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Committee Secretary

Senate Education and Employment Committees

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## **Council of Deans of Nursing and Midwifery submission to the Universities Accord (Australian Tertiary Education Commission) Bill 2025 and a related bill**

**Recommendation: Strengthen the need for broader consultation regarding ATEC's priorities and make consultation with relevant government, industry, education and other groups on these priorities a requirement within the legislation.**

Thank you for the opportunity for CDNM to make submission to the Senate Education and Employment Committee regarding proposed legislation relevant to the Universities Accord.

### **Response to the consultation and key areas of interest**

The Council of Deans of Nursing and Midwifery (CDNM) is a peak advocacy organisation. It represents universities and other higher education institutions across Australia and Aotearoa New Zealand that provide under and postgraduate programs leading to entry level registration as a Registered Nurse (RN) or Midwife (RM) and above. Our member institutions also lead and undertake nursing and midwifery research.

Within these disciplines, CDNM promotes and advocates for policy that supports:

- quality higher education delivery;
- growth and application of relevant research; and
- professional practice development – especially as it pertains to the previous points.

### **This submission**

This submission addresses the following draft legislation:

- The Universities Accord (Australian Tertiary Education Commission) Bill 2025: *A Bill for an Act to provide for the establishment of the Australian Tertiary Education Commission, and for related purposes*; and
- The Universities Accord (Australian Tertiary Education Commission) (Consequential and Transitional Provisions) Bill 2025 (Education): *A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the Universities Accord (Australian Tertiary Education Commission) Act 2025, and for related purposes*

The first bill comprises six major parts (see Appendix 1). It sets out the overall objects of the bill and the establishment and functions of the Australian Tertiary Education Commission (ATEC) to oversee delivery of key elements of the Act.

The second bill essentially outlines interactions with and/or any amendments required to related legislation – namely the: Higher Education Support Act 2003 and/or Tertiary Education Quality and Standards Agency Act 2011 – as a result of the first bill.

Comments in this submission are directed primarily to the first bill.

## Our response

CDNM acknowledges that the bill relates to the goals, aspirations and functions of the higher education sector overall, including its interactions and articulation with the VET sector. Determinations about specific courses of study provided within higher education, such as nursing and midwifery, are a matter for each university and ATEC as part of the proposed mission-based compact process.

A key object of the draft legislation is to ensure that the higher education system has the capacity and capability required to meet Australia's current and future student, skills and workforce demand (Object c). Other objects proposed in the bill also support this goal<sup>1</sup>. ATEC's proposed format, operations and reporting are designed to, respectively: support delivery of, and monitor and assess relevant progress on, these objectives. ATEC's *State of the Tertiary Education report (Section 42)* expressly includes assessing the extent to which the higher education system is broadly meeting Australia's current and future, skills and knowledge demands. This includes reporting on progress across regions, for different equity groups and in relation to higher education providers' financial sustainability to provide the required capacity.

The legislation sets out the requirement for ATEC to develop a statement of strategic priorities every two years. It also emphasises the need for consultation and collaboration on ATEC's work and for endorsement of ATEC's proposed priorities and approaches by Ministers. Named ministers and ministries understandably refer to those related to Education, VET, Science and Research. The legislation also makes general reference to public consultation.

While CDNM generally supports this overall approach, we are concerned that the legislation is not strong enough about the requirement for consultation with others (such as other portfolio ministers, departments, industry groups, education groups and the like) in the determination of ATEC's priorities – particularly in relation to areas of known workforce need. We view such consultations and collaborations as essential to providing input into ATEC's priorities and workplan – with a view to building associated capacity within the higher education sector.

For example, nursing is a well-established area of workforce need<sup>2</sup>. A national nursing workforce strategy has been developed and is ready to be implemented. A national plan for maternal health workforce – including growth of the midwifery workforce – is also in development. We view assessment of how the tertiary education sector – in conjunction with industry – can support development of this capacity as a

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<sup>1</sup> For example, objects (e) *to promote coordination and collaboration between the Commonwealth, the governments of the States and Territories, higher education providers, industry, employers, unions and the public in relation to the future of the higher education system*; and (f) *to improve coordination and collaboration between the higher education system and the VET system*.

<sup>2</sup> The projected nursing shortfall in Australia across all sectors (acute, primary, aged care, mental health) by 2035 is more than 70,000 FTE – Nursing Workforce Supply and Demand study 2023 – 2035  
<https://hwd.health.gov.au/resources/primary/nursing-supply-and-demand-study-2023-2035.pdf>

key priority for ATEC. We would see active consultation with/input from health ministers, health department leaders and peak nursing and midwifery groups as key to this<sup>3</sup>. Yet such consultation does not appear to be included as a requirement in the current legislation.

We recognise that it is beyond the scope – nor the role – of the legislation to outline specific committees, collaborations, consultations and ministerial endorsements for every area of knowledge, skills and workforce need. However, **it would be reassuring to see consultation with other relevant bodies strengthened in the legislation. We recommend that this be a requirement of the process by which ATEC establishes priority areas of work where development of capacity within the tertiary education sector can support needed workforce growth.** We see Australia's health and health workforce – and the nursing and midwifery workforce within that – as one such important priority.

## Conclusion

Thank you for the opportunity to contribute to this important consultation.

To help ensure that planning within the tertiary education sector aligns with Australia's workforce and skills needs, we recommend that broad consultation beyond, but including education bodies, is incorporated into the legislation as part of ATEC's process for setting strategic priorities. Nursing and midwifery are critical areas of demand. Collaboration between ATEC and other relevant bodies, such as health-related ministers, departments, and industry groups is essential to support the development of the capacity needed for future workforce growth.

For further information, please contact Sabrina Fukuda, Communications and Policy Officer, on behalf of the *Council of Deans of Nursing and Midwifery (Australia and New Zealand)* [comms@cdnm.edu.au](mailto:comms@cdnm.edu.au).

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<sup>3</sup> Further consultation ideas are provided in Appendix 2.

## Appendix 1: Outline of the bill's six main parts

Part 1. Preliminary: Sets out the foundational elements of the Act, including its commencement, objects, outline, definitions and constitutional limits.

Part 2. Establishment and functions of the Australian Tertiary Education Commission (ATEC): Establishes ATEC, its structure, functions, and objectives, including:

- The National Tertiary Education Objective and equity outcomes
- The roles of the Chief Commissioner, First Nations Commissioner, and other Commissioners
- Staffing, contractors, and advisory committees
- Requirements for consultation and alignment with ministerial strategic priorities

Part 3. Mission-based compacts and default mission-based compacts: Creates a framework for mission-based agreements between ATEC and tertiary education providers, covering:

- The purpose, form, assessment, variation, suspension, and duration of compacts
- Progress monitoring mechanisms
- Default compacts where providers do not enter negotiated agreements

Part 4. Higher Education stewardship - advice and reports: Defines ATEC's system stewardship role, including:

- Providing advice and recommendations to government
- Producing key system-wide documents such as the State of the Tertiary Education System report
- Developing and updating statements of strategic priorities and work plans

Part 5. Administration: Details ATEC's governance and operational arrangements, including:

- Meeting procedures, decision-making, and immunities
- Appointment, qualifications, remuneration, conduct, and termination of Commissioners
- Conflict-of-interest and accountability provisions

Part 6. Miscellaneous: Covers supporting and oversight matters, including:

- Publication controls for advice and reports
- Ministerial directions
- Delegation of powers
- Annual reporting and statutory review of the Act
- Rule-making powers

## **Appendix 2: What broader consultation and input could look like to assist ATEC in ascertaining the capacity needed within the tertiary education sector to address nursing and midwifery workforce need**

- Development of a specific nursing and midwifery education, workforce, knowledge and skills committee<sup>4</sup>;
- Consultation and liaison with the Commonwealth Department of Health, Disability and Ageing (DOHDA) and specifically with the Office of the Commonwealth Chief Nursing and Midwifery Officer;
- Consultation and liaison with the Commonwealth and State and Territory Health Ministers/Secretaries regarding capacity of the system to support increased quality clinical placements;
- Specific consideration of the costs of nursing and midwifery education delivery including review of the costs of clinical placements and how to address these rising costs to deliver the nursing and midwifery education and workforce Australia needs; and
- Pathways from VET to higher education as well as from higher education to VET to support quality nursing and midwifery education and workforce recruitment, retention and distribution.

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<sup>4</sup> Or working with the existing National Nursing and Midwifery Education Advisory Network (NNMEAN) convened by DOHDA