

Mr Ben Rimmer
Deputy Secretary, High Education, Research and International Group
Australian Department of Education
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By email: AustralianUniversitiesAccord@education.gov.au

26 July 2024

Dear Mr Rimmer

Australian Tertiary Education Commission: implementation consultation paper

Thank you for the opportunity to provide feedback on the Australian Tertiary Education Commission: implementation consultation paper.

The Australian Universities Accord ('the Accord') set a visionary roadmap for a tertiary education system that supports a stable democracy, strong economy and fairer society for all Australians. This is underpinned by ambitious targets for tertiary attainment and equity outcomes that have been accepted by the Australian Government.

The Accord recognised that creating an independent statutory authority to steward the tertiary education system was essential for achieving the transformative change needed for the future. UTS welcomed the Australian Government's commitment to establish an Australian Tertiary Education Commission (ATEC) as sector steward. We also welcomed the commitment to plan for ATEC implementation in consultation with the sector.

Although a commendable initiative, the ATEC model described in the consultation paper diverges from the Accord's recommendations in several important respects, without any explanation or clear rationale. As a result, the proposed model has some shortcomings that risk undermining the effectiveness of the new entity as a strong and independent system steward.

Areas of UTS concern are:

- **Lack of ATEC independence from the Department:** Housing the ATEC within the Department of Education removes the arm's length implementation of government policy envisaged by the Accord, and necessary to build a trusted relationship with the sector. A truly independent entity is also better placed to attract, retain and grow the talent, expertise and culture needed to lead transformative sector change.
- **ATEC objectives omit reference to core system stewardship accountabilities:** The proposed ATEC objectives speak to fostering collaboration and joint work but exclude reference to core responsibilities of a system steward, including providing strategic advice to the Minister, monitoring performance and financial sustainability and ensuring the availability of quality data for decision making.
- **Explicit exclusion of sector-experienced individuals from Commissioner roles:** As in all governance frameworks, there are a range of ways to manage actual and perceived conflicts of interest. Excluding leaders with recent university experience is a heavy-handed solution that risks undermining the effectiveness and credibility of the ATEC.

- **No formal structure for engagement with sector stakeholders:** the Accord report envisaged the establishment of an ongoing Advisory Board with representatives from tertiary providers, students, staff, employers, unions, alumni and civil society organisations. Embedding a formal advisory body ensures the ATEC is systematically listening to a range of stakeholder perspectives in delivering on its functions.
- **An equity commissioner is absent from the proposed ATEC structure:** Lifting the participation of students from under-represented backgrounds is fundamental to achieving the Government's tertiary education attainment target. The appointment of a dedicated Equity Commissioner, along with the First Nations Commissioner, will ensure ATEC has the right leadership to deliver on the Government's nation-changing equity goals.

To address these issues, UTS recommends:

1. The ATEC should be established as an independent statutory authority reporting directly to the Minister for Education, with resourcing levels to match the scope of its functions.
2. The legislated ATEC objectives and purpose should articulate core system stewardship accountabilities, including providing strategic advice to the Minister, monitoring performance and financial sustainability and ensuring the availability of quality data for decision making.
3. There should be no restriction on the appointment of Commissioners with recent higher education experience. Actual and perceived conflicts of interest for all Commissioners can be mitigated through development of an ATEC Board Code of Conduct and a conflicts disclosure and management policy.
4. The ATEC enabling legislation should provide for the establishment of an ongoing Advisory Board with representatives from tertiary providers, students, staff, employers, unions, alumni and civil society organisations.
5. An Equity Commissioner should be included in the ATEC structure to provide the necessary leadership and drive to improve access and opportunities for historically under-represented cohorts.
6. The Government should release an exposure draft of the ATEC legislation for consultation before it is introduced into the Parliament.

Further comments in response to the implementation issues for consideration outlined in the consultation paper are provided in attachment A. UTS also supports the views expressed in submissions from Universities Australia and the Australian Technology Network of Universities.

UTS values the opportunity to offer insights as part of this consultation. For any further discussion regarding our submission, please feel free to reach out to me or to Danielle Woolley, Head of Government Affairs and External Engagement at danielle.woolley@uts.edu.au or on +61 477 384 980.

Yours sincerely



Professor Andrew Parfitt
Vice-Chancellor and President

Attachment A – ATEC – Implementation issues for consideration

Question	UTS response
<p>How can the ATEC be set up so that it has sufficient expertise in the higher education sector while maintaining its focus on decision making that is in the national interest, rather than sectoral interest?</p>	<p>In line with recommendation 30(h) of the AUA Final Report, the ATEC seek a range of views through:</p> <ul style="list-style-type: none"> • an ongoing Advisory Board, with representatives from tertiary education providers, all Australian governments, students, staff, employers (including business and industry representatives), unions, alumni and civil society organisations • a First Nations Council • a Learning and Teaching Council • regular engagement with representatives from key stakeholders covering learning and teaching, research, equity, regional issues, and private tertiary education providers. <p>The tertiary education system is complex and diverse, and it is imperative that ATEC have the capability and capacity to drive the system towards the 2050 vision. Precluding current or recent university staff from being appointed as Commissioners for a period is an unnecessary step.</p>
<p>Is the ATEC's proposed legislated objective (page 2) comprehensive?</p>	<p>There are notable, unexplained differences between the National Tertiary Education Objective described in the AUA Final Report and that outlined in the consultation paper.</p> <p>In particular, the ATEC objectives and purpose omit reference to core system stewardship accountabilities: The proposed ATEC objectives speak to fostering collaboration and joint work but exclude reference to core responsibilities of a system steward, including providing strategic advice to the Minister, monitoring performance and financial sustainability and ensuring the availability of quality data for decision making.</p> <p>UTS requests the circulation of an exposure draft of the ATEC legislation before it is introduced into Parliament.</p>
<p>Does the proposed structure of the Commission, including consultation with other relevant stakeholders (pages 3-4), allow for an effective decision-making process?</p>	<p>There are notable, unexplained differences between model proposed in the AUA Final Report and the consultation paper. For example:</p> <ul style="list-style-type: none"> • there is no explanation for why the ATEC will be housed in the Department of Education and reporting to the Secretary instead of being fully independent and directly reporting to the responsible Ministers. • the decision to not include an Equity Commissioner or the ongoing Advisory Board is not explained despite the AUA Final Report calling for such roles. <p>As it currently proposed, ATEC's capability to steward this complex and diverse system is comprised.</p>

<p>What does effective stewardship look like for the ATEC? What levers should the ATEC have to steward the sector?</p>	<p>As described in the AUA Final Report, effective stewardship covers the whole of the tertiary education system with deep thinking and clarity of direction. The ATEC should itself be properly resourced and given the levers necessary to drive change in the system such as funding, mission-based compacts, policy coordination and development and most importantly planning for the future.</p>
<p>How can the ATEC seek the regular information and advice it needs to operate, while ensuring minimal additional regulatory burden on the sector?</p>	<p>To operate effectively while minimizing additional regulatory burden, the ATEC could establish a streamlined reporting framework that aligns with existing data collection processes and leverages technology to automate and simplify data submission.</p>
<p>What does a successful tertiary future state look like and how can the governance of the ATEC help to achieve this?</p>	<p>A successful tertiary future state would be one where the higher education and VET sectors are seamlessly integrated, providing flexible pathways for students and meeting the workforce needs of the nation. The ATEC should engage collaboratively across the tertiary education system to facilitate this integration and support continuous improvement and innovation in the sector.</p> <p>Given that it is intended that ATEC implement higher education policy over a decadal timeframe, mechanisms should be put in place to ensure there is a robust framework for long term planning and appropriate transitional approaches where fiscal or other changes are envisaged in future. The ATEC must re-establish confidence within and beyond the sector that the future needs of Australian higher education align with national priorities, and that any changes support rather than disrupt our university assets.</p>
<p>How can the ATEC be designed to maximise harmonisation between the two tertiary education systems?</p> <ul style="list-style-type: none"> • What are the steps needed for harmonisation and how should they be timed/staged? • How should States and Territories be engaged in this process? 	<p>To maximize harmonization, the ATEC could develop a sequenced approach that begins with a discussion about the ATEC itself and ensuring it has the capacity and capability to achieve the National Tertiary Education Objective. After which, ATEC should develop a workplan in consultation with the sector regarding the various aspects to reform the tertiary education system. Engaging States and Territories in this process will be crucial, and this could be achieved through a series of collaborative workshops and joint planning initiatives.</p> <p>However, these are objectives to be pursued in the longer term. In the immediate term, ATEC will need to prioritise higher education issues, including implementing new managed growth and needs based funding arrangements and stabilising the international education sector.</p>