

UNSW Submission – Establishing an Australian Tertiary Education Commission

UNSW welcomes the opportunity to provide a response to the Department of Education’s (DoE) consultation on establishing an Australian Tertiary Education Commission (ATEC).

Recommendations

The Department of Education should consider the following as part of its consultation on ATEC:

Expertise and focus

1. We support an ATEC that works closely with higher education and VET providers to deliver improved coordination and operation of the tertiary education system. In doing so, an effective ATEC would value and preserve the autonomy and diversity of institutions.
2. The appointment criteria for the Commission should support a highly experienced and diverse pool of candidates that:
 - Have extensive experience in the day-to-day running of tertiary institutions, including in relation to governance and funding arrangements;
 - Have demonstrated ability to collaborate across sectors and drive system-level change;
 - Can bring deep understanding of policy and regulation across the tertiary sector;
 - Possess expertise in both education and research to ensure a breadth of understanding across all challenges the sector faces;
 - Identify and guide equity considerations relating to the sector;
 - Can provide a granular understanding of the contemporary pressures in the sector; and
 - Have international experience that could help guide best practice for the sector.
3. We strongly recommend that the First Nations Council be part of the structure and expertise of the ATEC.

Proposed legislated objective

4. We support the proposed overarching National Tertiary Education Objective in the *Universities Accord Final Report* to maintain a tertiary education system which is fit for purpose and can meet student, community and national needs effectively and efficiently.

Structure and decision-making processes

5. The creation of ATEC needs to avoid duplicating existing government processes or postponing necessary reforms in the sector. The establishment of the ATEC should therefore aim to streamline, where possible, overall governance arrangements in the sector.

6. The ATEC's decision-making processes should be independent of the DoE to ensure that the full benefits of the Commission's independence are realised.
7. The nature of the ATEC's relationships with the DoE, TEQSA, ASQA, ARC, and ERA needs clarification.
8. We support the ATEC being an independent, publicly accountable body as a means of increasing transparency and building trust across government and the tertiary sector. Along with enhanced higher education data and analytics, this would help to ensure the ATEC is working in concert with education providers to meet its objectives.
9. There is limited detail provided in the consultation paper as to the Minister having "statutory powers to direct ATEC on particular matters" – we encourage the DoE outline what type of matters this could include and how the sector would be effectively engaged and consulted.

Stewardship

10. In addition to the important functions of the ATEC recommended in the *Universities Accord Final Report*, we consider the following as further positive examples of stewardship:
 - Clarify how the ATEC intends to influence student choice and what linkage that aim would have with secondary education providers;
 - Foster Work Integrated Learning opportunities with industries in relevant skill shortage areas to government objectives; and
 - Formalise and strengthen state and territory engagement channels.

Information and consultation

11. There are various ways in which the ATEC could seek regular information and advice it needs to operate, while minimising additional regulatory burden on the sector – including by establishing advisory councils and leveraging existing peak bodies.
12. To support this, we recommend a Learning and Teaching Council is established, to oversee the ongoing coordinated and collaborative effort needed to update research into best practice learning and teaching approaches, taking into account rapid changes in global higher education and in technology.

Future state

13. The ATEC will deliver an ambitious agenda as outlined in the *Universities Accord Final Report*.
14. The future state is an integrated tertiary education sector that is fit for purpose for the social and economic needs of the 21st century. The ATEC will be a trusted system steward, respected by government and providers for its deep expertise and understanding of tertiary education.
15. As outlined in our UNSW submission on the *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024*, the setting of any targets for international student numbers should be delivered through the ATEC mission-based compact process, allowing for institution-by-institution discussions on potential caps and managed growth.

Harmonisation

16. We are broadly supportive of the ATEC playing a key role in integrating the VET and higher education systems. However, harmonisation between the two tertiary education systems should not adversely impact diversification between providers or limit student choice.

About UNSW

UNSW is ranked in the world's top 20 universities¹ with more than 70,000 students and over 4,200 higher degree research candidates. UNSW is a world-leading research and teaching-intensive university, known for innovative, pioneering research and high-quality education with a longstanding global impact. Since our foundation in 1949 and through celebrating our 75th anniversary year, our aim has been to improve and transform all lives through excellence in research, outstanding learning and teaching experiences, and a commitment to advancing Australia's economic growth and prosperity.

Expertise and focus

UNSW supports an ATEC that works closely with higher education and VET providers to deliver improved coordination and operation of the tertiary education system. In doing so, an effective ATEC would value and preserve the autonomy and diversity of individual institutions – by recognising their unique circumstances, including their different stages of strategy, range of educational offerings, student profiles, research capabilities, financial robustness, infrastructure needs, and geographical location.

To support this focus, it will be important for the ATEC to make decisions based on deep sectoral expertise and experience. This will directly influence how the ATEC will build and maintain long-term trust with education providers, and ultimately, how the ATEC will effectively steward the tertiary education system.

We recognise the DoE's concern regarding independence from the tertiary sector. However, we encourage a balanced approach – one that does not deprive the Commission of the necessary expertise and experience that will be fundamental for the Commission to successfully meet its objectives. This approach should be supported by the overarching principles relating to conflict of interest management in the Australian Public Service Commission's *APS Values and Code of Conduct in Practice* guidance².

To ensure experienced individuals are appointed, the consultation paper's stipulation that potential Commissioners can "demonstrate their independence from the tertiary sector, for example by not having worked in a leadership position in the tertiary sector within a set number of years", should be removed, and only concurrent appointments should be prohibited.

The appointment criteria for the Commission should support a highly experienced and diverse pool of candidates that:

- Have extensive experience in the day-to-day running of tertiary institutions, particularly in relation to governance and funding arrangements;
- Have demonstrated ability to collaborate across sectors and drive system-level change;
- Can bring deep understanding of policy and regulation across the tertiary sector;
- Possess expertise in both education and research to ensure a breadth of understanding across all challenges the sector faces;
- Identify and guide equity considerations relating the sector;

¹ UNSW (2024) 'UNSW Sydney retains Top 20 position in QS World University Rankings':

www.unsw.edu.au/newsroom/news/2024/06/UNSW-Sydney-retains-Top-20-position-in-QS-World-University-Rankings

² Australian Public Service Commission 'Section 5: Conflict of Interest': www.apsc.gov.au/publication/aps-values-and-code-conduct-practice/section-5-conflict-interest

- Can provide a granular understanding of the contemporary pressures in the sector (including post-COVID-19 sector developments impacting delivery of educational offerings, how assessments are managed, and the physical and virtual learning environments); and
- Have international experience that could help guide best practice for the sector.

As specifically highlighted in the consultation paper, we strongly recommend that the First Nations Council is part of the structure and expertise of the ATEC, especially if Commissioners will be appointed on a part-time basis.

Proposed legislated objective

We support the proposed overarching National Tertiary Education Objective in the *Universities Accord Final Report* to maintain a tertiary education system which is fit for purpose and can meet student, community and national needs effectively and efficiently. This is important to underpin a strong, equitable and resilient democracy, while also driving national economic and social development and environmental sustainability for all.

To achieve this, the government should work together with education providers to ensure:

- A strong, dynamic and efficient tertiary education system that has the capacity, capability and infrastructure it needs;
- Affordable and equitable opportunity for all Australians to access and participate in high-quality, engaging and transformative tertiary education programs;
- Delivery of graduates with the creativity and technical skills to meet future workforce and societal needs;
- Collaborative and purposeful work between governments, tertiary education providers, industry, employers, and unions to flexibly align local skills supply with demand; and
- The creation and diffusion of new knowledge and its innovative application for the betterment of society.

Structure and decision-making processes

Simplicity

As long-established and reputable institutions, universities have built effective planning, coordination and accountability measures, while managing significant regulatory oversight. Establishing another body that proposes to inform and influence government policy, national skills planning, tertiary education settings, student choice, and provider performance and quality, may result in a complex and fragmented system.

The creation of ATEC therefore needs to avoid duplicating existing government processes or postponing necessary reforms in the sector. The establishment of the ATEC should aim to streamline, where possible, overall governance arrangements in the sector.

From this perspective, the design of the ATEC should factor in how existing bodies and their functions will be either separate from, complement, or folded into the new Commission so that there is clear coordination and differentiation. For example, clarification is needed as to the nature of the ATEC's relationships with the DoE, TEQSA, ASQA, ARC, and ERA.

This also comes at a time when the sector is undergoing significant policy and regulatory changes – including from the Migration Strategy, Universities Accord Final Report, states and territories such as NSW reviewing their VET sector, and the lingering impacts of the COVID-19 pandemic. This can present practical challenges for the operation of the Commission. For example, complexity of the current

legislative landscape will require the proposed four Commissioners to work collaboratively with state and territory bodies to ensure that policy development is operationally possible in all delivery areas.

Independence

The consultation paper proposes that the ATEC would be housed within the DoE, with the Secretary of the Department as the accountable authority. We suggest that the ATEC's decision-making processes should be independent of the DoE to ensure that the full benefits of the Commission's independence are realised. We welcome further detail and clarity as to how independence between the ATEC and the DoE would operate in practice. 'Markers of independence' include:

- Legislation (ATEC created in legislation)
- Direct reporting to Minister(s)
- Annual report (ATEC produces its own annual report)
- Statement of expectations from Minister
- Published work plan
- Explicit allocation in annual Federal Budget
- Own media arrangements though subject to Ministerial direction
- Independent secretariat - secretariat staff appointed by Commission; performance assessment independent of the Department
- Independent process for commissioning research
- MoU with related Department covering modes of working together and arrangements for services (HR, IT, etc.) supplied
- Independent commissioner appointment process
- Operating values (transparency, wide consultation, dialogue, no conflicts of interest)

Transparency

We support the ATEC being a publicly accountable body as a means of increasing transparency with the tertiary sector. Along with enhanced higher education data and analytics, this will help to ensure that the ATEC is working in concert with education providers to meet its objectives.

We support the following activities proposed in the paper:

- The Minister publishing an annual statement of expectations, which can help provide context and understanding as to the short to medium term goals of the ATEC.
- The ATEC reporting on higher education outcomes through an annual State of the Sector report, which could provide valuable data and sectoral insights. We encourage the ATEC to consider how this report could inform higher education needs to support student success.

There is limited detail provided in the consultation paper as to the Minister having "statutory powers to direct ATEC on particular matters". We encourage the DoE to outline what type of matters this could include and how the sector would be effectively engaged and consulted.

Stewardship

The ATEC should ensure the relationship between government and the tertiary education sector is a dynamic, forward-looking, evidence-driven partnership. For example, establishing the ATEC would be an excellent opportunity for the sector to be provided with more evidence-based research that can be considered in how universities, such as UNSW, achieve student success.

In its role as an independent system steward, the Commission will foster mutual respect and enhanced cooperation between government and education providers in order to collectively deliver on key

government objectives, such as increased equity cohort participation and the delivery of mission-based compacts. The independent nature of the ATEC will help build trust between tertiary education providers and government. It will be important for the ATEC to ensure from the start that the existing institutional autonomy of universities is understood and respected. The ATEC will be able to reflect and learn from the successes and weaknesses of past reform efforts in the sector.

In addition to the important functions of the ATEC recommended in the *Universities Accord Final Report*, we consider the following as further positive examples of stewardship:

- Clarify how the ATEC intends to influence student choice and what linkage that aim would have with secondary education providers;
- Foster Work Integrated Learning opportunities with industries in relevant skill shortage areas to government objectives; and
- Formalise and strengthen state and territory engagement channels.

Information and consultation

There are various ways in which the ATEC could seek regular information and advice it needs to operate, while minimising additional regulatory burden on the sector. For example, the DoE could consider the following as part of its consultation:

- Utilisation of DoE annual financial and performance KPI submissions;
- Utilisation of current ranking KPIs to inform international student modelling and influence delivery focus of universities to maximise overall sectoral competitiveness;
- Ensure engagement of state and territory leaders to identify legislative levers for simplification of the sector to support skills mobility; and
- Consider establishing advisory councils and leveraging peak bodies to inform initial policy design to identify implementation challenges before sectoral engagement to reduce design timeframes.

Establishing advisory councils to support the ATEC could provide significant benefits if they:

- Reflect the current provider delivery landscape that consists of existing or former sectoral leaders to ensure opportunities between secondary, VET and university providers are maximised and to navigate system complexity in policy implementation;
- Consist of a mix of educational, research and professional skills from within the sector.
- Are representative of all states, given legislative, demographic and delivery nuance and focus on opportunities to align tertiary sector national and state regulation; and
- Ensure that the development of policy considers state and territory delivery objectives to be harmonised with ATEC objectives.

To support this, we recommend as outlined in the *Universities Accord Final Report*, the creation of a Learning and Teaching Council of the Commission. It would oversee the ongoing coordinated and collaborative effort needed to update research into best practice learning and teaching approaches, taking into account rapid changes in global higher education and in technology.

Future state

Student success

The ATEC will deliver an ambitious agenda outlined in the *Universities Accord Final Report*, including helping to achieve the national target of 80% of the workforce having a tertiary qualification by 2050.

The future state is an integrated tertiary education sector that is fit for purpose for the social and economic needs of the 21st century. The ATEC will be a trusted system steward, respected by government and providers for its deep expertise and understanding of tertiary education.

International education

The consultation paper does not detail how it will “manage international student profiles for public universities”. This is particularly important as managing international student enrolments appears to be proposed by the government as a long-term part of the system of managed growth. Given the current policy and regulatory landscape that education providers are navigating, further information is needed to help the sector adequately prepare and embed operational changes.

As outlined in our UNSW submission on the *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024*, the setting of any targets for international student numbers should be delivered through the ATEC mission-based compact process, allowing for institution-by-institution discussions on potential caps and managed growth.

To support this, we recommend the ATEC regularly consults the peak international education bodies or consider creating an international committee to ensure that it can identify emerging risks and issues to avoid unintended consequences for the tertiary system.

Harmonisation

We are broadly supportive of the ATEC playing a key role in integrating the VET and higher education systems. The future state should allow for seamless transition between tertiary education systems, both inter and intra state, by working with all states and territories to harmonise legislation. To achieve this, the DoE should consider how the ATEC can help reduce operational costs, and how the sector can cross-collaborate regarding translational research and opportunities for intra-provider pathways.

However, harmonisation between the two tertiary education systems should not adversely impact diversification between providers – this will still be important to ensure students have the choice and flexibility to undertake studies in their best interests.

Conclusion

Establishing an ATEC for Australia’s tertiary education system is an important opportunity to ensure the system is fit for purpose and can meet student, community and national needs effectively and efficiently.

A well-resourced and independent ATEC will steward the tertiary sector to deliver meaningful outcomes that underpin a strong, equitable and resilient democracy, while also driving national economic and social development and environmental sustainability for all.

Should you wish to discuss any issue raised in this submission, please do not hesitate to contact our Director of Government Relations, Mr Robin Schuck, on 0411 124 258 or r.schuck@unsw.edu.au.