



AUSTRALIAN TERTIARY EDUCATION COMMISSION

Implementation consultation paper

University of the Sunshine Coast submission

July 2024

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Executive Summary

The University of the Sunshine Coast (UniSC) is pleased to provide a submission in response to the *Australian Tertiary Education Commission (ATEC) Implementation Consultation Paper*.

UniSC endorses the submissions from Universities Australia (UA) and the Regional Universities Network (RUN). Our submission therefore seeks to reinforce some of the key points made in those submissions and provide additional perspectives and ideas for consideration.

As envisaged in the ATEC Implementation Consultation Paper (consultation paper), UniSC believes the ATEC is unlikely to be a fit for purpose entity that can partner with the tertiary sector and other stakeholders to help achieve the vision of the proposed National Tertiary Education Objective. Our primary concerns, further outlined in our submission, relate to the ATEC's independence, scope, governance and capacity. We therefore believe more time is needed for consultation to ensure the ATEC is established with genuine support from all stakeholders with which it will need to partner.

Recommendations

UniSC makes the following recommendations for consideration.

1. *Extend the ATEC implementation timeframe to allow for further consultation and gain stakeholder support, including on its scope.*
2. *Provide further detail on how the ATEC will be independent from the Department of Education.*
3. *Provide further details on how the ATEC will be properly resourced to achieve its objectives.*
4. *Expand the size and diversity of the ATEC governance structure given the size and complexity of the tertiary sector it would steward, including by:*
 - a. *Adding more Deputy Commissioners, including with responsibility for regional education, equity and international education.*
 - b. *Establishing additional advisory Councils focused on regional education, learning and teaching and international education.*
 - c. *Establishing an industry advisory group with representation from the tertiary sector, current students and alumni, industry, civil society, relevant federal government departments and state and territory governments.*
5. *Amend the proposed list of ATEC Objectives and Purpose statements to include references to 'affordable', 'sustainable' and 'infrastructure', as detailed in UniSC's submission.*
6. *Amend the proposed ATEC functions as per the suggestions outlined in UniSC's submission.*
7. *Prioritise a system view of regulatory and reporting settings and identify opportunities across all levels of government to both streamline and reduce administrative and reporting obligations.*
8. *Embed the Accord Final Report's definition of Responsible Stewardship in the ATEC's enabling legislation.*
9. *Ensure stakeholder feedback is sought on an exposure draft of the ATEC legislation prior to a Bill being tabled in Parliament for debate.*
10. *Clarify the extent of the Ministerial powers to direct the ATEC and ensure these are reviewed once the ATEC is fully operational, potentially after three years.*
11. *Establish specific ATEC review cycles, potentially after 3 years of initial operation and then after every 5 years.*
12. *Ensure the ATEC is enabled to be the leading provider of tertiary sector information and advice and seek information or data in an efficient manner that does not duplicate existing processes.*
13. *Seek a clear commitment from the Australian Government and all state and territory governments on tertiary sector harmonisation benefits and an implementation roadmap.*
14. *Enable the ATEC to work in partnership with states and territories to achieve tertiary harmonisation outcomes.*

Introduction

The University of the Sunshine Coast (UniSC) is pleased to provide a submission in response to the *Australian Tertiary Education Commission (ATEC) Implementation Consultation Paper*.

UniSC endorses the submissions from Universities Australia (UA) and the Regional Universities Network (RUN). Our submission reinforces some of the key points made by UA and RUN and provides additional perspectives and ideas for consideration.

We would welcome the opportunity to discuss our submission in further detail. If this is of interest, please contact Jason Mills, Head of Government Relations, on jmills3@usc.edu.au or 0415 950 619.

General feedback

While UniSC is generally supportive of an independent Australian Tertiary Education Commission (ATEC), the entity as described in the consultation paper is unlikely to be fit for purpose to help achieve the vision of the proposed National Tertiary Education Objective (as defined in the Accord Final Report).

Our primary concerns, outlined in further detail in response to the consultation paper questions, are:

1. **Independence** - the proposed interrelationship with the Department of Education risks undermining the ATEC's independence.
2. **Scope** - the ATEC's proposed accountabilities are very broad and need further discussion. There is also no clarity provided on what functions the Department will remain accountable for, which risks confusion and duplication, particularly with respect to policy roles. Further, there is no high level workplan or delivery staging detail to provide clarity and reassurance on which activities will be prioritised and over what periods of time. This is particularly important for the tertiary integration objective otherwise there is a real risk the ATEC won't ever become a 'tertiary' body.
3. **Governance** - the proposed governance structure is underdone given the size and complexity of the tertiary sector it would steward.
4. **Capacity** - apart from noting a CEO will lead the organisation, there is no detail on the requisite level of staff resources and how these skill sets will be achieved, particularly given the ATEC's broad scope of responsibilities. It is therefore difficult to see how the ATEC will be adequately resourced to achieve its many objectives, even in the medium term, not to mention the critical short term reform priorities it would be tasked with.

Given the above, UniSC is concerned about the feasibility of the proposed ATEC implementation timeframes i.e. "interim capacity from 1 July 2025 and formally from 1 Jan 2026, subject to the passage of legislation". More time is needed to consult with the sector, state and territory governments and other stakeholders on the ATEC's scope, establishment roadmap, priorities and then resource the organisation so it can deliver effective and efficient outcomes.

Recommendations

- *Extend the ATEC implementation timeframe to allow for further consultation and gain stakeholder support, including on its scope.*

Implementation issues for feedback

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?

Governance

UniSC contends that the proposed ATEC governance structure is insufficient given the size and complexity of the tertiary sector it would steward.

With respect to the Commissioners, the appointment criteria should remove the requirement for not having worked in a leadership position in the tertiary sector within a set number of years. This will preclude people with contemporary experience in the sector, who as senior professionals, must be trusted to have sufficient integrity with which to focus on the objectives of their ATEC role.

UniSC believes additional Deputy Commissioners are required to ensure a suitable level of expertise and focus on key sector priorities. Per the Accord Final Report, additional Deputy Commissioner's should be added with focuses on regional education, equity and international education. The requirement to consult the existing Regional Education Commissioner is not sufficient and there are no listed stakeholders to be consulted on equity and international education.

UniSC supports the establishment of a First Nations Council and argues there is value in creating other councils focused on regional education, learning and teaching and international education.

As recommended in the Accord Final Report, we support the establishment of an industry advisory board incorporating representatives from the tertiary sector, students and alumni, industry, civil society and federal government departments and state and territory governments. At present there is no clear mechanism for many of these stakeholders to advise on / influence the ATEC's priorities.

Independence

UniSC is concerned about the proposed interrelationship with the Department of Education which risks undermining the ATEC's autonomy and independence.

Capacity

We are also concerned about how the ATEC will be properly resourced with appropriate tertiary sector expertise. The consultation paper makes no mention of that aspect of the ATEC's implementation, apart from noting it will be overseen by a CEO. Given both broad and deep knowledge of the sector will be critical. As that capacity is currently lacking in some areas of the Department of Education, simply moving existing Department staff to the ATEC will not be sufficient. There is also no discussion in the consultation paper about how the ATEC will establish knowledge of the VET sector, including the nuances relevant to dual-sector providers.

Ministerial powers

UniSC would like to see clarity on what 'particular matters' means in practice with respect to the Minister's powers to direct the ATEC. We also believe these powers be reviewed once the ATEC is fully operational, potentially after three years.

Reporting

UniSC supports the proposal for an annual State of the Sector report. We also support the RUN submission's recommendation for a rolling triennial planning report to evaluate the progress toward shared goals, broader system performance, share good practice, and identify emerging issues.

Review timeframes

UniSC suggests specific ATEC review timeframes are established and propose the first review is undertaken after 3 years of initial operation and then after every 5 years.

Recommendations

- *Expand the size and diversity of the ATEC governance structure given the size and complexity of the tertiary sector it would steward, including by:*
 - *Adding more Deputy Commissioners, including with responsibility for regional education, equity and international education.*
 - *Establishing additional advisory Councils focused on regional education, learning and teaching and international education.*
 - *Establishing an industry advisory group with representation from the tertiary sector, current students and alumni, industry, civil society, relevant federal government departments and state and territory governments.*
- *Provide further detail on how the ATEC will be independent from the Department of Education.*
- *Provide further details on how the ATEC will be properly resourced to achieve its objectives.*
- *Clarify the extent of the Ministerial powers to direct the ATEC and ensure these are reviewed once the ATEC is fully operational, potentially after three years.*
- *Establish specific ATEC review cycles, potentially after 3 years of initial operation and then after every 5 years.*

Is the ATEC's proposed legislated objective (page 2) comprehensive?

Objectives and purpose

UniSC proposes that the ATEC objectives as defined in the consultation paper be made fully consistent with the language used in the Accord Final Report, given the importance of terminology to drive behaviour, activity and outcomes. Specifically, and per the below, we would like to see 'affordable' included in Objective (a) and 'infrastructure' in Purpose (a). Further, UniSC would also like to see the word 'sustainable' in the Purpose (a).

- (a) **affordable and equitable opportunity through supporting all Australians to access and participate in high-quality, engaging and transformative tertiary education programs.***
- (a) **facilitating a strong, dynamic, efficient and sustainable tertiary education system that has the capacity, capability and infrastructure it needs.***

Legislation

UniSC supports the ATEC being established as a statutory office in legislation. However, we ask the Government to share the legislation exposure draft for feedback, with sufficient time for consideration and drafting amendments, ahead of a Bill being tabled in Parliament for debate.

Recommendations

- *Amend the proposed list of ATEC Objectives and Purpose statements to include references to 'affordable', 'sustainable' and 'infrastructure', as detailed in UniSC's submission.*
- *Ensure stakeholder feedback is sought on an exposure draft of the ATEC legislation prior to a Bill being tabled in Parliament for debate.*

Does the proposed structure of the Commission, including consultation with other relevant stakeholders (pages 3-4), allow for an effective decision-making process?

UniSC remains concerned about the broad scope of the ATEC's proposed functions. We have seen from New Zealand's experience that this approach, including combining policy and funding roles, can present governance and implementation difficulties.

UniSC further proposes the following amendments and additions to the proposed ATEC functions:

- Consistent with Accord Final Report, include 'system planning' and 'overseeing and monitoring of the AQF' (the latter is important if the ATEC does eventually become a true 'tertiary' body)
- With respect to "Implements and negotiates enforceable mission-based compacts with higher education providers", UniSC argues that the word "implements" be removed. The ATEC should consult and negotiate with providers, who are then responsible for implementing their respective mission-based compacts. We are also concerned that the reference to "enforceable" sounds punitive and not consistent with the ethos of the ATEC as a sector steward.
- "Delivers on Government objectives" should be changed to "Delivers on the National Tertiary Education Objective" given the ATEC is being established as an independent statutory body, not a department or agency required to implement government policy.
- "Improvements in regulatory systems" must prioritise a system view of regulation and identify levers across all levels of government to streamline and reduce the administrative burden.
- Data functions must include a focus improving the TCSI system and more timely enrolment data.
- Include an additional function (consistent with the Accord Final Report) on increasing the quality of the tertiary education workforce.

Recommendations

- *Amend proposed ATEC functions as per the suggestions outlined in UniSC's submission.*

What does effective stewardship look like for the ATEC? What levers should the ATEC have to steward the sector?

UniSC agrees with the Accord Final Report's definition of Responsible Stewardship i.e. "a shared responsibility for higher education between universities, as autonomous institutions, and the Commission as the system steward" and believe this definition should be built into the ATEC's enabling legislation.

Council and the shared stewardship model for VET established by the National Skills Agreement.

Recommendations

- *Embed the Accord Final Report's definition of Responsible Stewardship in the ATEC's enabling legislation.*

How can the ATEC seek the regular information and advice it needs to operate, while ensuring minimal additional regulatory burden on the sector?

Information and advice

UniSC believes the ATEC should be positioned as a leading provider of information and advice. Institutions will continue to provide base data, but are often asked to provide information and analyses that is the responsibility of national or state agencies. There is great expertise in the sector that could support ATEC to establish robust, shared evidence for decision-making.

Regulatory burden

The Accord Final Report reinforced that the proposed system governance proposals, including the ATEC, were “intended to be implemented in a way that reduces administrative burden on institutions whilst increasing tertiary education system intelligence, harnessing system capability and reinforcing institutional autonomy”. While the consultation paper proposes the ATEC will “drive improvements in regulatory systems”, this does little to reassure UniSC that institutional administrative burdens would be reduced. Indeed, all of the Accord reforms implemented or considered to date increase institutional administrative burdens, particularly governance and reporting. If the ATEC is to be an effective steward of the sector, it must prioritise a system view of regulatory and reporting settings and identify opportunities across all levels of government to streamline and reduce the administrative burden.

The objective should therefore not be “ensuring minimal additional regulatory burden on the sector”, rather it must be finding opportunities to reduce the already substantial burden by (1) removing obsolete and low value regulations and reporting requirements (2) consolidating duplicate regulation and reporting across federal portfolios and state and territory governments and (3) using technology to simplify information requests while retaining robust security and privacy protections.

As one way of tackling this issue, UniSC supports the suggestion in the Accord Final Report that the ATEC, as sector steward, take on responsibility for supporting the Higher Education Standards Panel (HESP), currently managed by the Department of Education.

Recommendations

- *Ensure the ATEC is enabled to be the leading provider of tertiary sector information and advice and seek information or data in an efficient manner that does not duplicate existing processes.*
- *Prioritise a system view of regulatory and reporting settings and identify opportunities across all levels of government to both streamline and reduce administrative and reporting obligations.*

What does a successful tertiary future state look like and how can the governance of the ATEC help to achieve this?

UniSC supports the vision of a successful tertiary future state as outlined in the RUN submission, particularly the principles of student access, equity and choice, provider autonomy to meet local workforce needs and stable, sustainable funding arrangements to support institutional planning and community confidence in the sector, further enabled through greater sector harmonisation.

As outlined previously in this submission, the ATEC can help achieve these outcomes with the appropriate independence, scope, governance and capacity.

How can the ATEC be designed to maximise harmonisation between the two tertiary education systems?

- ***What are the steps needed for harmonisation and how should they be timed/staged?***
- ***How should States and Territories be engaged in this process?***

UniSC contends that without significant political will from federal and state governments, supported by an agreed transition roadmap, it will be difficult for the ATEC to overcome the ingrained harmonisation barriers of competing government policy priorities and funding models.

Indeed, the consultation paper provides no practical ideas or roadmap about how the ATEC can or will support further tertiary harmonisation, apart from intentional statements. Further, the proposed ATEC governance structure makes no provision for a Deputy Commissioner and/or an advisory council / body focused on VET sector harmonisation outcomes which instils little confidence that this work will be prioritised even in the medium term.

However, without a clear and sector endorsed roadmap, it is difficult to see how the ATEC will evolve to become a steward of the whole tertiary sector, particularly given competing federal and state government policy priorities and funding models across higher education and VET. Therefore the ATEC must be enabled to work in partnership with states and territories, through existing structures like National Cabinet, the Education Ministers Meeting, the Skills and Workforce Ministerial

This creates the risk that sunk costs and 'sectoral interests' mean the ATEC becomes a permanent fixture that doesn't align with the wider issues we need to tackle across the whole education system e.g. equity targets can only be met if we increase aspirations for tertiary study as a whole, which also requires action in schools and by employers.

However, to at least support the harmonisation aspiration, the ATEC must be genuinely enabled to work in partnership with states and territories, through existing structures like National Cabinet, the Education Ministers Meeting, the Skills and Workforce Ministerial Council. The shared stewardship model for VET, established by the National Skills Agreement, provides one useful example.

Recommendations

- *Seek a clear commitment from the Australian Government and all state and territory governments on tertiary sector harmonisation benefits and an implementation roadmap.*
- *Enable the ATEC to work in partnership with states and territories to achieve tertiary harmonisation outcomes.*