



Terms of Reference

Interim Australian Tertiary Education Commission

1. Purpose and objectives

Government has agreed to establish an Australian Tertiary Education Commission (ATEC) led by three expert Commissioners (statutory office holders) from 1 January 2026, subject to the passage of legislation. To ensure the ATEC is set up to succeed as steward of the tertiary education sector, an interim ATEC will be established within the Department of Education from 1 July 2025, led by two non-statutory, expert Commissioners – an interim Chief Commissioner and interim First Nations Commissioner. In the interim phase, the third Commissioner position will be fulfilled by asking the Jobs and Skills Australia (JSA) Commissioner to work closely with the two other roles to form the interim Commission.

The interim ATEC will be crucial to creating the pathway for the ongoing, legislated ATEC, which will focus on implementing the landmark higher education reforms agreed by Government once it is established. These reforms are designed, among other outcomes, to ensure a closer matching of demand and supply of people with the skills and knowledge to meet Australia's future workforce needs. The reforms currently include driving greater tertiary harmonisation, determining allocations for the new Managed Growth Funding system, implementing Needs-based Funding as part of the core funding model, and negotiating enhanced mission-based compacts with providers that will support a diverse, responsive and high performing sector. The interim ATEC will be modest and pragmatic in scope, with two and five-year external review points.

The primary role of the interim Commission will be to provide a consultative forum that supports the Government, and Parliament, in finalising key priorities such as the ATEC legislation, the operation of Mission-based Compacts, Needs-based Funding and Managed Growth Funding System legislation and progressing tertiary harmonisation. To fulfil this mandate, the interim Commission will work collaboratively to support and oversee the establishment of the ATEC prior to the passage of legislation, including through providing strategic direction, engaging widely with the sector and stakeholders, and providing advice to Government on the initial steps to establish the reforms. As non-statutory office-holders, Commissioners will work together to provide advice that is advisory in nature.

The interim ATEC, as with the intended ongoing model, is expected to engage with the tertiary education sector as a whole – comprising the vocational education and training (VET) and higher education sectors. Within the higher education sector, ATEC is expected to foster diversity, differentiation of mission and purpose, and innovation in delivery. In relation to universities, interim and ongoing arrangements are expected to ensure that ATEC engages across the full spectrum of university life, including teaching and learning for both domestic and international students, and the central role of research, research training and the development of new knowledge. For VET, in conjunction with the Department of Employment and Workplace Relations, JSA and the states and territories, interim and ongoing ATEC activities should work towards the goal of greater tertiary harmonisation.

The interim Chief Commissioner, interim First Nations Commissioner and JSA Commissioner will operate using a consensus model. This means they will reach general agreement and employ a shared approach to executing their key duties, responsibilities and deliverables as outlined in these Terms of Reference, as well as reaching consensus prior to providing advice to Minister(s).

Key duties, responsibilities and deliverables

Interim Commissioners will facilitate the establishment of the ATEC by developing relationships with the sector and progressing the first steps to deliver the ATEC's key work priorities.

The priorities and deliverables of the interim Commission will include:

- Early shaping of ATEC's stewardship role for the sector through consulting, engaging, co-creating and building relationships with a wide range of tertiary education stakeholders.
- Consulting with the sector and working with the Department of Education on implementation of the new higher education funding arrangements and mission-based compacts process.
- Commencing work to better understand the cost of teaching and learning so that the ATEC can provide advice on overall higher education funding levels per student.
- Providing advice to achieve the Accord promise of ensuring that First Nations people are 'central to the higher education sector'.
- Progressing tertiary harmonisation priorities by working with the Departments of Education and Employment and Workplace Relations, states and territories and JSA, including considering recommendations in JSA's Tertiary Harmonisation Report.
- Other advice as the interim Commission determines through their ongoing collaboration with the tertiary sector.

The interim Commission will also provide independent advice to the Minister for Education on higher education matters when requested. Any cross-portfolio advice relating to the tertiary education system, which includes vocational education and training (VET), will also be provided by ATEC to the Minister for Skills and Training and, as appropriate, to State and Territory Ministers. The interim ATEC's tertiary education advice will be enhanced by the role of the JSA Commissioner in interim arrangements, ensuring Australia's skills needs, VET and dual sector institution perspectives are woven through the ATEC's operations.

2. Consultation

Interim Commissioners will consult, engage and build relationships with a wide range of stakeholders – including but not limited to universities, higher education providers, State and Territory Governments, VET sector stakeholders, students, industry, government and peak bodies – in order to support and oversee the establishment of the ATEC. They should also consult with the Accord Implementation Advisory Committee and the Commonwealth-State Tertiary Reform Group.

On First Nations matters, stakeholders to be consulted will include the National Aboriginal and Torres Strait Islander Higher Education Consortium, Universities Australia Deputy Vice Chancellor (DVC) / Pro Vice Chancellor (PVC) Indigenous Committee, and the National Aboriginal and Torres Strait Islander Education Corporation.

The interim Commission should draw on the expertise of other officials in executing their deliverables, duties and responsibilities when necessary, including but not limited to the Secretaries of the Departments of Education and Employment and Workplace Relations, the Regional Education

Commissioner, the Tertiary Education Quality and Standards Agency Chief Commissioner and CEO, the Australian Skills Quality Authority CEO and the Australian Research Council Board Chair and CEO.

3. Conditions of appointment

The interim Commissioners will be non-statutory, significant appointments made by the Minister for Education. Interim Commissioner appointments will be part-time, commencing on 1 July 2025 and will conclude when ATEC legislation comes into force.

Interim Commissioners will be required to adhere to the terms of engagement set out in an Engagement Agreement. This will include employment arrangements, conflict of interest requirements, remuneration, travel and accommodation rates.

The role of the JSA Commissioner in interim ATEC arrangements will be reflected in their Statement of Expectations and will form part of their current appointment.

4. Policy, operations and executive support

The interim Commission will provide policy advice to the Minister on matters relating to their key duties, responsibilities and deliverables set out in these Terms of Reference. The Department has enduring obligations to support the Minister during this interim period and will work closely with the interim Commission to ensure that its briefing of the Minister clearly identifies Commission advice and any opportunities or challenges involved in progressing that advice. Decision making on funding and implementation matters remains with the Minister for Education, or their delegate. The Commonwealth will retain all decision-making in relation higher education pricing matters.

The interim Commission will be supported by a Division within the Department of Education, comprising of an Executive Director and staff as provided by the Department. Staff will provide executive board and policy support to interim Commissioners, including through the provision of policy advice, coordination, and day-to-day support. Staff will report on substantive matters to the interim Commission via the Executive Director.

As with the ongoing Commission structure, accountability for staffing, the proper use and management of public resources, and other accountable authority functions remains with the Secretary of the Department of Education during the interim phase. The interim ATEC will have an operational budget, managed by the Executive Director with oversight from the Secretary.