

Dear Committee

Higher Education Support Amendment (Response to the Australian Universities Accord
Interim Report) Bill 2023 [Provisions]

Independent Higher Education Australia (IHEA) welcomes the invitation by the Senate Education and Employment Legislation Committee to make a submission to its inquiry into the provisions of the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023*.

IHEA provides in principle support for the amendments proposed in the Bill. They address two of the five priorities for immediate action in the Universities Accord Review Interim Report. As active participants in the Accord process, we have collaborated extensively with a diverse range of stakeholders, including the Accord Panel and Ministerial Reference Group. Our goal has been to ensure our submissions encapsulate the broad spectrum of the independent higher education sector. This collaboration has given us the unique opportunity to serve as the voice for the independent higher education sector in this critical dialogue.

With respect to the two immediate measures addressed in this Bill, we make the following remarks:

Schedule 1 – Amendments

Part 1 – Indigenous Students

The extension of the First Nations guarantee to students from metropolitan areas raises the issue of the Panel's consistency in seeking improvement in participation in all the equity categories.

If the Panel's argument is sound (and we believe it is) that additional taxpayer funding is needed to ensure that all First Nations students can achieve a place in a higher education provider, the logic is that that should apply whether the provider is public or independent. Unfortunately, these amendments in the Bill are essentially restricted to public providers.

Part 2 – Supporting students to succeed

We note the replacement of the 50 per cent pass rule and view favourably that the rule applies universally across the sector, to both independent and public institutions. That is to say, it applies in the case of Commonwealth Supported Places as well to students assisted by Fee-HELP.

We are concerned the Legislation does not indicate an implementation or transition timeline. As the provisions of the Legislation place new and significant regulatory burden on providers to comply, we would recommend a transition or delayed timeline be adopted.

Additionally, and particularly given the immediate implementation, we are very concerned that the legislation applies a severe penalty of sixty penalty units, or over \$18,000, for lack of compliance. This is extreme and punitive, and a more proportionate penalty should apply.

Conclusion

On behalf of its members, and the students they serve, IHEA thanks the Committee for duly considering the matters raised in this submission. It is worth noting we have previously made two very substantial submissions to the Australian Universities Accord consultation process: (1) [Australian Universities Accord Terms of Reference](#) (15 December 2022) and (2) [Australian Universities Accord Panel Discussion Paper Consultation](#) (11 April 2023).

Kind Regards

Hon. Dr Peter ~~Handy~~
Chief Executive Officer