



Australian Government

Tertiary Education Quality and Standards Agency

Statement of Regulatory Expectations: Compliance with workplace obligations

May 2025

TEQSA

This statement sets out TEQSA's regulatory expectations of registered higher education providers to ensure they are meeting their obligations under workplace laws (as defined in section 12 of the *Fair Work Act 2009*) to their staff.

In particular, TEQSA expects that all providers will pay their staff correctly and comply with workplace laws and their industrial agreements.

The regulatory expectations outlined in this document focus on providers' governance oversight and processes. Providers are expected to prioritise governance models that proactively ensure compliance with workplace obligations.

TEQSA's regulatory expectations are consistent with:

- the provisions of the [Higher Education Standards Framework \(Threshold Standards\) 2021](#) – most notably that a provider's governing body is accountable for the provider's operations (6.1.1)
- TEQSA's ongoing concern that some providers have not taken full responsibility to meet their workplace obligations
- the Fair Work Ombudsman's (FWO) finding that [poor governance arrangements](#) are a key trend in the sector leading to non-compliance with workplace obligations and the underpayment of wages.

TEQSA's expectations do not exhaust the actions a provider may take to manage their risks. TEQSA recognises that providers may meet some of these expectations in different ways depending on their staffing arrangements, their industrial agreements, and the requirements of the legislation under which the provider is established. TEQSA's expectations outline the minimal steps that governing bodies are expected to take to develop a process of continuous improvement to ensure they effectively mitigate risk around meeting their obligations under workplace laws.

TEQSA's regulatory expectations

1. The provider's governing body obtains independent advice as is necessary to identify and address potential risks related to obligations under workplace laws, including the risk of wage underpayment due to issues in payroll, employment and administrative systems.
2. The provider's governing body defines, monitors and reviews roles or offices necessary to effectively manage potential risks to, and ensure compliance with, its obligations under workplace laws. Such roles or offices will include the management, monitoring and review of:
 - a. payroll, record keeping and employment systems
 - b. delegations of administrative roles and authority
 - c. risk management policies and controls, risk appetite frameworks, and cyclical auditing frameworks
 - d. financial viability and financial sustainability
 - e. compliance with obligations under workplace laws.

3. The provider's governing body assures itself and demonstrates that it is operating in compliance with its obligations under workplace laws, including in the operation of its payroll, record keeping and employment systems. In particular, the governing body can assure itself and demonstrate that:
 - a. employees are paid correctly, in accordance with the terms of the provider's industrial agreements
 - b. it has considered any necessary independent advice for informed and competent decision making about meeting its obligations under workplace laws
 - c. any recommendations from reviews or audits related to obligations under workplace laws have been considered and, where necessary, are being effectively actioned
 - d. all delegated offices or committees responsible for ensuring compliance with obligations under workplace laws report clearly and regularly to the governing body
 - e. there are mechanisms to ensure formal complaints regarding compliance with workplace laws can be received from staff, students or unions and action taken to address underlying causes
 - f. the provider's management of third-party contracts ensures compliance with obligations under workplace laws
 - g. the provider has carefully considered and is addressing all concerns raised by relevant authorities regarding the provider's compliance with workplace and employment matters, such as sector updates from TEQSA, audit reports by state audit offices, and guidance or direction from the FWO
 - h. the provider has promptly informed and positively engaged relevant authorities such as TEQSA and the FWO on any issues identified by the provider
 - i. the provider has developed a mature process of self-assurance to mitigate and manage any future wage underpayment matters.
4. The provider's governing body takes active and ongoing responsibility for ensuring compliance with all workplace and industrial obligations. It assures itself that robust, fit-for-purpose systems are in place to prevent, detect, and respond to non-compliance, and that these systems are subject to regular oversight and review to manage risk over time.

Regulatory scope and implementation of the expectations

This Statement of Regulatory Expectations applies to all higher education providers. TEQSA expects that all providers will actively work to demonstrate self-assurance in line with the expectations.

The expectations will be integrated into TEQSA's regulatory activities, including registration and re-registration processes, and annual compliance and risk assessments. Where necessary, TEQSA will seek evidence of appropriate governance processes that mitigate risks of non-compliance with workplace obligations in accord with these expectations.

Reporting requirements for Australian Universities

Beginning in 2025, providers in the 'Australian University' provider category will be required to submit annual reports to TEQSA concerning the expectations. Annual reporting will be required for an initial period of 2 years.

The annual reports will comprise:

- an attestation by the Vice-Chancellor that the University has met the expectations
- an index of evidence to support the attestation.

TEQSA will communicate with Australian Universities to provide further details of the reporting requirements ahead of any deadlines for submission.

Restricting the annual reporting requirements to Australian Universities reflects the findings of the FWO that risks of non-compliance with workplace obligations have been concentrated within this part of the sector. Establishing an initial reporting period of 2 years for Australian Universities also reflects the principles of regulatory necessity, risk, and proportionality.

Depending upon the sector's response to risks around workplace obligations, TEQSA may expand the reporting requirements.

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TEQSA
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