an Act of Parliament, for example the Bond University Act 1987 in Queensland. These establishing Acts provide the legal foundation for a university’s operation, including the composition of governing bodies and the requirements that relate to executive remuneration.

While there is no legislative basis for the Commonwealth to intervene in these decisions, universities must still meet certain requirements as set out in the Higher Education Standards Framework (Threshold Standards) 2021 (see below). This approach provides universities with the institutional autonomy to pursue public value objectives in ways that reflect the diverse needs of their communities.

Tertiary Education Quality and Standards Agency

Since 2012, all higher education providers operating in Australia must be registered by the Tertiary Education Quality and Standards Agency (TEQSA), the independent national agency for higher education. TEQSA's purpose is to protect the quality and the reputation of Australia's higher education sector through a proportionate, risk-based approach to regulation. It regulates the sector by registering providers, accrediting courses, monitoring and assuring compliance with the Higher Education Standards Framework, and taking regulatory action where required. TEQSA operates pursuant to the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).

TEQSA Legislative Refresh

On 3 September 2025, the Australian Government Minister for Education released a consultation paper exploring how to modernise and strengthen TEQSA's powers to better meet the standards students, staff and the community expects of Australia's universities. The consultation paper focusses on several key areas for potential amendment to the TEQSA Act, including enhancing TEQSA's ability to address emerging and systemic risks, streamlining regulatory processes, and better supporting student outcomes.

Higher Education Standards Framework (Threshold Standards) 2021

All higher education providers, including universities, must meet the requirements of the Higher Education Standards Framework (Threshold Standards) 2021. The Threshold Standards are monitored and enforced by TEQSA.

The Threshold Standards emphasise high-level principles over detailed prescriptive measures. They describe the minimum level of achievement that a higher education provider must meet and maintain to be registered to deliver higher education in Australia. The Threshold Standards have seven domains relating to student participation and attainment, learning, teaching, research and research training, quality assurance, governance and accountability and representation. Universities must also demonstrate strong civic leadership, engagement with local and regional communities, and a commitment to social responsibility.

Providers are responsible for managing their own risk and are expected to demonstrate self-assurance consistent with the Threshold Standards. TEQSA supports this by providing guidance materials to the sector.

Higher Education Support Act 2003

The *Higher Education Support Act 2003* (HESA) sets out accountability, quality and fairness requirements for higher education providers receiving Australian Government grants and reinforces the provisions of the Threshold Standards. HESA applies to all Table A, B and C universities in Australia, as identified under sections 16-25 of HESA.

There are no legislative provisions under the HESA or the TEQSA Act that allow the Australian Government Minister for Education to use discretionary power to intervene in a university's operational decisions regarding their curriculum or institutional structure, preserving the principle of institutional autonomy.