

Commissioners' Charter

Purpose and objectives

The purpose of the Australian Tertiary Education Commission (ATEC) Commissioners' Charter (the Charter) is to establish the basis for, and govern the integrity of, the decisions made by ATEC in the discharge of its functions.

The Charter sets out the framework within which ATEC will operate, including the respective roles, responsibilities and authorities of the ATEC Commissioners (both individually and collectively).

The Charter has been developed with consideration of the *Universities Accord (Australian Tertiary Education Commission) Act 2026* (ATEC Act), and other relevant legislation, regulations and guiding frameworks.

The charter encompasses:

- Commission membership
- Role of the Commission
- Responsibilities of the Commission
- Governance principles
- Meeting protocols, including member decision-making and voting
- Conflict of interest arrangements
- Secretariat support
- Review process

1. Membership

The Commission comprises the Commissioners appointed in accordance with the ATEC Act and constitutes the decision-making authority of ATEC for the purposes of exercising the functions and powers conferred by that legislation and any other legislation.

Commissioners collectively constitute the governing body of ATEC and are responsible for exercising the Commission's functions, powers and authorities.

Each Commissioner is expected to:

- Act in good faith and in the best interests of ATEC
- Exercise due care, skill and diligence
- Act independently and impartially
- Act honestly and with integrity

- Comply with the ATEC Act, the Public Governance, Performance and Accountability Act 2013 (PGPA Act), any applicable Ministerial directions, and relevant whole-of-government policies
- Contribute constructively to Commission deliberations.

Membership of the Commission is limited to:

- Chief Commissioner (Chair)
- First Nations Commissioner
- Commissioner/s
- A person appointed by the Minister to act as a Commissioner

2. Role of the Commission

The Australian Government has established ATEC to provide independent stewardship of the tertiary education system by working with universities, students, governments, and communities to ensure the system is delivering for the nation, now and into the future. ATEC takes a systemwide view of tertiary education, and the decisions of the Commission consider student needs, the sustainability of institutions, collaboration across sectors, and the importance of alignment with national, state, territory and regional priorities.

The Commission will act as a consultative and collaborative forum, making decisions and deliberating on elements within ATEC's functional remit.

When performing functions and exercising powers, ATEC and the ATEC Commissioners must have regard to the National Tertiary Education Objective (NTEO) and the objective of improving outcomes for persons facing systemic barriers to education.

3. Responsibilities of the Commission

Responsibilities of the Chair

The Chair is the Chief Commissioner of ATEC. The Chair:

- May convene a meeting at any time during work hours
- Must convene a meeting within 30 days after receiving a written request to do so from another ATEC Commissioner or the Minister
- Must preside at all meetings at which they are present
- Ensures orderly and effective deliberation
- Determines the meeting forward schedule in consultation with the Chief Executive Officer.

Responsibilities of Members

Members of the Commission are expected to:

- Preside at a meeting if the Chief Commissioner is not present, and they have been appointed by the Chief Commissioner to preside
- Participate actively and collaboratively
- Contribute to strategic discussions and support consideration of the full range of issues relevant to ATEC's work

- Exercise due diligence and support a culture of accountability and integrity
- Promote inclusive and evidence-based decision making

Non-Commissioner attendees are encouraged to actively participate in discussions.

Advisory committees

ATEC must establish a First Nations Advisory Committee and a Higher Education Standards Committee.

ATEC may establish other committees to provide advice or recommendations to ATEC in relation to the performance of ATEC's functions. Decisions to establish further advisory committees should give regard to balance between the principles of *Public Interest and Resources* and *Consultation* (see below).

Secretariat support for ATEC advisory committees will be provided by the subject-matter expert area relevant to the committee in ATEC, with a separate Terms of Reference developed for each Committee.

4. Principles

In discharging their responsibilities, Commissioners are to apply the following decision-making principles, consistent with Australian Government governance standards:

- **Taking a system view** – Commissioners will prioritise system stewardship, including sustainability of institutions, public value, student focus, enhanced collaboration and system wide cooperation and the achievement of national, state, territory and regional priorities. Decisions must have regard to the NTEO. Commissioners must act to ensure the principles inherent in encouraging a 'system' view of tertiary education are actively considered in decision making.
- **Equity** – decisions must have regard to the objective of improving outcomes for persons facing systemic barriers to education, including people with disability, people of a low socioeconomic background and people living in regional Australia.
- **First Nations** - decisions must have regard to the objective of improving outcomes for Aboriginal persons and Torres Strait Islanders. Commissioners should act at all times to advance the principles of First Nations self-determination and strive to contribute meaningfully to Closing the Gap for First Nations peoples in the tertiary education system.
- **Collective decision making and accountability** — the Commission is collectively responsible for decisions taken within its authority, regardless of individual views expressed during deliberations. Commissioners will approach decisions in the spirit of co-operation, with respect for diverse perspectives, and maintain joint accountability when decisions are made.
- **Public interest and resources** — decisions must be consistent with legislative authority, Ministerial directions, and at all times in the public interest, while promoting the proper use, management and accountability of public resources in accordance with the PGPA Act.
- **Integrity, probity and transparency** – the Commission must act with integrity, fairness and equity, ensuring adherence to the principles of good governance and management of conflicts of interest. Decisions should reflect high standards of openness and transparency in decision making, be evidence based, clearly documented, publicly accessible and capable of external scrutiny.
- **Consultation** – decisions should reflect the principle of meaningful consultation with stakeholders. Commissioners should act in accordance with the evidence and best expert advice available to assist and guide decision making. Ensuring at all times that decisions are evidence based, reflect quality advice and informed deliberation.
- **Review** – the Commission commits to a critical review of decisions and actions on a regular basis and to continuous improvement.

5. Meeting Protocols

ATEC must hold meetings as are necessary for the efficient performance of its functions.

The Commission exercises its authority through meetings convened in accordance with the ATEC Act. The Commission will seek to make decisions as a collective, recognising that operating in this way ensures decisions on matters are robust, transparent and underpinned by joint accountability.

The threshold for what constitutes a decision, and would therefore require a vote, of the Commission is any decision of the ATEC that involves the discharge of its legislative functions. Examples of decisions involving the discharge of legislative functions include:

- Entering into a mission based compact, including deciding the form and terms of a compact or default compact, assessment of the terms of a compact, variation of the terms of a compact, and any decision to suspend or remove a suspension of a compact
- Domestic and international student allocations
- Final advice to the Minister/s

Other matters beneath this threshold can be discussed and deliberated on at meetings of the Commission, but do not require a vote, yet can be voted on if required.

Decision making and voting protocols include:

- Meetings must be quorate in accordance with legislative requirements before decisions can be made
 - A quorum is constituted by a majority of the ATEC Commissioners.
 - However, if an ATEC Commissioner is required to not be present during deliberations, or to take part in decisions of the ATEC with respect to a particular matter (see Conflict of Interest arrangements); and their departure means there is no longer a quorum, the remaining Commissioners will be considered a quorum for discussing and deciding that matter.
- In making decisions and deliberating, Commissioners will:
 - Approach decisions in the spirit of cooperation, with respect for diverse perspectives
 - Aim to understand and address concerns raised by other Commissioners
 - Seek to develop options that all members can support
- In chairing meetings, the Chief Commissioner will play a facilitative role in achieving consensus, by:
 - Encouraging collaborative discussion
 - Summarising and testing points of agreement and disagreement
 - Exploring acceptable compromises
 - Testing for consensus or facilitating a vote in accordance with statutory rules.
- Decisions must comply with the requirements of the ATEC Act, as well as broader administrative law principles, including procedural fairness and natural justice.
- A decision arising at a meeting of ATEC is to be determined by a majority of the votes of the ATEC Commissioners present and voting.
- The person presiding at a meeting of ATEC has a deliberative vote and, if the votes are equal, a casting vote.
- Where consensus cannot be reached, differing views may be recorded, but the Commission's decision remains binding.

- Where permitted, decisions may be made out of session, provided all Commissioners are afforded a reasonable opportunity to consider the matter and the decision is formally recorded.
- Minutes must be kept of meetings, including records of decisions made without meetings.

Decisions made by the Commission at a meeting or out-of-session (see below) will be endorsed at the next Commission meeting, via the approval of the previous meeting's/out-of-session minutes.

6. Conflict of interest arrangements

Commissioners must manage conflicts of interest in accordance with the ATEC Act, the PGPA Act, and any other applicable codes of conduct.

A conflict of interest may be actual, potential or perceived and arises where a Commissioner's private interests could improperly influence, or be perceived to influence, the performance of their official duties.

Commissioners must disclose any new, or changes to existing, conflicts of interest at each meeting. In line with section 15 of the PGPA Act, any Commissioner who has a conflict of interest in relation to any matter being considered at a Commissioner meeting, will not:

- Be present during any discussion of the matter
- Vote on the matter

Further conflict management arrangements include:

- Declaring interests on appointment and updating declarations as circumstances change
- Declaring conflicts at the commencement of meetings or when a relevant matter arises, and departing the meeting as required to manage the conflict of interest
- Recording declared conflicts and management actions in the official record
- Complying with any requirement to abstain from discussion or decision making as determined by the Chair or the Commission

Commissioners have provided written declarations to the Deputy Chief Executive Officer, via the completion of the Department of Education **Fraud and Conflict of Interest Responsibilities Declaration Form**, declaring any potential, perceived or actual conflicts of interest they may have in relation to their responsibilities and proposed mitigation strategies to manage them. This form was endorsed by the Deputy Chief Executive Officer. Commissioners must provide this written declaration once a year.

Failure to appropriately declare or manage a conflict may constitute a breach of statutory or conduct obligations.

7. Secretariat

Secretariat support is offered to provide administrative, procedural and governance support to the Commission, to enable the effective discharge of its statutory responsibilities.

Secretariat's functions include:

- Coordinating the scheduling of Commission meetings
- Preparing, distributing and managing meeting papers
- Recording attendance, declarations, decisions and minutes
- Maintaining official records in accordance with Commonwealth record keeping requirements

- Supporting compliance with legislative, reporting and assurance obligations
- Maintaining a forward planner to manage strategic timing of items
- Running an annual review of the effectiveness of the Commission meeting and the process for bringing outcomes to the Commission for deliberation/decision

The Secretariat operates under the direction of the Chief Executive Officer and supports the Commission as a whole.

8. Review

The Commission will review the appropriateness of this Charter annually. Any changes to the Charter will be endorsed by the Commission and provided to the Secretary for approval.

The ATEC Act is also scheduled for independent review in line with s74 of the Act:

- An initial independent review will commence within two years of the Act's commencement, examining the role and functions of the ATEC, the operation of the Act, and the extent to which its objectives have been achieved.
- A further independent review will commence within five years of commencement, assessing the operation of the Act and progress against its objectives.

9. Document control

Approval

Date	Name	Title
13 July 2026	Professor Barney Glover AO	ATEC Chief Commissioner

Endorsement

Date	Authorisation Body
1 July 2026	Australian Tertiary Education Commission