

## **SUBMISSION**

# **Senate Education and Employment Legislation Committee for its inquiry into the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023**



August 2023

The University of Newcastle welcomes the opportunity to provide a submission to the Senate Education and Employment Legislation Committee for its inquiry into the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023*.

The University is a member of the Australian Technology Network of Universities (ATN); we support the ATN submission and provide this in addition to the ATN submission.

The University strongly supports the aims of the amendment to:

1. Extend Commonwealth supported places to all Aboriginal & Torres Strait Islander students
2. Remove the 50% pass rule

The University agrees that students should be provided a wide range of supports to give them the best possible chance of succeeding at university, and the University has a range of supports in place to achieve this.

However we agree with concerns raised in the ATN submission regarding the potential for duplicating regulation in this area, and are also concerned that there is a risk of placing additional administrative burden on universities with more students from underrepresented backgrounds, and fewer administrative resources.

A more effective compliance approach would uplift existing regulatory powers exercised by TEQSA to ensure providers meet requirements for student support, including through the re-registration process. In seeking to ensure that students are appropriately supported, care must be taken to avoid the inadvertent creation of disincentives to enrolling and supporting disadvantaged and less prepared students.

### **Extending Commonwealth supported places to all Aboriginal and Torres Strait Islander students**

The University strongly supports the amendments in Part 1 Schedule 1 of the Bill that would extend demand driven places to all Aboriginal and Torres Strait Islander students, regardless of their home address. The University is proud of our record in Aboriginal and Torres Strait Islander education and research:

- The University of Newcastle educates Australia's largest cohort of Aboriginal and Torres Strait Islander Students – 4.6% of our student body, more than 1,300 students;
- The University has graduated more Aboriginal and Torres Strait Islander teachers, doctors and nurses than any other university;
- The University has decades long, diverse and culturally appropriate support in place for Aboriginal and Torres Strait Islander students to ensure they have resources to succeed and thrive at university after enrolment.
- The University has pathways developed for and by Aboriginal and Torres Strait Islanders into university, including a specialised pathway into medicine.

This focus on student wellbeing and success will become increasingly important, if enrolments of historically underrepresented students increase to the levels foreshadowed in the Interim Report. The above achievements have been possible through the work of the University's 40-year old Wollotuka Institute, which provides an inclusive, culturally safe environment where students find support, advice, collaboration and knowledge-sharing.

### **Removing the 50% Pass Rule**

The University strongly supports the amendments in Part 2 Schedule 1 that remove the 50% pass rule for students receiving Commonwealth Support. Our analysis indicates that this rule disproportionately affected students who had experienced disadvantage – particularly students studying an enabling pathway.

At the University of Newcastle, more than 1,000 students have been affected by this rule since its introduction. More than 75 per cent of these were students enrolled in enabling pathways, with Aboriginal and Torres Strait Islander students, first in family, and male students disproportionately impacted.

Enabling pathways have been offered at the University of Newcastle for 50 years, and provide free, pre-university preparation for students for 6 or 12 months. The 50% pass rule was affecting these students before they had sufficient chance to learn and develop, due to inexperience in higher education. Importantly, enabling pathways are open to people to attempt multiple times. Our data indicates that enrolled students withdraw for a range of reasons, including life and family responsibilities, and many successfully complete at a later attempt. The 50% pass rule prevented many from pursuing a university pathway and put in place a new significant barrier for access and equity for the cohorts who most needed support.

### **Support for Student Success**

The University strongly supports the Universities Accord Panel Interim Report contention that supporting students to succeed at university is essential to widening participation – in short, achieving equity requires outcomes, not just enrolments.

While the University supports the intent of amendments in Part 2 that require universities to have, and comply with, a student support policy, we agree with the ATN submission that the amendments at sections 19-43 risk duplicating existing regimes.

As the agency responsible for the regulation of higher education, TEQSA is already charged with monitoring universities' compliance with the *Higher Education Standards Framework (Threshold Standards) 2021*, including provisions in relation to student support and identifying students at risk of unsatisfactory progress. We suggest that a more effective approach would be to uplift the existing powers available to TEQSA to allow it to enquire into universities' compliance with student support requirements, including through enhanced review and investigation powers if required. TEQSA's risk-based regulatory approach is appropriate for the complex task of supporting very large student cohorts.

We therefore support the ATN contention that moving regulatory responsibility from TEQSA to the Department of Education, and creating parallel reporting and compliance obligations, has the potential to create waste and inefficiency in the sector.

Like other universities, the University of Newcastle has a set of interrelated policies (rather than a single policy as identified in the legislation) to ensure students are adequately supported through university. This also recognises the intersections of other non-academic impacts on the academic performance of students from equity groups, such as finances, work commitments, family/carer commitments and health (including mental health).

The University raises the additional concern that universities with diverse student bodies that already include higher proportions of students from underrepresented backgrounds may need to redirect additional scarce resources towards compliance and reporting.

In combination with the additional legal and penalty provisions, the amendments as drafted risk creating an unintended disincentive to enrolling and supporting students from disadvantaged backgrounds. We therefore urge caution to ensure that the proposed approach supports (rather than limits) the urgent need for greater participation by equity groups outlined in the Interim Report.

### **Conclusion**

The University welcomes changes to the HESA Act that would contribute to widening participation in higher education, and stands ready to work with the Senate and the Government on reasonable policy changes that would help improve outcomes for students. These should be allied with the principles of proportionate, risk-based regulation, and uplift existing mechanisms in preference to the creation of a new suite of reporting and compliance obligations.