

18 August 2026

Senator Marielle Smith
Chair
Senate Education and Employment Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator,

ATSE Submission to the Universities Accord (Opening the Doors of Opportunity) Bill 2026

The Australian Academy of Technological Sciences and Engineering (ATSE) is a Learned Academy of independent, non-political experts helping Australians understand and use technology to solve complex problems. Bringing together over 950 of Australia's leading thinkers in applied science, technology and engineering, ATSE provides impartial, practical and evidence-based advice on how to achieve sustainable solutions and advance prosperity.

ATSE thanks the Education and Employment Legislation Committee for the opportunity to respond to the Universities Accords (Opening the Doors of Opportunity) Bill 2026. ATSE has a long history of supporting diversity in STEM initiatives, including through running the federally funded [Elevate: Boosting Diversity in STEM](#) program. This program provides support for women, mostly from underrepresented backgrounds, to undertake STEM degrees and boasts a 97% retention rate (compared to the average 85% retention rate for all students).

In submissions to the Universities Accord process¹, ATSE called for a needs-based funding model for higher education. ATSE's submissions highlighted the increased cost to institutions to support students from regional areas, Aboriginal and Torres Strait Islander students, and first-in-family students and called for loadings to fund extra support for these students. ATSE is therefore pleased to see the Government adopt a variation of this model in the proposed legislation and the exclusion of Aboriginal and Torres Strait Islander students from the managed growth model via a separate demand-driven system.

The proposed legislation currently provides additional funding for students from Indigenous or low socio-economic backgrounds and allows grant guidelines to identify other equity groups to receive additional needs-based funding. ATSE calls on the Government to consider further equity groups for inclusion in the needs-based funding model through this mechanism. These groups could include students with disabilities, first-in-family students or first-time mature-aged students.

¹ Including ATSE's submission to the [Universities Accord Discussion Paper](#) and the [Universities Accord Interim Report](#).

We note that the base equity amount and the base regional amount are set values (subject to indexation) that are modified by a modifier determined in the planned Needs-based Funding Grant Guidelines. We encourage the Government to determine these modifiers based on the true additional costs of supporting underrepresented students. These costs should be determined by the Australian Tertiary Education Commission and form the basis of determinations on need-based funding modifiers within the grant guidelines.

Despite this overall support for the bill and its intentions, ATSE Fellows have expressed concerns about the powers this bill grants to the Minister to make determinations without the review of parliament. The text of the bill introduced to the House of Representatives makes the total allocation pool determination (or variations thereof) and the international allocation pool determination (or variations thereof) ineligible for Section 42 disallowance under the *Legislation Act 2003*.

Under the text of the bill, the Minister would have the power to determine the number of commencing international students, as well as Commonwealth-supported domestic students, with barely any restrictions or review. This effectively takes the power to determine the number of students at Australian universities from the legislature and hands it to the Minister and future ministers. Given the potential impact of this determination on not only the higher education sector, but also Australia's migration policies, proper scrutiny of this determination is warranted.

ATSE recognises the Government's stated concern that disallowance could create uncertainty for providers who have already made enrolment and recruitment decisions in reliance on a determination. This concern can be addressed without removing parliamentary oversight altogether. ATSE recommends the Government adopt one or more of the following safeguards in place of a blanket exemption from Section 42:

- Providing that disallowance of a determination operates prospectively only, so that places, enrolments, and visas already relied upon under the determination are unaffected.
- Requiring the Minister to table a statement of reasons alongside each determination, so the Parliament and the public can scrutinise the basis for the decision.
- Setting a minimum notice period before a determination takes effect, giving providers and the Parliament time to consider its implications before it is relied upon.

These measures would preserve the commercial certainty the Government is seeking to protect while restoring meaningful parliamentary scrutiny over decisions that materially affect the size and shape of Australia's higher education and migration systems.

If you would like any further information, would like to learn more about ATSE's efforts to improve diversity in STEM, or would like to engage with our network of over 950 engineering, technology and applied science experts please contact academypolicyteam@atse.org.au.

Yours sincerely

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President

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