



D26/3770



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13 January 2026

Committee Secretary
Senate Education and Employment Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee

Re: Universities Accord (Australian Tertiary Education Commission) Bill 2025 and a related bill

The University of New England (UNE) welcomes the opportunity to provide a submission to the Senate Education and Employment Legislation Committee inquiry into the *Universities Accord (Australian Tertiary Education Commission) Bill 2025 & Universities Accord (Australian Tertiary Education Commission) (Consequential and Transitional Provisions) Bill 2025*.

UNE welcomes the introduction of this legislation which establishes the Australian Tertiary Education Commission (ATEC), and looks forward to working with the ATEC going forward.

UNE commends the following aspects of the legislation:

- The formation of a single statutory body with the power to consider and advise on systematic issues including equity, quality and capacity.
- The legislated, structural commitment to First Nations leadership of the sector and Commission through the establishment of the First Nations Commissioner and First Nations Advisory Committee.
- The improved transparency around higher education information and data through the publication of the annual State of the Tertiary Education System report.

UNE considers there are several areas worthy of additional deliberation in finalisation of the legislation and consideration of implementation:

Focus on equity groups and regional Australia: UNE welcomes the stated objective (section 14) that the ATEC must have regard for improving outcomes for equity groups, including persons living in regional Australia.

There is welcome focus on First Nations leadership, however, the functions and membership of the Commission could be strengthened to better support achievement of the objective of improving outcomes for equity groups.

For example, the sole reference to equity groups in the requirements of knowledge and experience amongst the Committee membership is 'regional Australia' in section 59(a)(v). This appears to not align with the Accord statements around ATEC membership which included the Regional Education Commissioner to support a focus on regional Australia.

To ensure stronger expertise in relation to the experience of equity groups, UNE further recommends that ATEC consider establishing advisory panels with appropriately qualified and experienced members so that advice from Australians with a broader range of lived experience informs the activities of the Commission.

Independence: The Accord recommended that the ATEC be an independent statutory authority answerable to relevant Ministers. UNE notes that it is important that ATEC works within the current structure for higher education policy and regulation and therefore full 'independence' comes with risks.

However, there are some potential issues in the legislation that, without careful management through implementation, may compromise the ability of the ATEC to give frank and fearless, independent advice, data and information. Items worth consideration include:

- The Minister can notify ATEC of strategic priorities for tertiary education and ATEC must take those priorities into account when performing functions (section 15). While knowledge of the Minister's priorities is critical for ATEC to perform its function, this could be achieved without legislation. If legislated, the use of the power will need to be closely monitored to ensure it does not unnecessarily constrain the ATEC's ability to provide independent advice to Government.
- The broad scope of areas that the ATEC can provide advice and recommendations on (section 41) is welcome. However, advice and recommendations can only be provided on the request of the Minister. This may unnecessarily constrain the ATEC's ability to provide frank and fearless advice to Government.
- ATEC can only publish advice or recommendations with the permission of the Minister (section 69). This may risk curtailing public dissemination of different ideas around the current and future state of the higher education sector.
- The Minister may direct an ATEC Commissioner on performance of functions (section 71). While there are some limitations on these directive powers in subsection 2, the broad nature of this function may need close consideration during implementation to ensure ATEC can perform its stated functions without significant diversion.
- ATEC has no separate budget and is dependent on the Department of Education (as determined by the Secretary) for staffing. This may create issues for the independence and consistency of advice provided to the Commissioners.

Mission based compacts: UNE enthusiastically embraces the notion of bespoke compacts and welcomes the stated purpose of the compacts to give providers flexibility to pursue their goals and missions within the broader framework of needing to meet the needs and expectations of students, community and sector (section 28).

However, UNE notes there is little guidance on how this flexibility can be achieved in compacts, and therefore much is left to individual negotiations between the ATEC and individual providers. In implementation, UNE urges ATEC to have a holistic focus on a provider's operations, including research and engagement missions, to ensure genuinely bespoke and fit-for-purpose compacts can be reached.

Due to the lack of specific guidance in legislation, careful implementation and monitoring will be needed to ensure the dual goals of flexibility and meeting expectations can be met. Further, clarity on the threshold for suspension of compacts will be needed in the implementation phase.

UNE welcomes the introduction of a default compact, noting that expired compacts can continue while negotiations for new compacts progress. This will support considered negotiations around appropriate compacts instead of a need to rush through completion.

VET harmonisation: UNE welcomes the potential for the ATEC to be involved in improving coordination and collaboration between the higher education and VET systems (section 41(2)). In implementation however, greater clarity will be needed on the design approach to improvements. UNE recommends that improvements be approached from a user experience focus. Improvements need to make the system easier for students to engage with as opposed to a system that is easier for institutions and governments to administer.

ATEC collection of data: As an implementation issue, it is unclear how the ATEC will gather all the information it requires to provide advice on the broad range of areas within its domain (section 41).

A large volume of data is already provided to Government through various mechanisms and UNE recommends careful consideration of the data collection process to reduce duplication in data requests and minimise risk of over-reporting and unnecessary diversion of resources.

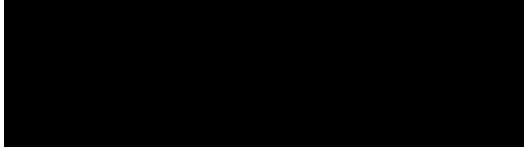
Use of existing data sources will also need careful consideration and discussion with the sector to ensure contextual factors that impact provider performance are considered in the use of any data.

UNE also recommends that there is transparency from ATEC on how institutional data will be handled. ATEC policies in relation to data governance and security, and any use of artificial intelligence should be made available to providers.

Statement of strategic priorities: To ensure there is clarity for higher education providers around Government and ATEC priorities, there will need to be careful consideration around the consistency of the various statements containing

government expectations – Minister’s priorities (section 15), ATEC’s statement of strategic priorities (section 43), ATEC work plan (section 45) and any Minister’s direction (section 71).

Yours sincerely,



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Vice-Chancellor and CEO
University of New England***