

Submission to the enquiry of the Senate Education & Employment Committee into the *Universities Accord (ATEC) Bill*

January 2026

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Introduction

Navitas welcomes the opportunity to make a submission to the Committee's enquiry into the *Universities Accord (Australian Tertiary Education Commission) Bill 2025*.

Navitas supports the Government's initiative to set up the Commission. ATEC will have an important role in implementing reforms recommended by the Australian Universities Accord and guiding higher education providers' efforts to work together to meet the nation's skills needs and expand participation, especially among under-represented groups. Importantly, ATEC will set enrolment numbers for both domestic and international students.

How ATEC will operationalise the new system of funding, allocation of places and sector stewardship will be set out in future legislation to amend the *Higher Education Support Act 2003*. Navitas looks forward to participating in discussion on this legislation. The current Bill to establish ATEC sets the foundations. It is important to get these settings right.

Navitas notes that discussion about ATEC, and the new system that it will steward, has focussed on universities and has largely ignored the current – and potential future – role of non-university higher education providers (NUHEPs). In our view, this is a serious omission and a missed opportunity. It is hard to see how the Government's ambitious participation and attainment targets can be met without a major expansion of provision by NUHEPs. Greatly increased participation – especially among groups traditionally under-represented in higher education – will require a more diverse, flexible and responsive higher education sector offering a range of different opportunities, through different modes of delivery to a much bigger and more diverse cohort of students. In addition, attempting to meet the Government's attainment targets solely through publicly funded, research-active universities is the most expensive option and is likely to impose an unmanageable fiscal cost on Government. This is likely to lead to arbitrary limits on enrolments that will compromise the goal of widening participation. Such an outcome would be detrimental for skills supply to the labour market and unfair to prospective students – especially those from equity groups.

Navitas urges the Committee to consider how ATEC could be set up to work towards a true 'system' approach where a range of different, high quality providers – not just public universities – play their varied and complementary parts to expand participation and meet the nation's skills needs.

About Navitas

Navitas is Australia's largest independent higher education provider, and a pioneer in the provision of pathways into university for both international and domestic students.

Navitas plays a major role in Australia's world-leading international education sector, as one of the biggest providers of pathway courses for international students into Australian

universities, as an operator of offshore managed campuses and through its independent higher education colleges in Australia.

Navitas partners with 11 Australian universities and operates two University Colleges (the SAE University College and ACAP University College). Both Navitas University Colleges are registered with TEQSA as two of the eight institutions in the University College provider category.

In addition to its Australian operations, Navitas operates more than 100 colleges and campuses in 18 countries. Worldwide, Navitas employs 5000 staff and educates 60,000 students every year from more than 130 countries around the world.

Navitas began in Perth in 1994, setting up an innovative partnership with Edith Cowan University. Navitas has continued to innovate and grow and is today one of the world's leading education organisations.

Summary of Recommendations

Following is a summary of Navitas recommendations to the Committee. Each recommendation is further expanded in this submission.

ATEC's role	
1	Recommend that the Bills be passed with the amendments listed below.
2	Consider how ATEC can be designed and operate to take a genuine systems approach across the entire tertiary education sector – not just public universities.
3	Recommend an amendment to the National Tertiary Education Objective to include explicit reference to learning & teaching and research and how they advance the broad stated objectives.
Structure of the Commission; staffing	
4	<p>Recommend amendments to the organisation of the Commission:</p> <ul style="list-style-type: none"> - There should be five Commissioners, including: <ul style="list-style-type: none"> ▪ a Chief Commissioner ▪ a First Nations Commissioner ▪ at least one Commissioner with strong expertise in vocational education and training ▪ a Commissioner with expertise in international education ▪ a Commissioner with expertise in non-university provision of higher education. - The list of domains in which the Commission must collectively have expertise should include international education and non-university provision of higher education. - The First Nations Commissioner should be required to have knowledge of issues affecting First Nations people's participation and success in tertiary education, in addition to the more general requirement at s.57(3)(b).

5	<p>Recommend amendments to ss.22-24 to empower ATEC to employ and maintain a more appropriate and effective complement of staff:</p> <ul style="list-style-type: none"> - Amendments should provide for ATEC to employ its own staff, rather than relying on Department of Education officers 'made available by the Secretary' from time to time. - The legislation should enable (or require) ATEC to make use of expertise from the sector, not only through consultancies and contractors, but also through: <ul style="list-style-type: none"> ▪ Secondments from (and into) the sector ▪ Short and long term employment opportunities for practitioners and experts from the sector.
Advice and reporting	
6	<p>Recommend amendments to s.41 to empower ATEC to provide advice to the Minister on its own initiative. Limiting ATEC's advice to cases where the Minister gives an explicit and specific direction is unduly restrictive and subverts the idea and purpose of a Commission.</p>
7	<p>Recommend an amendment to s.42 to expressly require that the State of the Sector report be published in a more timely manner.</p>
8	<p>Recommend amendments to:</p> <ul style="list-style-type: none"> - Section 25 of the Bill to require appointment of an appropriately qualified ATEC committee to advise Commissioners on matters related to the Higher Education Threshold Standards Framework, including ATEC's advice to the Minister on making and amending the Standards. - New section 58A(2) of the <i>TEQSA Act</i> (at item 13 of the <i>Universities Accord (Australian Tertiary Education Commission)(Consequential and Transitional Provisions) Bill 2025</i> to add the committee to the entities that ATEC must consult before advising the Minister on the Threshold Standards.
Mission-based compacts	
9	<p>Recommend amendments to Division 3 of Part 3 to ensure that the prudent and necessary contingency of 'default compacts'</p>

	does not support a potential default setting for all universities, subverting the policy goals of mission-based compacts.
10	Recommend amendments to distinguish compact and reporting requirements for Table B providers from those for Table A providers. Given that Table B providers receive much less Government funding, duplicating compact and reporting requirements for Table A's for these providers is neither fair nor relevant.
Allocating maximum numbers of international student commencements (NOSC)	
11	<p>Recommend amendments to the Bill to make clearer how ATEC will set New Overseas Student Commencements (NOSC):</p> <ul style="list-style-type: none"> - Provisions should more clearly demarcate the respective roles of ATEC and the Minister, and more clearly establish ATEC's powers <p>The legislation should be clearer about the mechanism by which ATEC will set NOSC for those (non-university) providers that will not be required to enter into mission-based compacts with the Commonwealth.</p>
12	<p>Revisit the methodology for calculating NOSC before ATEC starts allocating maximum international student commencements in order to:</p> <ul style="list-style-type: none"> - Adjust the base to a level that makes sense today (stop using 2023 as a base figure – this is too soon after COVID, and may reward risky and unscrupulous practices at this time) - Align the methodology for pathway colleges to that used for universities

ATEC's role

A tertiary education commission was a key recommendation of the final report of the Australian Universities Accord review. The Accord Panel argued that an absence of expert policy capacity and sector oversight has led to a higher education sector that is less effective and less efficient than it could be. A commission could plan the structure and provision of higher education for the long term, without distortion from changes of government, minister and/or political priorities. A commission could coordinate the activities of higher education providers to secure more effective collaboration to deliver on strategic national goals.

Government's response to the Accord Panel's recommendations has emphasised and foregrounded the importance of the commission as the foundation and precondition for other reforms proposed by the Accord. The Minister has even stated (quoting an unnamed source) that the 'ATEC is the Accord'¹.

While Navitas has some concerns about exactly how the Bill establishes ATEC, we believe that the Commission is a positive initiative that can improve sector governance and policy development. We suggest a number of amendments below to improve the structure and effectiveness of the Commission.

Navitas's biggest concern about ATEC – and about the policy discourse around the Accord – is its strong focus on the existing university model of provision. An increase in higher education participation on the scale sought by the Accord will need a more diverse model of provision than can be offered by the universities alone. The role of non-university providers (NUHEPs) – both public and private – is integral to achieving the Government's attainment and access targets.

The more coordinated and diverse system sought by the Accord should include the full variety of providers – beyond the university sector – and should support the development of new approaches to provision. The future role of University Colleges merits particular consideration.

Navitas notes that the Bill reflects the policy focus on universities. But – to paraphrase the Minister – ATEC is not just for the next few years: the Commission should be set up to allow for and support future policy development. It is therefore important that the Committee take the opportunity of this enquiry to look at how ATEC can be established in a way that will promote the development of a wider and more diverse higher education system.

¹ Second reading speech on the Bill, [ParlInfo - BILLS : Universities Accord \(Australian Tertiary Education Commission\) Bill 2025 : Second Reading](#)

In terms of the drafting of the Bill, references to ‘higher education’ and ‘higher education providers’ are appropriately broad. The Committee should consider adding a sub-paragraph to s.3 ‘Objects of this Act’ along the following lines:

Further diversification of the higher education sector to ensure it develops and maintains the capacity to absorb increased participation from a wider variety of students.

OR

Work with higher education providers in all provider categories to ensure adequate and responsive provision to meet the Government’s higher education participation and attainment goals.

Clearly recognising at the establishment of ATEC that its remit goes well beyond universities will set the Commission up effectively to lead and steward the development of the diverse higher education system that Australia needs – and which will become even more important as participation grows.

Navitas strongly supports in principle the inclusion of a National Tertiary Education Objective in the Bill. We also support an objective that is drafted to make explicit the very high level, big picture social, cultural and economic goals to which higher education and research make vital contributions. However, we share concerns expressed by other stakeholders that the National Tertiary Education Objective does not expressly mention higher education or research. Navitas proposes that s.13(1) of the Bill be redrafted along lines suggested by the Accord’s recommendation 1 on the National Tertiary Education Objective:

13 The National Tertiary Education Objective

- (1) The ***National Tertiary Education Objective*** is the objective for the tertiary education in Australia to promote:
- a. a strong, dynamic and efficient tertiary education system
 - b. affordable and equitable opportunity for all Australians to access and participate in tertiary education
 - c. supply of graduates with the skills to meet workforce needs
 - d. collaboration amongst government and sector stakeholders to align skills supply with demand
 - e. creation and diffusion of new knowledge and its innovative application for the betterment of society.

In order to

- (a) promote a strong, equitable and resilient democracy; and
- (b) drive national, economic and social development and environmental sustainability.

Recommendations

The Committee should:

1	Recommend that the Bills be passed with the amendments listed in this submission.
2	Consider how ATEC can be designed and operate to take a genuine systems approach across the entire tertiary education sector – not just public universities.
3	Recommend an amendment to the National Tertiary Education Objective to include explicit reference to learning & teaching and research and how they advance the broad stated objectives.

Structure of the Commission; staffing

Navitas is concerned that the structure of the Commission proposed in the Bill is not adequate to the size and variety of the task.

The Bill outlines a Commission consisting of two full-time Commissioners (the Chief Commissioner and the First Nations Commissioner) and one part-time Commissioner. In addition to the higher education expertise required of the Commission, one of the Commissioners must have expertise in vocational education and training (VET).

Navitas proposes that a more effective and realistic model would have five Commissioners: a Chief Commissioner, a First Nations Commissioner and three additional Commissioners, including one with deep expertise in VET, one with expertise in international education and one with expertise in non-university provision of higher education.

Section 59 of the Bill lists several domains in which the Commission, collectively, must have expertise. This list omits international education. In view of the great importance of international education in the Australian tertiary system – and of ATEC's future role in setting maximum numbers of overseas student commencements – it is vital that international education be added to the list in s.59.

Similarly, non-university provision of higher education should be added to the list of subject areas specified in s.59 to ensure that the Commission has expertise across the full breadth of the higher education sector.

Finally, s.57(3) should be amended to add a requirement that the First Nations Commissioner have 'a significant understanding of issues affecting First Nations people's access to and success in tertiary education', in addition to the more general requirement of expertise on issues affecting First Nations people already at s.57(3)(b).

Sections 22 to 24 of the Bill set out arrangements for staffing ATEC. It is surprising that these sections of the Bill make no provision for ATEC to employ its own staff: ATEC will be ‘assisted’ by officers of the Department of Education, whom the Secretary will ‘make available’ from time to time.

This arrangement may negatively impact ATEC’s autonomy and ability to recruit experienced experts with deep knowledge of and contacts in the sector.

Navitas proposes that s.22 of the Bill be reworked to allow ATEC to employ its own staff. An appropriate model may be s.41 of the *Australian Research Council Act 2001*. Of course, closely following this precedent would require further amendments to make ATEC a statutory agency within the Education portfolio (rather than a part of the Department of Education). Establishing ATEC as a statutory agency would more clearly safeguard the Commission’s autonomy. Further amendments would include. s.10, which specifies that ATEC is part of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*

Navitas recommends some further changes to sections of the Bill that deal with staffing, in order to ensure that ATEC has access to the expertise it needs. We recommend that s.23 be amended to include a provision to allow (or even require) ATEC to employ staff from the tertiary education sector not only as contractors or consultants, as provided for in s.24, but also in:

- Secondments/internships
- Short-term roles
- long-term/permanent roles.

Recommendations

The Committee should:

4	<p>Recommend amendments to the organisation of the Commission:</p> <ul style="list-style-type: none"> - There should be five Commissioners, including: <ul style="list-style-type: none"> ▪ a Chief Commissioner, ▪ a First Nations Commissioner ▪ at least one Commissioner with strong expertise in vocational education and training ▪ a Commissioner with expertise in international education ▪ a Commissioner with expertise in non-university provision of higher education. - The list of domains in which the Commission must collectively have expertise should include international
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	<p>education and non-university provision of higher education.</p> <ul style="list-style-type: none"> - The First Nations Commissioner should be required to have knowledge of issues affecting First Nations people's participation and success in tertiary education, in addition to the more general requirement at s.57(3)(b).
5	<p>Recommend amendments to ss.22-24 to empower ATEC to employ and maintain a more appropriate and effective complement of staff:</p> <ul style="list-style-type: none"> - Amendments should provide for ATEC to employ its own staff, rather than relying on Department of Education officers 'made available by the Secretary' from time to time. - The legislation should enable (or require) ATEC to make use of expertise from the sector, not only through consultancies and contractors, but also through: <ul style="list-style-type: none"> ▪ Secondments from (and into) the sector ▪ Short and long term employment opportunities for practitioners and experts from the sector.

Advice and reporting

The Bills sets out a number important reporting and advisory functions for ATEC. As the structure of the Bill makes clear, these are among ATEC's core functions and are central to its *raison d'être*. It is useful that these functions are set out so explicitly in the legislation.

It is, however, very odd that ATEC can only exercise the important reporting and advisory functions set out in s.41 of the Bill at the Minister's specific and explicit direction. This subverts ATEC's key role of providing advice to the Minister, and the purpose of having a Commission in the first place. Of course, the Minister should be able to give directions to ATEC to do particular pieces of work or to provide advice on specific issues of interest. But the legislation should also recognise and enshrine a broad power for the Commission to conduct research and provide advice on its own initiative.

Navitas recommends amending s.41 to say:

ATEC may on its own initiative provide advice and recommendations to the Minister in relation to the following:

After sub-paragraph (k), add a new s.1a:

The Minister may request advice or recommendations from ATEC on any of the matters listed in s.41. If the Minister makes such a request, ATEC must give the Minister advice and recommendations.

Similar amendments should be made to paragraph (2).

The State of the Sector report outlined at section 42 is an excellent initiative that promises a significant improvement in the level of information and data available to the sector and the public. This will be conducive to a better informed and higher quality public and policy discussion about higher education. Timely and accurate data and analysis have been limited for some time, with a resulting negative impact on public discussion.

Timeliness of data has also been a problem for some years, and the problem has got worse. Navitas welcomes the inclusion of a reporting deadline at s.42(3)(a), but 12 months after the end of the reference year seems too generous. Navitas proposes that this be shortened to 6 months.

Navitas has some concerns about how ATEC will assume the Higher Education Standards Panel's functions. We believe that the intent of Division 5 of the Bill would be more effectively realised if a committee were to be established to give ATEC detailed specialist advice on the Higher Education Standards Framework, rather than leaving this job to the Commissioners themselves. An amendment to section 25 of the Bill (after paragraph (1)) could establish the committee as another mandatory committee of ATEC.

An accompanying amendment to the *Universities Accord (Australian Tertiary Education Commission)(Consequential and Transitional Provisions) Bill 2025* could add the committee to the entities that ATEC must consult (listed at new section 58A(2) of the TEQSA Act) before giving the Minister advice on the Threshold Standards.

Recommendations

The Committee should:

6	Recommend amendments to s.41 to empower ATEC to provide advice to the Minister on its own initiative. Limiting ATEC's advice to cases where the Minister gives an explicit and specific direction is unduly restrictive and subverts the idea and purpose of a Commission.
7	Recommend an amendment to s.42 to expressly require that the State of the Sector report be published in a more timely manner.

8	<p>Recommend amendments to:</p> <ul style="list-style-type: none"> - Section 25 of the Bill to require appointment of an appropriately qualified ATEC committee to advise Commissioners on matters related to the Higher Education Threshold Standards Framework, including ATEC's advice to the Minister on making and amending the Standards. - New section 58A(2) of the <i>TEQSA Act</i> (at item 13 of the <i>Universities Accord (Australian Tertiary Education Commission)(Consequential and Transitional Provisions) Bill 2025</i> to add the committee to the entities that ATEC must consult before advising the Minister on the Threshold Standards.
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Mission-based compacts

Navitas welcomes the inclusion of detailed specifications for mission-based compacts in the ATEC establishment legislation. The new compacts will be central to ATEC's functions and will be the main mechanism by which the Commission stewards the university sector.

Navitas understands that exactly how compacts will work and what they will do will become clearer once legislation amending the *Higher Education Support Act 2003* is brought forward later in 2026 to set up the new system of allocating and funding places.

As with other aspects of implementation of Accord recommendations, the Government has set itself a daunting timetable for scoping out, negotiating and putting in place the new compacts. Every Table A and B provider will have to negotiate and enter a mission-based compact, so the volume of work – both at the front end and then monitoring universities' performance against their compacts – will be considerable.

It is prudent and sensible that the Bill includes an option for 'default compacts', intended to serve as an agreement between ATEC and a university where a negotiated comprehensive compact is not – for the time being – in place. This will enable the Commonwealth to fund the university and will establish some basic expectations around use of and accountability for this funding.

However, Navitas is concerned that default compacts may, over time, offer a path away from mission-based compacts as conceived by the Accord and back to the pro forma compacts of the last 15 years. Under section 36 of the Bill, a default mission-based compact is in place automatically whenever a mission-based compact under Division 2 of Part 3 of the Bill is not in force. But section 27(1) states only that ATEC 'may' enter a mission-based compact with a Table A or Table B provider. It would be an improvement

to the Bill to change this to ‘must’. The Bill could also add a further paragraph outlining deadlines for when ATEC must start negotiating compacts and when compacts must be signed. If this is too complicated to include in the legislation (e.g. if it is decided to negotiate compacts with different groups of universities in different years, such as one quarter of universities each year for four years) details could be specified in regulations (a power to make regulations about the compacts process would have to be inserted into this part of the Bill).

The Bill requires Table A and B providers to enter into mission-based compacts. Navitas recommends that comprehensive compacts be limited to Table A providers. It seems both unfair and not very relevant to impose the same compact and reporting requirements on Table B providers, which receive much less Government funding and which have either limited numbers of or no Commonwealth-supported places.

Recommendations

The Committee should:

9	Recommend amendments to Division 3 of Part 3 to ensure that the prudent and necessary contingency of ‘default compacts’ does not support a potential default setting for all universities, subverting the policy goals of mission-based compacts.
10	Recommend amendments to distinguish compact and reporting requirements for Table B providers from those for Table A providers. Given that Table B providers receive much less Government funding, duplicating compact and reporting requirements for Table A’s for these providers is neither fair nor relevant.

Allocating maximum numbers of international student commencements (NOSC)

Section 11(h) of the Bill gives ATEC the power to ‘allocate a maximum number of international student commencements to ESOS registered providers at the direction of the Minister’.

This wording fails to make clear the respective roles of ATEC and the Minister and could be seen to suggest that the Minister will (or at least can) determine the maximum number, which ATEC will merely communicate to the provider. Presumably, this is not what is intended. Navitas recommends that this provision be redrafted to clarify that ATEC will calculate and allocate the maximum number of international student

commencements. If it is thought necessary, a further clause could be added along the lines of ‘within the overall NOSC for the sector, as set by the Minister’.

It would be helpful if a clause could be added to the Bill – either here at s.11(h) or in another appropriate place – to specify the mechanism by which ATEC will allocate the maximum number, particularly in the case of providers that are not subject to mission-based compacts. Presumably, this would be either a single document published by ATEC including a table of allocations for all relevant providers and/or a formal communication with each relevant provider communicating the number.

Finally, it is not clear from the Bill what role (if any) ATEC will have in allocating NOSC to VET providers.

Apart from the allocation process, the methodology for calculating NOSC needs to be revised before ATEC gets to work allocating places to providers. The current methodology starts from a base set when providers were still recovering from the impacts of the COVID pandemic. It therefore freezes numbers at a particular stage in providers’ business cycle. Furthermore, it bakes in an ongoing reward for those providers who went hard in the first couple of years after COVID, growing at an unsustainable rate and taking market share from other providers with a more orderly patterns of recovery and growth. The methodology should be revisited to make it fit for purpose in the post-COVID era.

Another anomaly in the calculation of NOSC is that commencements at pathway colleges – which operate as partners of universities – are calculated using a completely different method from that used for universities. Since pathway colleges – by definition – channel students into universities this makes little sense. The methodology for calculating pathway colleges’ NOSC should be aligned to that used for universities, rather than to the method used for NUHEPs which are not pathway colleges.

Recommendation

The Committee should:

11	<p>Recommend amendments to the Bill to make clearer how ATEC will set New Overseas Student Commencements (NOSC):</p> <ul style="list-style-type: none"> - Provisions should more clearly demarcate the respective roles of ATEC and the Minister, and more clearly establish ATEC’s powers. <p>The legislation should be clearer about the mechanism by which ATEC will set NOSC for those (non-university) providers that will not be required to enter into mission-based compacts with the Commonwealth.</p>
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12	<p>Revisit the methodology for calculating NOSC before ATEC starts allocating maximum international student commencements in order to:</p> <ul style="list-style-type: none">- Adjust the base to a level that makes sense today (stop using 2023 as a base figure – this is too soon after COVID, and may reward risky and unscrupulous practices at this time)- Align the methodology for pathway colleges to that used for universities
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