

**Submission in response to TEQSA  
Consultation Paper**

**‘Modernising and  
Strengthening  
TEQSA’s Powers’**

**Navitas**

**17 October 2025**

## Introduction

Navitas welcomes the opportunity to make a submission in response to the consultation paper 'Modernising and Strengthening TEQSA's Powers'.

Effective regulation is essential to maintaining the quality and reputation of Australia's higher education sector. Domestic and international higher education alike rely on an effective regulatory architecture that protects the interests of students, the quality of learning and teaching and the reputation of Australian qualifications. Navitas supports efforts to ensure that regulation remains effective and fit for purpose.

## About Navitas

Navitas is Australia's largest independent higher education provider, and a pioneer in the provision of pathways into university for both international and domestic students. Navitas has 31 colleges and campus locations across Australia – 11 pathway arrangements with universities, four managed campuses, 12 colleges and four English language institutes. Navitas operates two University Colleges of its own – SAE University College and ACAP University College.

In addition to its Australian operations, Navitas operates more than 100 colleges and campuses in 18 countries. Navitas employs 5000 staff and educates 60,000 students every year from more than 130 countries around the world.

Navitas was founded in Perth in 1994, establishing an innovative partnership with Edith Cowan University. Navitas has continued to innovate and grow and is today one of the world's leading education organisations.

## Recommendations

1. TEQSA should consider how best to rebalance its regulatory activities towards identifying and dealing proactively with risk, ensuring that any additional administrative burden at the front end is offset by reductions in the administrative burden of cyclical assessments.
2. TEQSA should review its operational practices to develop more effective ways of using the powers it already has, including to develop a more proactive approach to regulation.
3. TEQSA should consult further with the sector on specific changes to empower TEQSA to undertake different enforcement activities without having to obtain a court order and how these might best be designed. Proposed new powers to suspend a provider's registration and to appoint administrators are not supported.
4. TEQSA should engage with the sector to develop (1) a shared understanding of impediments to regulatory activity and (2) broadly supported approaches to minimise impediments.
5. The Higher Education Standards Panel should consider amendments to Higher Education Threshold Standards to realise some of the objectives put forward in the consultation paper (e.g. improving governance, student-centred regulation, First Nations people and knowledges at the heart of higher education and tertiary harmonisation), to the extent that these matters have regulatory implications.
6. TEQSA should consider carefully whether it needs to require additional reporting from providers on their already existing positive duty to comply with the Standards.
7. TEQSA should consult with the higher education sector and with regulators in other sectors to develop options for regulatory approaches to dealing with sector-wide issues.
8. TEQSA should work to further improve information sharing with other agencies under existing legislative provisions.
9. TEQSA should not be responsible for publishing performance data on providers that does not have a direct bearing on TEQSA's regulatory activities. It would be more appropriate for ATEC to publish general performance data of this kind.

## A more proactive, more effective regulatory system

Navitas welcomes initiatives that further improve Australia's system of higher education regulation and ensure that it remains effective and fit for purpose.

We welcome the intent of the consultation paper to rebalance TEQSA's regulatory efforts in order to **sharpen the regulator's focus on proactively identifying and responding to risk** of non-compliance with the Threshold Standards.

In particular, we support the paper's proposal to rebalance regulatory effort towards prospective, front-end regulation, with a corresponding rationalisation of the effort put into cyclical assessments.

Any increase in administrative burden on providers at the front end must be offset by a corresponding reduction in the intensity and volume of work at the back end. This is a matter of fairness and practicability for providers and of efficiency for TEQSA. It also aligns with TEQSA's legislated principles of proportionality, regulatory necessity, reflecting risk.

### Recommendation:

1. TEQSA should consider how best to rebalance its regulatory activities towards identifying and dealing proactively with risk, ensuring that any additional administrative burden at the front end is offset by reductions in the administrative burden of cyclical assessments.

## Using existing powers more effectively

Navitas believes that TEQSA can realise significant improvements in the effectiveness and timeliness of its regulatory activities – and adopt a more proactive approach to regulation – by **reviewing and optimising operational practices**. The *TEQSA Act* already confers extensive powers on TEQSA to monitor providers, to investigate risks of non-compliance, and to enforce compliance. It is our view that by reviewing its practices and using its existing powers in a more determined and better organised way, TEQSA could realise many of the improvements sought in the consultation paper (and in recent stakeholder discussion) before considering changes to legislation.

**Recommendation:**

2. TEQSA should review its operational practices to develop more effective ways of using the powers it already has, including to develop a more proactive approach to regulation.

**New powers for TEQSA?**

It is always useful to **consider whether TEQSA's powers need modifying or updating** to maintain and ensure the regulator's effectiveness. The consultation paper proposes some new powers for regulatory intervention.

While we agree that it may be useful for TEQSA to be able to take enforcement actions without seeking a court order, any such change would need to be carefully considered for each enforcement action to ensure that it does not result in regulatory overreach. Any change should also provide mechanisms for both procedural fairness and – where appropriate – appeals against the action. TEQSA should consult further with the sector on specific powers and changes proposed and how these might best be designed and implemented.

Navitas is not convinced that introducing a new power to suspend a provider's registration would be necessary or beneficial. It is unclear what scenarios TEQSA is contemplating where provider suspension would be appropriate and necessary – and which could not be dealt with through TEQSA's existing powers. TEQSA can already impose a condition on registration that ceases enrolments and/or ceases delivery for a period of time. It is not clear what a power to suspend a provider's registration would usefully add.

Further, Navitas does not support the proposal to legislate specific new powers to intervene directly in provider governance. TEQSA already has the power – by imposing conditions on a provider's registration – to intervene in provider governance if necessary, including mandating membership of a provider's governing body where appropriate.

The proposal to empower TEQSA to appoint administrators is not supported. This power should continue to be in the domain of ASIC as the appropriate agency for the enforcement of administrative law.

**Recommendation:**

3. TEQSA should consult further with the sector on specific changes to empower TEQSA to undertake different enforcement activities without having to obtain a court order and how these might best be designed. Proposed new powers to suspend a provider's registration and to appoint administrators are not supported.

### A range of graduated sanctions

Navitas supports consideration of a **broad range of graduated sanctions and interventions** for TEQSA. TEQSA's [compliance and enforcement policy](#) lists a range of compliance and enforcement tools at the regulator's disposal. Navitas would welcome the opportunity to discuss with TEQSA whether there are particular impediments to using any of these powers and, if so, what remedies might be available to overcome these.

Additional sanctions proposed in the consultation paper – including suspension of registration – are severe measures, and responses to very serious problems. TEQSA's existing power to put conditions on a provider's registration – or on accreditation of a provider's courses – confers an effective and flexible power to deal with issues in a constructive and proactive way – including issues that may affect only particular courses, campuses etc.

**Recommendation:**

4. TEQSA should engage with the sector to develop (1) a shared understanding of impediments to regulatory activity and (2) broadly supported approaches to minimise impediments.

### Changes to the Threshold Standards

The clear focus of the consultation paper is on possible changes to the *TEQSA Act*. It is our view that **several issues raised in the consultation paper could be best addressed through amendments to the Threshold Standards** instrument rather than by amending the *TEQSA Act*. For example, issues relating to governance identified in the paper (and in the report of the Senate Committee inquiry into university governance)

could be addressed through amendments to Standard 6. Similarly, broad priorities covered in the paper (student-centred regulation, putting First Nations people and knowledges at the heart of higher education and supporting better collaboration and pathways between higher education and VET) could be addressed – to the extent that these issues have regulatory implications – in the Standards, rather than the Act.

**Recommendation:**

5. The Higher Education Standards Panel should consider amendments to Higher Education Threshold Standards to realise some of the objectives put forward in the consultation paper (e.g. improving governance, student-centred regulation, First Nations people and knowledges at the heart of higher education and tertiary harmonisation), to the extent that these matters have regulatory implications.

### A positive duty to comply with the Threshold Standards

**Providers already have a positive duty to comply with the Standards** (see Standard 6.2.1). It is not clear how a change to the *TEQSA Act* would provide any further benefit to TEQSA, providers or students. If TEQSA were considering a requirement for more regular reporting than 7-yearly registration renewal cycles to address quality concerns, it is important to avoid a one size fits all model. Sector wide reductions in reporting cycles can be expected to yield little useful additional information from high quality providers for the extra work it would impose on both providers and TEQSA. TEQSA already has the option to reduce renewal periods for specific providers where more regular scrutiny is warranted – this could be as frequent as annual, if the need arose. Taken together with the option to apply conditions on registration, TEQSA is already able to impose targeted regulatory oversight and reporting requirements without unnecessarily impacting the sector as a whole.

**Recommendation:**

6. TEQSA should consider carefully whether it needs to require additional reporting from providers on their already existing positive duty to comply with the Standards.

## Dealing with sector-wide issues

We note the concern expressed in the consultation paper about the **absence of processes and powers to deal with sector-wide issues**, because TEQSA regulates individual providers. We note, however, that it is possible for TEQSA to carry out whole of sector quality assessment exercises under section 60 of the *TEQSA Act* (as TEQSA has done in the past). We are not aware of analogous powers that regulators in other sectors may have to deal with widespread or whole of sector threats and issues. We would welcome the opportunity to discuss possible models with TEQSA.

### Recommendation:

7. TEQSA should consult with the higher education sector and with regulators in other sectors to develop options for regulatory approaches to dealing with sector-wide issues.

## Sharing information

**Navitas welcomes the consultation paper's focus on improving information sharing among different Government agencies.** We support this approach, noting that existing provisions for information sharing are both flexible and strong.

If deemed necessary, Navitas would support legislative amendments that require TEQSA to collaborate with other agencies.

### Recommendation:

8. TEQSA should work to further improve information sharing with other agencies under existing legislative provisions.

## Publishing data on providers' performance

The consultation paper asks whether TEQSA should publish a range of **data on providers' performance** – much of it drawn from QILT. This data is already published by the Department of Education at [www.compared.edu.au](http://www.compared.edu.au).

Publishing more data on providers' performance for the information of students is a good thing in principle – provided that the data is presented in an appropriate, fair and understandable way.



However, this is not a regulatory matter. The Department of Education already has access to the data flagged in the consultation paper. **This is not an appropriate role for TEQSA.** Navitas' view is that publication of sector performance information is more appropriately part of ATEC's role.

**Recommendation:**

9. TEQSA should not be responsible for publishing performance data on providers that does not have a direct bearing on TEQSA's regulatory activities. It would be more appropriate for ATEC to publish general performance data of this kind.

**Submitted on behalf of Navitas by:**

Mike Teece

Senior Policy Advisor – Government Relations

[mike.teece@navitas.com](mailto:mike.teece@navitas.com)

0406 575 724