



# Transcript

## National Higher Education Code to Prevent and Respond to Gender-Based Violence

### Introduction to the National Code and Higher Education Provider Requirements

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#### Presented by:

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*[Opening visual of slide with text saying 'Australian Government with Crest (logo)', 'Department of Education', 'Welcome', 'National Higher Education Code to Prevent and Respond to Gender-Based Violence', 'Webinar: Introduction to the National Code and Higher Education provider requirements']*

*[The visuals during this webinar are of each speaker presenting in turn via video, with reference to the content of a PowerPoint presentation being played on screen]*

#### Larissa Hinds:

Hello everyone and welcome to today's webinar on the National Higher Education Code to Prevent and Respond to Gender-Based Violence. My name is Larissa Hinds and I am currently in the Assistant Secretary role for the Gender-Based Violence Reform Branch in the Federal Department of Education. I'm joined today by my colleague Jo Brislane who is our Director of Education and Engagement for the Code.

It is a privilege to help establish and lead this new specialist branch within the Department that will guide, support and regulate higher education providers to comply with the National Code.

I am joining you today from the beautiful lands of the Ngunnawal and Ngambri people and I would like to begin by acknowledging the traditional owners and custodians of country throughout Australia. I pay my respects to Elders past and present and I also extend my respect to any Aboriginal and Torres Strait Islander people who are with us today.

As we know gender-based violence does not affect all people equally. Aboriginal and Torres Strait Islander adults experience violence at far higher rates than the rest of Australia's population and this stark reality underscores why culturally safe and responsive approaches must be at the centre of our collective efforts to address gender-based violence.

As we come together today, I also want to acknowledge the strength, courage and resilience of those who have experienced gender-based violence. Their lived experiences and advocacy have been instrumental in shaping the National Code. I also recognise the commitment of advocates, practitioners and community members who have stood alongside our victim survivors amplifying their stories and driving change. This work builds on over a decade of advocacy and reform and some of those who have shaped this journey across Government, the sector and the community are with us today.

We are here because of the prevalence of gender-based violence in higher education. And the higher education sector has already demonstrated its willingness to act through initiatives like commissioning of the Change the Course and the Universities Australia leading the Respect Now Always campaign. However, while there has been progress responses remain fragmented, inconsistent and incomplete. This is a national priority that requires a coordinated sector wide response.

In today's session we aim to share about 30 minutes of content between myself and Jo and we're going to address the items that you can see on screen in front of you, the need for the Code and provide an overview of the National Code, have a look at the standards and requirements for higher education providers, discuss how the Department will guide, monitor and enforce compliance, look at what the next steps are for the National Code and provide an opportunity for some questions to be answered. We will have about 15 minutes for the question-and-answer section.

So, in terms of some brief housekeeping this session is being recorded, and it will be available on our website. It is our third of three National Code overview webinars, and we hope that we are providing an opportunity today to share this overview material with people who may not have been able to attend one of the first two sessions. The content today is consistent. We do plan to run some further targeted webinar bites to address some of the key standards of the Code and we will make the dates available for those future webinars.

At the end as I've said we'll end with a brief Q&A. You may have already discovered that the chat function has been disabled for today's webinar, but the Q&A function has been enabled and that's where we would ask you to put your questions and answers. We will have a very brief break between the content part of the session and the Q&A section today, so we have an opportunity to look at some consistent themes or group up or answer any common questions. We are also seeking to address any questions we don't get to today by publishing some frequently asked questions onto our website.

So, let's begin. I'll hand across to you Jo.

**Joanna Brislane:**

Thanks Larissa. The gender-based violence challenge we are addressing is real and urgent. Every student and staff member deserves to feel safe and supported. Yet according to the 2021 National Student Safety Survey one in 20 students reported experiencing sexual assault and one in six reported sexual harassment during their time at university. These are not just statistics. They are a call to action. The National Code requires that higher education must take ownership of their role in addressing gender-based violence.

While higher education shapes future leaders gender-based violence can undermine student achievement, staff safety and performance, erode trust and derail people's futures. This is why the National Code sets enforceable standards making accountability for prevention and response a legal requirement.

We'd like to briefly focus on the need for the National Code for Higher Education before we outline compliance requirements. All forms of violence are unacceptable but gender-based violence due to its scale, impact and systemic nature demands urgent, coordinated action. The National Code defines gender-based violence as any form of physical or non-physical violence, harassment, abuse or threats based on gender that result in or are likely to result in harm, coercion, control, fear or deprivation of liberty or autonomy. Gender-based violence is unacceptable in any form, community or culture and it is a violation of human rights.

The statistics on this screen are our why and they show us that it's very likely that I'm talking to people right now who have lived this experience or know those who have. We want to acknowledge the disproportionate impacts of gender-based violence that are felt by Aboriginal and Torres Strait Islander people, people with disabilities and sexually and gender diverse communities who face unique barriers to help seeking. With 1.6 million students and more than 140,000 staff the higher education sector is not immune. The National Code is an opportunity to strengthen the approaches that respond not only to current gender-based violence but also emerging forms of violence, reflecting how people live, learn and interact today and into the future.

To create a culture of safety and respect we must also across all parts of Australian society address the drivers of emerging forms of violence and adapt to the broader societal shifts. Higher education providers are uniquely positioned to lead this change. The National Code sets out clear, detailed and enforceable requirements and providers must ensure their systems, processes and actions are aligned accordingly. I'll pass back to Larissa now to talk about the broader context and whole of Government approach.

**Larissa Hinds:**

Thanks Jo.

As we all know higher education is more than a workplace and a teaching, learning and research environment. It is where people prepare for their futures, strengthen their qualifications, grow intellectually and personally and build lifelong relationships and careers. And higher education environments, physical and virtual, are homes to a rich diversity. Young adult students navigating independence, identity and relationships, professionals gaining additional qualifications, mature age learners, some of whom may be commencing study for the first time, international students of all ages and genders, people from refugee and migrant backgrounds, carers, people with disability. The

strength of this diversity also means that prevention and response systems must be able to cater to and be responsive to these varied life experiences and needs.

The Australian Universities Accord identified that by 2050 80% of our workforce will need a tertiary qualification and removing barriers related to gender-based violence is a part of the Government's comprehensive reforms. The National Code is a key mechanism to help realise the objective of a higher education sector free from gender-based violence and it is part of a broader national effort. The National Plan to End Violence Against Women and Children outlines a whole of community response to transform attitudes, systems and norms. And Government is using many levers to drive this change from affirmative consent laws to respectful relationships education and family violence leave in the National Employment Standards.

We all have a role to play. The National Code is the higher education sector's contribution to this national effort. It recognises the unique role providers play in driving the social change needed to address gender-based violence and the distinct responsibilities in creating safe environments for study, work, research, social life and accommodation.

Let's have a quick look at the National Code. It was tabled by the Minister for Education in Parliament in February this year to ensure that providers have a clear preparatory runway ahead of implementation. This action reinforced the expectation that providers proactively engage with the National Code and begin their preparatory steps. The National Code recognises gender-based violence as a systemic challenge requiring a coordinated response. It sets the National Standards and requirements providers must meet to effectively prevent and respond to gender-based violence including in student accommodation. It requires providers to respond appropriately and safely to gender-based violence through trauma informed, person-centred practices and procedures. It requires that key functions are carried out by qualified and capable personnel ensuring timely and expert responses for those who disclose their experience of gender-based violence. It also requires that the factors that drive and contribute to gender-based violence are being addressed and prevention efforts are at the forefront of driving cultural change.

The Department undertook a comprehensive consultation process in the development of the National Code to ensure broad and meaningful engagement and to hear from those likely to be impacted by the Code. This included engaging with students, victim survivor advocates, gender-based violence experts, accommodation providers and Government agencies.

**Joanna Brisbane:**

The National Code establishes legal requirements for higher education providers across seven Standards designed to drive cultural change and continuous improvement. We'll shortly provide an overview of the key requirements across each of these Standards that you see on screen.

Before we do this table summarises key compliance documentation and timelines. There are several requirements that Table A and Table B providers must meet from the 1st of January 2026 to comply with the National Code. Non-Table A and B providers must comply with the National Code from the 1st of January 2027. Developing and submitting the artefacts listed on screen does not represent full compliance with the National Code but being aware of these key dates and documents is important for all providers.

We'll now walk through each of the seven Standards noting key requirements. Please remember throughout that the National Code itself is detailed and should always be the primary reference for providers to understand and meet their compliance requirements. I'll pass back to Larissa now to talk about Standard 1.

**Larissa Hinds:**

Standard 1 is focused on accountable leadership and governance and this Standard reflects that to effect the cultural change required to address gender-based violence this must be led from the top and must reflect a genuine commitment to a whole of organisation approach. This means implementing action across every level of a provider's ecosystem. Action against gender-based violence is not the sole responsibility of any one Department, business unit, faculty or team.

This Standard recognises that the drivers of gender-based violence are pervasive, interconnected and will not be addressed without a coordinated approach.

To ensure a whole of organisation commitment a core requirement of Standard 1 is for the higher education principal executive officer such as the Vice Chancellor or CEO to be ultimately responsible for ensuring compliance with the National Code and for overseeing the organisation's efforts. This is to ensure that the gender-based violence prevention and response is embedded in leadership structures and is prioritised at the highest level. This will set the tone for the entire organisation.

Providers must also ensure that their governing body or a sub-committee that reports to the governing body includes someone with specific expertise in student and staff safety. In the context of the National Code a whole of organisation approach refers to a coordinated and evidence informed strategy that is implemented across all areas of a provider's operation including student accommodation that is directly owned, operated and/or managed by the provider as well as affiliated or third party student accommodation providers where relevant.

The whole of organisation approach must be embedded in the domains that appear on the screen. The domains of leadership, culture and environment as we have just discussed, focusing on the structures, norms and practices, considering systems and infrastructure, service delivery, ensuring there is a policy and procedural focus. We've discussed management and governance, and the whole of organisation approach extends as far as community engagement, business, research and partnerships.

The National Code requires providers to develop, publish and implement a whole of organisation prevention and response plan. The plan must detail providers' approach to preventing and responding to gender-based violence. It must address the factors that drive and contribute to gender-based violence including factors that may be specific or unique to the provider's context. The plan needs to reflect the needs, experience and diversity of all members of the provider's community with consideration given to groups who are disproportionately affected by gender-based violence. And the plan needs to document how the provider will meet all of the requirements of the Code.

Providers are also required to develop an outcomes framework to track and assess effectiveness and the progress of actions under the prevention and response plan. The requirement to publicly release the whole of organisation plan and outcomes framework as well as to submit them to the Department aims to strengthen accountability and transparency. The provider's governing body will

then be required to review progress against the outcomes framework and to consider incident data to evaluate the effectiveness of actions, policies and plans.

And Jo I'll hand to you for Standard 2.

**Joanna Brislane:**

Thank you. As workplaces and education institutions providers already have multiple legislative obligations to keep staff and students safe. The National Code seeks to build on these requirements, tailoring them to the specific context of preventing and responding to gender-based violence. Requirements of Standard 2 include providers must require prospective employees to disclose any investigations for an allegation of gender-based violence to a provider as part of their engagement process. These disclosures do not preclude providers from employing the candidate but allow for greater transparency and strengthen providers' safety procedures. If a provider becomes aware that a staff member who is not an employee such as a contractor, subcontractor, apprentice, trainee or volunteer has been investigated or determined to have engaged in gender-based violence Standard 2 requires providers to consider the risk to their students and staff and take any action necessary to manage this risk.

Gender-based violence is deeply connected to power imbalances and this can present in intimate relationships between staff members where one person has a supervisory or decision-making role over the other, or where there is a staff member in a relationship with a student. To mitigate this risk Standard 2 requires employees to declare existing or previous intimate relationships with staff members or students where there is or is likely to be supervisory oversight, decision making responsibilities or academic responsibilities. Upon receiving a declaration, a provider must implement a conflict-of-interest management plan if one is not already in place.

The use of non-disclosure agreements and non-disparagement clauses when settling or managing gender-based violence can undermine the safety of the victim survivor, referred to in the National Code as a discloser, and isolate them in their silence while shielding employers and protecting respondents. Standard 2 therefore clearly prohibits the use of non-disclosure agreements unless they are explicitly requested by the discloser.

Standard 2 also requires providers to develop and implement a policy on preventing and responding to gender-based violence, to support a consistent and coordinated approach across the institution. The policy must be easily accessible, published and proactively promoted to staff and students, include information about support services including academic supports that are available to students as needed, and include information on procedures in relation to disclosures and formal reports of gender-based violence.

Standard 3 requires higher education providers to build institutional knowledge and capability to prevent and respond to gender-based violence. This involves embedding education, training, communication and expertise across all levels of an organisation to foster a culture of safety, respect and equality. Providers are required to deliver ongoing, comprehensive and change oriented training to students, staff and leadership. This training and education must build an understanding of factors that drive and contribute to gender-based violence, awareness of those disproportionately affected by gender-based violence and the role that power dynamics play in gender-based violence, healthy, respectful and safe relationships and consent, the role of an ethical bystander and compassionate responses, supports and services that are available, and the disclosure and formal reporting process.

All staff and leadership must receive specialised training on identifying and responding to disclosures of gender-based violence at least annually. This fosters an environment where disclosers are consistently believed, treated with respect and compassion and supported to take further steps. Training on responding to disclosures must be trauma informed, person-centred and consider intersectionality, and it must also be developed in collaboration with gender-based violence experts, students and staff, people with lived experience of gender-based violence and the communities that are disproportionately affected by gender-based violence.

In the context of a deliberate whole of organisation approach training and communication can be powerful tools to disrupt violence and reduce harm by providing a space for learning and reflecting about current inequities, harms and how to create a more equitable, safe and inclusive society. Social marketing and communications can be effective mechanisms for driving change and when combined with other activities designed to have impact at a community level can have significant impact.

Standard 3 requires providers to promote and widely disseminate evidence informed prevention communication and key messages across study, work, living and social environments. Communications must be sustained, shared by multiple platforms and tailored to specific cohorts and evaluation and continuous improvement is required to support impact.

Finally Standard 3 includes requirements related to the expertise and experience staff need to undertake two vital functions. Risk assessments and responding to formal reports. Providers must ensure staff involved in responding to formal reports conducting investigations or determining a disciplinary proceeding have knowledge of gender-based violence dynamics and impacts, experience in trauma informed person-centred responses, competency with diverse cohorts and skills in procedural fairness, statement handling and disclosure management. These staff must undertake training in the above areas at least once every three years and if internal capacity is deemed insufficient external experts will need to be engaged.

I'll pass back to Larissa now to cover off on Standard 4 about safety and support.

**Larissa Hinds:**

Standard 4 requires providers to deliver safe, trauma informed and person-centred responses and support services to students and staff who experience gender-based violence. Providers must prioritise the safety, dignity and wellbeing of disclosers to ensure continuity of care and provide tailored support throughout a student's study or a staff member's employment.

Relevant to their context providers must make internal or external support services available for affected staff and students. Providers will need to actively promote and make widely available information about how students and staff can access policies, procedures and support services. And the information will need to be easy to find and navigate, simple to understand and published online. It needs to be able to be translated into different languages that reflect the needs of student and staff cohorts.

Providers must assign both the discloser and respondent to a staff member who has the relevant expertise and experience and the views and wishes of the discloser need to be strongly considered whilst balancing them with the provider's responsibility towards staff and student safety. Disclosers must retain the same staff member throughout their support journey to avoid re-traumatisation.



However, if a change is necessary providers must ensure a proper handover and inform the discloser promptly.

Providers are required to offer support for academic adjustments for students and work adjustments for staff members. In addition to providing support services providers are expected to undertake ongoing monitoring, evaluation and continuous improvement related to the effectiveness of their services.

And moving on to Standard 5.

Standard 5 requires providers to implement safe, timely and trauma informed processes for managing disclosures, formal reports, investigations and disciplinary actions related to gender-based violence. It requires providers to ensure that processes are accessible, person-centred and guided by procedural fairness. Disclosures can be made by a student, staff or third party and must be responded to regardless of where the incident occurred, including on campus, at home, online or during placements and at events.

The requirements of Standard 5 include that providers are required to offer multiple accessible channels for disclosure and formal reporting including anonymous options and to clearly communicate how and where reports can be made. Staff must be trained to respond sensitively and appropriately to disclosures and providers must offer a range of proportionate response options including safety measures, resolution pathways and investigations.

Processes for responding to gender-based violence disclosures or reports must be designed to avoid re-traumatisation ensuring that disclosers are not further harmed by inadequate, insensitive or repetitive procedures.

Providers are required to investigate any formal reports, and these investigations must be conducted using a trauma informed approach. Disciplinary processes must be completed within 45 business days with appeals resolved within 20 business days. Outcomes must be communicated clearly to both parties and disclosers must be informed of their rights to make complaints including to the National Student Ombudsman. Procedural fairness must be upheld by informing respondents of allegations allowing them to respond and ensuring decisions are unbiased.

And I'll hand to Jo for Standard 6.

**Joanna Brislane:**

Standard 6 aims to strengthen data collection systems and expand evidence on the incidence of gender-based violence within and across higher education providers. There is currently limited reliable and consistent national data in relation to gender-based violence in higher education settings and this can limit the effectiveness of prevention and response efforts. Robust data and evidence is key not only to responding to incidents appropriately but to doing so in a way that is informed, transparent and continually improving.

Standard 6 clearly states that providers must collect, report and use data to inform their approach to preventing and responding to gender-based violence. Providers are required to strengthen data systems to understand gender-based violence prevalence and impact, identify needs across diverse groups, measure progress to inform their policies and practices, and contribute to the national



evidence base. Providers must report annually to the Department by providing deidentified data on gender-based violence experienced by staff and students and information on how disclosures and formal reports are managed. All data must be collected in a way that is safe, trauma informed and person-centred and that complies with privacy laws across states and territories.

A provider must ensure that all data collected in accordance with Standard 6 is used to inform and strengthen their whole of organisation approach to preventing and responding to gender-based violence including the prevention and response plan and outcomes framework.

This brings us to the final Standard which focuses on safe student accommodation.

Student accommodation can be a high-risk environment for gender-based violence. The last National Student Safety Survey found that of those who experienced sexual assault in a university context one in four reported that the most impactful incident occurred in accommodation. The proximity of students in shared living spaces, the presence of alcohol and the lack of supervision or oversight can exacerbate risk. Student accommodation is also one of the most common sites where students seek support following incidents of sexual assault or harassment. This is why the National Code has a specific focus on student accommodation.

Standard 7 requires providers to ensure student accommodation is safe for all students and staff regardless of whether it is owned by, controlled by or affiliated with the provider. Safety in accommodation is not just about avoiding harm but about protecting a student's right to feel secure in their own homes and to pursue their education without fear or disruption. As part of a whole of organisation approach student accommodation directly owned, operated or managed by providers must comply with all relevant Standards of the National Code and meet specific requirements including risk assessments within 48 hours, relocation of respondents where necessary and removal of individuals with substantiated allegations.

The National Code requires higher education providers to ensure controlled or affiliated student accommodation providers comply with requirements related to accountable leadership, safe systems, staff and resident training and trauma informed responses. This includes a whole of organisation prevention and response plan tailored to the accommodation context, regular policy reviews and clear procedures for managing disclosures.

Providers must ensure gender-based violence data from student accommodation is collected safely and shared to inform evaluation and reporting under Standard 6. Ensuring these requirements are met may require providers to establish or amend legal arrangements with student accommodation providers and we understand many higher education providers are already progressing with this work.

I'll now pass back to Larissa to talk about how we're working to drive change through regulation.

**Larissa Hinds:**

As Jo has said the National Code exists to drive change with the lever of regulation. It is about increasing accountability, supporting effective practice and ultimately creating safer working, teaching, learning, research and living environments across the sector. We want to see a higher education sector free from gender-based violence, driven by enforceable standards, evidence based practice and accountability.

To progress towards this the Department will guide, support and regulate providers while having access to a full range of powers to monitor, investigate and respond to non-compliance.

As the regulator the Department is committed to working constructively with providers to support successful implementation of the National Code. As the regulator the Department of Education will be firm but fair. Fair by requiring adherence to the requirements and Standards of the National Code within the context of the provider and firm with a range of regulatory powers available to address compliance.

The National Code recognises the critical need to reflect coordinated efforts across the regulatory landscape. The Department will collaborate closely with key agencies such as the Tertiary Education Quality and Standards Agency which you will know as TEQSA, and the National Student Ombudsman to ensure regulatory expectations are met, there is coordination and consistency across the sector and the shared commitment to quality, integrity, safety and student wellbeing is reinforced.

Under the legislation the National Code may require providers to give effect to recommendations relating to gender-based violence that are made from time to time by the National Student Ombudsman.

And now Jo will take us through some next steps.

**Joanna Brislane:**

The National Code comes into force on the 1st of January 2026 and with it Table A and B providers must meet their obligations. For remaining providers registered with TEQSA the initial compliance date is the 1st of January 2027. Reporting obligations include publishing a prevention and response plan and outcomes framework by 1st of January, submitting annual data reports and reviewing progress against an outcomes framework every six months. We recognise that ongoing whole of organisation change takes time and providers will be in different stages of maturity regarding their processes and capability building, have different risk profiles based on their locations, the characteristics of their campuses, student profile and academic offerings.

Higher education providers must be ready to demonstrate they are progressing towards meeting their obligations across the National Code including by working collaboratively with student accommodation providers.

**Larissa Hinds:**

The higher education sector is a critical partner in this national effort to address gender-based violence and we want you to succeed. We look forward to working alongside you to build higher education environments where safety from gender-based violence is the norm, where disclosures lead to support and where every member of our higher education provider community can flourish. Thank you.

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'<https://www.education.gov.au/highereducationGBVcode>']

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