

TEQSA Consultation Paper, Draft Statement of Regulatory Expectations: Adopting a definition of antisemitism, 17 September 2026

The University of Sydney welcomes the opportunity to provide feedback on the Tertiary Education Quality and Standards Agency's consultation paper on its draft [*Statement of Regulatory Expectations: Adopting a definition of antisemitism*](#), released on 3 September 2026. Our submission is intended to complement those made by the Group of Eight and Universities Australia, to which we have contributed.

The University strongly supports efforts to prevent and respond to antisemitism, as well as all other forms of racism, and recognises the importance of ensuring that students, staff and affiliates can participate in university life free from discrimination, harassment and exclusion. In July 2026, our Vice-Chancellor reaffirmed before the Royal Commission on Antisemitism and Social Cohesion that antisemitism has no place in our society or university. We welcome the opportunity to support the Commission's efforts to eliminate antisemitism and strengthen social cohesion.

Since October 2023, the University has undertaken a significant program of engagement, review and reform aimed at strengthening our response to antisemitism and other forms of racism. We have worked closely with members of the Jewish community, sought independent advice, reviewed and updated our policies, adopted the UA definition of antisemitism, implemented antisemitism training, and strengthened our complaints processes and governance arrangements.

While we believe we have made substantial progress, we recognise that there is much more to do and that our work to address antisemitism and all other forms of racism and discrimination must be ongoing. We remain committed to continuing to strengthen our governance, complaints and policy frameworks, and to working with TEQSA, governments, communities and the sector to address antisemitism, challenge racism in all its forms and strengthen social cohesion.

Our review of the draft SRE has identified several areas where greater clarity about the intended role, operation and regulatory application of the proposed SRE would be helpful. The final SRE would be strengthened as a source of guidance for providers if it:

1. Clarifies how TEQSA intends to use the SRE in compliance, monitoring, registration and re-registration activities.
2. Distinguishes minimum compliance requirements from examples of good practice.
3. Clearly delineates the respective responsibilities of governing bodies and management, consistently with the governance framework reflected in the Threshold Standards.
4. Recognises and accommodates prior consultation, governance and implementation activities already undertaken by providers, and considers the potential for repeated consultation processes to cause retraumatisation.
5. Considers compliance costs, regulatory burden and alternative implementation approaches, including by undertaking a regulatory impact assessment.
6. Provides greater guidance regarding academic freedom, freedom of speech and procedural fairness, including how TEQSA expects providers to balance these obligations with efforts to prevent and respond to antisemitism.
7. Clarifies TEQSA's evidentiary expectations, including how alternative approaches adopted by providers will be assessed.
8. Provides greater certainty regarding implementation timeframes and transition arrangements, including expectations relating to demonstrable progress towards compliance.

The University's feedback supporting these recommendations is outlined in our responses to TEQSA's consultation questions below.

Feedback on consultation questions

1. *Fostering engagement and discussion: Do the expectations outlined in the Statement of Regulatory Expectations support meaningful engagement on the process of adopting a definition of antisemitism across a provider's community?*

The University of Sydney supports the draft SRE's emphasis on engagement and consultation when developing and implementing a definition of antisemitism. Meaningful engagement with affected communities is an important element of building trust, ensuring institutional legitimacy and supporting effective implementation.

However, meaningful engagement is difficult where there is uncertainty about how TEQSA will use the SRE and its expectations for implementation timeframes.

Clarity between minimum compliance requirements and good practice guidance

The draft SRE does not clearly distinguish between minimum requirements necessary to demonstrate compliance with the Threshold Standards and examples of good practice that providers may choose to adopt. Nor does it clearly explain how TEQSA intends to use the SRE in future compliance, monitoring, registration and re-registration activities.

Repeat consultation requirements

The draft SRE provides limited guidance on how these expectations will apply to providers that have already adopted a definition of antisemitism and undertaken consultation, governance and implementation activities. Requiring providers to repeat consultation processes that have already been completed may create unnecessary burdens and, for some students and staff, may contribute to retraumatisation. The final SRE should clarify the extent to which these activities will be recognised for regulatory purposes and avoid creating expectations that providers repeat consultation processes solely to satisfy the SRE.

Balancing freedom of speech, academic freedom and other obligations

The draft would benefit from clearer guidance about the intersection between engagement processes, freedom of speech and academic freedom. Universities must be able to consult their communities meaningfully and safely, while also preserving their roles as places of robust lawful debate. Providers are routinely required to assess whether particular phrases or forms of speech should be regarded as protected academic activity, lawful expression or conduct that falls within an adopted definition of antisemitism or other form of racism. The draft SRE identifies these intersections but provides limited guidance as to how TEQSA intends to assess provider engagement processes and decisions where legitimate tensions arise between preventing and responding to antisemitism on the one hand and protecting academic freedom, freedom of speech, lawful expression and procedural fairness on the other.

Implementation timeframe

Meaningful engagement also depends on providers having sufficient time to undertake consultation processes in a considered and effective manner. The consultation paper indicates that the final SREs for adopting definitions of antisemitism and Islamophobia will be issued in October 2026, while the amended Threshold Standards will commence on 1 January 2027. This gives an unrealistically short period in which to understand TEQSA's final expectations, undertake any necessary consultation and governance processes, and implement any required changes before the new standards take effect.

The proposed implementation timeline presents significant practical challenges for institutions seeking to undertake meaningful consultation with staff and students. The period between publication of the final SRE and commencement of the amended standards coincides with end-of-year examinations, assessment and graduation activities, followed by the summer teaching break. As a result, opportunities for effective consultation, governance consideration and implementation activities before 1 January 2027 will be limited, and any process undertaken during that period may be perceived, especially by student groups, as being undertaken in bad faith.

Overall, the University considers that the draft SRE supports meaningful engagement in principle. However, its effectiveness as a guide for providers would be strengthened through amendments that:

- Provide greater clarity regarding TEQSA's intended use of the SRE.
- Clearly differentiate between minimum requirements and good practice guidance.
- Recognise consultation activities already undertaken by providers and avoid creating expectations that engagement processes be unnecessarily repeated.
- Provide clear guidance about the interaction between engagement processes, freedom of speech and academic freedom.
- Clarify TEQSA's expectations about implementation timelines.

2. Unintended consequences: *Are there any unintended consequences for research, teaching and learning, student services, workplace relations or campus life that could arise from implementing any of the recommendations?*

a. *What changes could be made to offset or prevent unintended consequences?*

The University supports the objective of the draft SRE and agrees that clear institutional frameworks for preventing and responding to antisemitism are important. However, several aspects of the draft may give rise to unintended consequences affecting governance, institutional operations, community engagement, academic activities and regulatory burdens. Many of these consequences could be mitigated by ensuring there is clarity about the role, operation and application of the final SRE.

Differentiation of governing body oversight and management responsibilities

The draft SRE may unintentionally blur the distinction between the oversight responsibilities of governing bodies and the operational responsibilities of management. Several expectations appear to treat governing bodies and executive leadership as joint actors responsible for the same activities, including consultation, implementation and operational planning. This risks creating uncertainty about institutional accountabilities and may be inconsistent with the governance framework reflected in the Threshold Standards, which require a clear delineation between governance and management responsibilities.

This risk could be mitigated by clarifying that governing bodies are responsible for oversight, accountability and strategic direction, while operational planning, implementation, consultation and administration remain management responsibilities.

Risks arising from repeated consultation processes

A second unintended consequence is the potential for retraumatisation if providers that have already undertaken consultation processes are expected to repeat those activities. Many universities have already engaged with affected communities regarding antisemitism, racism, safety and inclusion. Requiring those processes to be repeated may impose unnecessary burdens and may inadvertently require participants to revisit experiences of discrimination, exclusion or harm.

This risk could be mitigated by clarifying that providers that have already adopted a definition of antisemitism will not be required to repeat those processes solely to satisfy the expectations in the SRE. The final guidance should expressly recognise prior consultation, decision-making and implementation activities where they are consistent with the objectives of the Threshold Standards. If similar requirements are to be imposed for each of the required definitions, TEQSA should also consider the potential for retraumatisation of people being consulted, taking into account intersectional impacts.

Regulatory uncertainty, compliance burdens and costs

The draft SRE may create uncertainty regarding the distinction between minimum compliance expectations and examples of good practice. This uncertainty may encourage providers to treat all elements of the SRE as mandatory requirements, regardless of whether TEQSA intends them to be assessed as such. This could result in unnecessary compliance activity, additional administrative burden and a tendency towards risk-averse implementation rather than institutionally appropriate approaches.

The draft SRE may also impose significant implementation costs, particularly if providers are expected to undertake extensive consultation, governance, monitoring, reporting and review activities in addition to existing compliance obligations. These costs may be particularly challenging for smaller providers.

These risks could be mitigated by more clearly distinguishing between minimum requirements necessary to demonstrate compliance, evidence that may support a finding of compliance, and examples of good practice that providers may choose to adopt.

TEQSA could further mitigate this risk by undertaking and publishing an impact assessment of the proposed SRE before it is finalised, guided by the principles of the Government's Impact Analysis Framework and quantifying, to the extent practicable, the likely compliance and implementation costs for providers. The assessment should also consider how the preferred approach is consistent with TEQSA's regulatory principles of necessity, reflecting risk and proportionate regulation.

Academic freedom and freedom of speech

The draft SRE may create uncertainty regarding how providers should balance obligations to prevent and respond to antisemitism with obligations relating to academic freedom, freedom of speech, lawful expression and procedural fairness. Universities routinely confront difficult questions about teaching, research, public debate, complaints handling and disciplinary processes. Without additional guidance, there is a risk of inconsistent approaches across the sector and uncertainty regarding how TEQSA intends to assess provider decisions where legitimate tensions arise.

This risk could be mitigated if the SRE included further guidance about TEQSA's expectations of the ways in which providers should balance obligations to prevent and respond to antisemitism with obligations to protect academic freedom, freedom of speech, lawful expression and procedural fairness. TEQSA should explain the principles it will apply when assessing how providers have addressed this balance.

In short, while the University believes the risk of unintended consequences in areas like those discussed above is significant, they would be mitigated if the final SRE:

- Clearly delineates the respective responsibilities of governing bodies and management, consistent with the governance framework reflected in the Threshold Standards.
- Recognises and accommodates consultation, governance and implementation activities already undertaken by providers and avoids creating expectations that consultation processes be unnecessarily repeated.
- Distinguishes between minimum compliance requirements, evidentiary expectations and examples of good practice.
- Considers compliance costs, regulatory burden and alternative implementation approaches, including through a formal impact assessment.
- Provides greater guidance about the interaction between efforts to prevent and respond to antisemitism and obligations relating to academic freedom, freedom of speech, lawful expression and procedural fairness.

3. Implementation planning: *Do the expectations support providers to undertake appropriate forward planning for the implementation of a definition of antisemitism that will support a whole-of-organisation approach to addressing racism?*

a. Are there any additional areas of consideration for implementation that should be listed?

Accountability and governance arrangements

The University supports the principle that providers should identify clear accountabilities for implementing a definition of antisemitism, as well as for racism generally, Islamophobia, and racism towards Aboriginal and Torres Strait Islander peoples. However, the proposed expectation that a single role should be created or nominated as responsible for making judgements and resolving complex issues related to the adoption and implementation of a definition of antisemitism arising across a provider's entire operations may not be practical,

or cost-effective. It may not be the most appropriate and effective approach for particular institutions depending on their individual circumstances, resources and structures. If TEQSA's expectation for the designating of specific roles extends to other forms of racism, this could add costs and complexity and potentially create coordination challenges.

Universities routinely manage issues relating to student and staff conduct, complaints, academic matters, research, governance, human resources, workplace relations and compliance through specialised management and governance frameworks, with established processes for policy development, review and implementation, and clear delegations for decision-making and expenditure of resources. It may therefore be appropriate for the final SRE to recognise that accountability may be distributed across a number of roles and committees, provided clear escalation pathways and reporting arrangements are in place.

Consistently with the Threshold Standards, governing bodies should have responsibility for oversight and assurance of implementation, while operational decision-making remains a management responsibility.

Recognition of existing activities

The final SRE should recognise that many providers have already adopted a definition of antisemitism and undertaken substantial implementation activities, including policy review, governance reform, staff training and consultation. Implementation planning requirements should be sufficiently flexible to accommodate different starting points and avoid creating expectations that activities already completed must be repeated.

Greater clarity regarding evidence and timing

Additional guidance would assist providers to understand the evidence TEQSA expects to see in relation to implementation planning and how progress will be assessed. In particular, greater clarity is required regarding the meaning of '*demonstrable progress towards compliance*', the evidence required to support that assessment, and the timeframe within which providers are expected to complete implementation activities.

In summary, the University considers that the draft implementation expectations provide a useful starting point for forward planning. However, the final SRE would be strengthened by recognising the diversity and complexity of provider governance arrangements, accommodating implementation activities already undertaken by providers, and providing greater clarity about evidentiary expectations and implementation timeframes.

4. *Resourcing: Could the expectations impose significant resourcing, staffing or expertise challenges that might negatively impact timely implementation, particularly in smaller Providers?*

a. What solutions could address resourcing challenges associated with adopting a definition of antisemitism?

As drafted, the SRE, together with those foreshadowed for the other forms of racism now specified in the Threshold Standards, has the potential to impose significant resourcing, staffing and implementation challenges for providers. However, it is difficult to assess the likely magnitude of these costs because the draft does not clearly distinguish minimum requirements from examples of good practice that providers may choose to implement. The draft also does not clearly explain how TEQSA intends to use it for compliance, registration, re-registration and monitoring activities. Moreover, many providers have already adopted definitions of antisemitism and undertaken consultation and policy review, and implemented training and reform of complaint handling and governance processes. Expectations that require providers to revisit work already completed may create unnecessary administrative burden and additional cost without necessarily improving compliance outcomes and may also contribute to retraumatisation.

TEQSA is required to exercise its regulatory powers in accordance with the principles of regulatory necessity, reflecting risk and proportionate regulation. In practice, this means regulatory interventions should impose no greater burden than is reasonably necessary, reflect the level of risk to compliance with the Threshold Standards, and be proportionate to the problem being addressed. These and the other principles underpinning TEQSA's Compliance Monitoring Framework suggest that significant new regulatory expectations should be

developed in partnership with the sector and supported by transparent consideration of the expected costs, benefits and cumulative impacts of the proposed approach. They also imply that consideration should be given to whether the same objectives could be achieved through less burdensome alternatives.

For example, the consultation paper does not explain why each provider should be expected to develop and implement its own definition through a separate process, rather than as part of a more coordinated national approach. A coordinated process could reduce duplication, lower implementation costs, increase consistency and provide greater certainty across the sector while still allowing providers to embed and apply the definition through their own policies, governance arrangements and operating frameworks. It would also provide greater consistency and certainty and avoid the likely outcome that equivalent conduct is treated differently by different institutions.

Overall, the University considers that the resourcing challenges associated with adopting a definition of antisemitism could be more accurately assessed, and potentially significantly reduced, if the final SRE:

- Clarifies TEQSA's expectations regarding implementation timelines.
- Clearly distinguishes minimum compliance requirements, evidentiary expectations and examples of good practice.
- Provides greater clarity about how TEQSA intends to use the SRE in its regulatory activities.
- Recognises and accommodates consultation, governance and implementation activities already undertaken by providers.
- Allows flexibility in governance and accountability arrangements appropriate to each provider's individual circumstances, structures and resources.
- Is supported by an assessment of implementation costs and regulatory impacts guided by the Government's Impact Assessment Framework, which considers whether some relevant activities could be undertaken through more coordinated sector-wide approaches.

5. Multi-campus providers and transnational education: *Could the expectations pose any challenges for consistent implementation for providers with multiple campuses, and those with campuses outside Australia?*

The University does not foresee significant challenges arising from implementation of the draft SRE across its campuses and limited current offshore operations. The University already has established processes for institutional consultation, policy development, governance oversight and implementation across its domestic and international activities.

However, we recognise that implementation may be more complex for providers operating multiple large campuses across jurisdictions or international locations. These providers may face additional challenges in ensuring consistent implementation and oversight.

One area where we do anticipate potential implementation challenges is in workplaces where, like many large research-intensive comprehensive universities, we have significant numbers of staff and academic affiliates based, and where large numbers of our students undertake work integrated learning placements. This includes health services operated by NSW Health, independent medical research institutes, and government, Catholic and private schools.

While our academic affiliates are expected to understand and comply with the University's policies when undertaking University-related activities, practical challenges may arise where partner organisations and professional registration bodies have not adopted relevant definitions or have adopted different definitions and relevant policies or complaint-handling frameworks. In these circumstances, providers may need to manage differences between institutional expectations and local workplace requirements while ensuring students, staff and affiliates have clarity regarding the standards and processes that apply.

For this reason, providers may benefit from guidance being included in the SRE about TEQSA's expectations regarding how adopted definitions should operate in shared workplace environments where responsibilities, supervision arrangements and policy frameworks are not solely controlled by the provider.