

INQUIRY INTO THE UNIVERSITIES ACCORD (AUSTRALIAN TERTIARY EDUCATION COMMISSION) BILL 2025 & RELATED CONSEQUENTIAL AND TRANSITIONAL PROVISIONS BILL

Per Capita
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Per Capita is an independent think tank, dedicated to fighting inequality in Australia. We work to build a new vision for Australia, based on fairness, shared prosperity, and social justice.

We welcome the opportunity to make a submission into the Universities Accord (Australian Tertiary Education Commission) Bill 2025 & Universities Accord (Australian Tertiary Education Commission) (Consequential and Transitional Provisions) Bill 2025 (ATEC Bill).

Per Capita supports, in principle, the establishment of an ATEC to ensure that decision-making for the Australian tertiary sector is transparent, evidence-based, and free from undue influence or bias. However, it is also critical that the ATEC reflects the contemporary realities of the Australian university sector, where both staff and students are increasingly diverse and globalised.

1.1 International education expertise

We are pleased to see that one of the Commissioners is expected to be of First Nations background, which is an important step toward improving education outcomes for Aboriginal and Torres Strait Islander peoples. However, we believe there is a gap in the collective expertise and representation among the Commissioners.

Australian Government Department of Education data indicate that international students constitute a significant component of Australia's higher education system. In 2024, 28.7 per cent of students studying higher education in Australia were on-shore international students, rising to 35.2 per cent when off-shore international students are included (see Table 1). In addition, approximately 12.8% of individuals who completed a qualification in the VET sector were international students (see Table 2).

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As one of the objects of the Bill and that is to increase equitable access to and participation and success by “all students”, and given that approximately one-third of the university student population are international students, it is a matter of sound policy and effective governance to ensure that the expertise represented at the Commission level. Commissioners with a strong understanding of international education policy settings, regulatory frameworks, welfare and visa systems, and international education dynamics would strengthen decision-making, improve policy responsiveness, and reduce the risk of unintended consequences.

Ensuring adequate representation of international education expertise would support more coherent alignment across education, skills, and workforce policy domains, and reinforce Australia’s position as a trusted and competitive destination for international students. Notably, one of the Commission’s key functions is to allocate the maximum number of international student commencements to ESOS-registered providers at the direction of the Minister. Such allocations should be contingent on the provider’s capacity to meet the welfare and wellbeing needs of international students, including, but not limited to, access to suitable student accommodation and appropriate support services. From a system stewardship perspective, incorporating international education expertise would strengthen the Commission’s ability to promote quality and sustainability across the entire student population.

Table 1: All students in Higher Education Institutions by citizenship and residence status 2024¹

	Status	Number	Percentage
Domestic students	Australian citizen	1,023,122	61.0%
	NZ citizen	16,764	1.0%
	Permanent resident	42,350	2.5%
	Permanent humanitarian visa	4,553	0.3%
International students	Temporary entry – resides in Australia	481,851	28.7%
	Other – resides overseas	107,437	6.4%
TOTAL		1,676,077	100.0%

Table 2: All students studying qualifications in the VET sector in 2024²

	Funding type	Number	Percentage
Domestic students	Government funded	1,228,100	55.2%
	Fee-for-service	710,010	31.9%
International students	Fee-for-service	284,925	12.8%
TOTAL		2,223,045	100.0%

¹ Australian Government Department of Education (2025), 2024 Section 2 – All students <https://www.education.gov.au/higher-education-statistics/resources/2024-section-2-all-students>

² NCVER (2025), Total VET students and courses 2024 <https://www.ncver.edu.au/research-and-statistics/publications/all-publications/total-vet-students-and-courses-2024>

1.2 Equality and the quality of campus life

Sexual harassment and sexual violence have a demonstrable impact on students' wellbeing, academic performance, and continuation of their university studies. National survey data indicate that 16.1 per cent of students have experienced sexual harassment and 4.5 per cent have experienced sexual assault since starting university³. Similarly, evidence shows that experiences of racism within universities make students feel unsafe and unwelcome, negatively affecting their engagement, academic performance, and overall educational outcomes⁴. Taken together, this evidence demonstrates that student safety and freedom from discrimination are foundational to educational quality and student success.

One of the stated objects of the Bill is to enable the delivery of quality teaching and learning, as well as internationally competitive research and research training. Achieving these objectives depends on safe, inclusive, and respectful campus environments. However, the current version of the ATEC Bill does not explicitly include oversight of systemic issues such as sexual harassment, racism, and other forms of discrimination, despite their direct impact on the safety, participation, and outcomes of both students and staff. The higher education system should not focus solely on the delivery of education and training; the safety and wellbeing of students and staff are equally fundamental to the quality and effectiveness of the sector.

In August 2025, the Australian Government passed the *University Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Bill*, recognising the prevalence and seriousness of gender-based violence in university settings and the need for consistent national standards to ensure the safety of women students and staff. In this context, it is necessary for the ATEC to have an explicit oversight role in monitoring institutional compliance with the Code, assessing the effectiveness of prevention and response mechanisms, and ensuring transparency and accountability across the sector. Without such oversight, the ATEC's capacity to fulfil its stewardship role in relation to quality, equity, and sustainability is constrained.

Further, recent incidents, including the Bondi Beach attack in late December 2025, have intensified public and policy attention on social cohesion, community safety, and the rise of racism and hate-based harassment on campuses. Universities are microcosms of broader society and are uniquely positioned to either mitigate or exacerbate these risks. As such, improving equitable access to, participation in, and success within higher education for "all students" must explicitly include students from culturally and linguistically diverse backgrounds.

³ Heywood, W., Myers, P., Powell, A., Meikle, G., & Nguyen, D. (2022). National Student Safety Survey: Report on the prevalence of sexual harassment and sexual assault among university students in 2021. Melbourne: The Social Research Centre.

⁴ Australian Human Rights Commission (2024). Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations People Interim Report.

Research has consistently shown that racism is a substantial barrier to accessing, engaging with, and succeeding in tertiary education⁵. For example, in 2011 the retention rate for first-year Aboriginal university students was 67.6 per cent, compared with 79.2 per cent for other domestic students⁶. While a range of factors influence student retention, racism remains a significant contributor to the negative educational experiences and outcomes of First Nations students impacting on retention. Therefore, efforts to improve education outcomes for First Nations students that do not explicitly address racism are therefore unlikely to be effective. Similarly, research examining campus racism experienced by Chinese international students has highlighted both the prevalence of racism and the sense of powerlessness students often report when seeking redress⁷.

These findings underscore the importance of transparent and comparable reporting on addressing racism, which would strengthen sector-wide accountability, support evidence-based policy responses, inform continuous improvement, and better align the ATEC's functions with the Bill's stated objectives of quality, equity, and international competitiveness.

The *Australian Universities Accord Final Report 2024* recommended a Tertiary Education Racism Study recognising the impacts of racism has on students, which resulted in the *Respect at Uni* research⁸. However, the ATEC Bill does not adequately address racism, including but not limited to racism directed at First Nations peoples, antisemitism, Islamophobia, and Sinophobia, nor does it articulate clear expectations regarding institutional responsibility for fostering inclusive and socially cohesive campus environments. This represents a significant gap. We therefore recommend that the ATEC's functions explicitly include oversight of university approaches to addressing racism, including the development, implementation, and evaluation of evidence-based initiatives.

To support this role, universities should be required to adopt more robust and consistent reporting mechanisms to measure and publicly report on campus safety, experiences of discrimination, and the effectiveness of anti-racism and inclusion initiatives, and report these information to ATEC.

1.3 Conclusion

In conclusion, Per Capita supports the ATEC Bill. However, for the ATEC to be effective, it must reflect the contemporary realities of the Australian higher education sector. This includes ensuring appropriate expertise in international education, as well as explicit responsibility for oversight of campus safety,

⁵ Australian Human Rights Commission (2024). *Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations People Interim Report*.

⁶ Gibbs, J., Paradies, Y., Gee, G., & Haslam, N. (2022). The effects of Aboriginal tertiary students' perceived experiences of racism and of cultural resilience on educational engagement. *The Australian Journal of Indigenous Education*, 51(2).
<https://doi.org/10.55146/ajie.v51i2.27>

⁷ Chau W, Wang W, Qiu J and Duecher A, How Australian universities must tackle racism against Chinese students, Melbourne Asia Review. <https://www.melbourneasiareview.edu.au/how-australian-universities-must-tackle-racism-against-chinese-students/>

⁸ Australian Human Rights Commission (2024). *Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations People Interim Report*.

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including sexual harassment, racism, and other forms of discrimination, which are integral to maintaining the quality and integrity of the tertiary education system.

While some of these matters may be addressed through committee structures, they should be made explicit within the Bill itself to ensure there is sufficient oversight. In addition, the prescribed mix of skills and experience among Commissioners should include at least one Commissioner with demonstrated expertise in international education, to ensure that the ATEC is appropriately equipped to meet its statutory objectives in relation to equity, quality, and system sustainability.

About the author

Dr Wesa Chau is the Executive Director of Per Capita, bringing over 20 years of experience in international education, cultural inclusion, and gender equality. She has held leadership roles across government and international education sector advisory bodies, including the Ministerial Council on Women's Equality, the Ministerial Overseas Students Experience Taskforce, and the Victorian Government Anti-Racism Taskforce. Wesa is recognised for driving policy and program initiatives that promote equity, inclusion, and social cohesion, with a particular focus on improving the experiences of international students, women and culturally diverse communities. Her work combines strategic leadership with a commitment to measurable outcomes and systemic impact.