



# Transcript

## National Higher Education Code to Prevent and Respond to Gender-Based Violence **Standard 2 – Safe Environments and Systems**

November 2025

The transcript of this (and all further webinars) webinars should be read with the *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (the Act) and the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025* (the National Code), which are the primary sources of requirements with which providers must comply. To the extent there is any inconsistency between the transcript of the webinar and the Act and the National Code, the Act and the National Code will prevail. The transcript of the webinar is intended to provide general guidance only and is not intended as, and should not be relied on, as legal advice. Providers should seek their own legal advice to understand their obligations under the Act and the National Code.

Presented by:

- Joanna Brislane - Director, Education and Engagement, Higher Education Gender-based Violence Regulator, Department of Education
- Beth Jones - Director, Strategy and Regulatory Enforcement, Higher Education Gender-based Violence Regulator, Department of Education

[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: Standard 2 of the National Code – Safe Environments and Systems']

[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]

**Jo Brislane:**

Hello everyone and welcome to today's webinar on Standard 2, Safe Environments and Systems within the National Higher Education Code to Prevent and Respond to Gender-Based Violence. My name is Jo Brislane and I'm the Director of Education and Engagement in the Gender-Based Violence Reform Branch in the Department of Education. I'm joined today by my colleague Beth Jones, our Director of Regulatory Enforcement and Strategy.

I'd like to thank those that joined our previous webinars. Recordings, presentations and transcripts of those webinars are available on our website either now or will be very shortly and we'll post a link to those very soon.

I'm joining you today from the lands of the Wurundjeri people of the Kulin nation and I'd like to begin by acknowledging the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. I pay my very genuine respects to them and their cultures and Elders past and present and extend that respect to any Aboriginal and Torres Strait Islander people here with us today.

As we come together today, I also want to acknowledge the strength, courage and resilience of those who've experienced gender-based violence and the commitment of advocates and practitioners who together have been instrumental in shaping the National Code. Gender-based violence remains a serious and widespread issue in Australian society including within higher education. The National Code was established as a direct response to this reality recognising that creating safe learning and working environments is essential to both preventing and responding to such violence.

Standard 2 of the National Code focuses on building higher education settings where safety from gender-based violence is embedded and where systems are continually improved to protect students and staff. By strengthening institutional responses and fostering environments of trust and accountability gender-based violence can be meaningfully addressed.

Today between myself and Beth we'll aim to share between 15 and 20 minutes of content covering an overview of Standard 2, provider requirements under Standard 2 focusing on safe environments, policies and transparency, and then covering off on next steps for providers. We'll then have around ten minutes to answer questions raised today.

Some brief housekeeping. Today's webinar will be recorded and made available on our website along with the transcript. And we'll continue to produce guidance on the National Code's requirements. If you have not already, we invite you to join our mailing list and we'll put a link in the chat shortly. This will help to keep updated with new resources or future webinars from the Department.

As with previous webinars the chat function has been disabled so we invite you to submit questions via the Q&A function and we'll seek to answer some of those at the end. And those we don't get to, we'll group up and add to our FAQ section on the website which we'll be expanding upon iteratively. For the purpose of a clean recording and to adhere to data privacy laws the questions submitted won't be visible to all participants.

I'll now pass over to Beth to provide an overview of Standard 2.

**Beth Jones:**

Thanks Jo. And for those of you who don't know me my name is Beth Jones. I am the Director of Regulatory Strategy and Enforcement.

Standard 2 of the National Code requires providers to ensure that all environments and systems including student accommodation are safe and continuously evolved to prevent and respond to gender-based violence. As workplaces and the education institutions, higher education providers already have multiple legislative obligations to keep students and staff safe. The National Code builds on these requirements, tailoring them to specific cohorts of preventing and responding to gender-based violence.

Standard 2 requires providers to strengthen recruitment practices, set clear expectations and manage risks in intimate relationships between staff and also between staff and students. The key requirements of Standard 2 relate to staff declarations, gender-based violence policies, transparency around responses to gender-based violence and implementation of the National Student Ombudsman recommendations. We will now talk about staff declarations.

Under the National Code providers are required to take several steps so that staff conduct aligns with safety expectations about gender-based violence. Standard 2.1 includes specific requirements related to recruitment processes starting with a focus on staff declarations relating to gender-based violence. These include requiring providers to ensure their staff comply with the Working with Children Check requirements of their governing state or territory as is already required, ask prospective employees to declare any investigations for allegations of gender-based violence as part of the recruitment process or when appointing members to a governing board, consider any risks arising from a declaration when deciding if the person is suitable for the role.

Requiring these declarations signals that gender-based violence is unacceptable. Integrating declarations related to gender-based violence into existing processes and systems such as recruitment and promotion can enhance safety. Declarations support informed decision making about staffing and can benefit employees by mitigating legal, reputational and financial risks. They also simultaneously send a clear message about how seriously they take the safety of their staff and students.

Evidence shows that employees who become subject to an allegation of gender-based violence may cease employment or move to another organisation before the investigation is concluded. Declarations do not preclude providers from employing a candidate but allow for greater transparency and strengthen providers' safety procedures. Risk and safety assessment processes should consider the nature of the disclosure alongside information gathered from other mechanisms such as a criminal history check and robust reference checks. Safety screening requirements like Working with Children Check are standard across many sectors to support safety in recruitment. Many of you will be aware staff screening processes are currently being strengthened at a national level and across states and territories. A broader safety screening requirement will require providers to need to continually review and improve recruitment processes to ensure safety. Recruitment policies and manuals for example could include a clear statement that gender-based violence is unacceptable and address gender-based violence declaration requirements to reinforce a culture of safety and accountability.

In addition to pre-employment declarations the National Code also requires providers to take into account any substantiated allegations of gender-based violence that arise during someone's employment when considering promotion, recognition or rewards, make alternative arrangements, whether that's in teaching, research supervision, employment or accommodation, to ensure safety of students and staff where a student or staff member alleges that they have experienced gender-based violence, and address any material risk that arises in relation to staff who aren't direct employees if they have been investigated for or found to have engaged in gender-based violence.

The National Code also includes requirements that relate to the declarations of intimate personal relationships. Gender-based violence is deeply connected to imbalances of power. While not always obvious power imbalances can be common. They can present in intimate relationships between staff members where one person has a supervisory or decision making role over the other person or where there is a staff member in a relationship with a student. The concern is when the power one person holds over another is limiting the other person's ability to give free, voluntary and informed consent or creates opportunities for bias, coercion or exploitation by taking advantage of that authority.

To mitigate this risk Standard 2.2 requires employees to declare existing or previous intimate relationships with staff members or students when there is or likely to be supervisory oversight, decision making or academic responsibilities. In meeting these requirements providers must consider establishing a clear declaration process in recruitment and employment policies that requires employees to confidentially declare any current or previous intimate relationships with colleagues or students.

Of course, many relationships among staff are consensual and respectful however it's important for providers to be aware of relationships so they can identify where they may pose risk. Upon receiving a declaration, a provider must implement a conflict of interest management plan if one is not already in place. This may include making permanent changes to teaching, research or working arrangements as necessary.

Now I will hand over to Jo to have a look at the policy dimension of Standard 2.

**Joanna Brislane:**

Thanks Beth. Standards 2.3 to 2.7 focus on the provider requirement to develop and implement a clear and actionable policy for preventing and responding to gender-based violence. This will support a coordinated whole of organisation approach. Providers are to draw on current research and national data in developing their gender-based violence prevention and response policy which needs to provide information about the factors that drive gender-based violence, including those specific to the provider's context, be person centred and trauma informed on what it says and how it is applied, adopt the National Code's definition of gender-based violence, clearly state that gender-based violence is unacceptable and include information on available support services including academic support and explain the procedures that follow a disclosure or formal report.

A provider's policy must apply to students, leadership, staff and affiliated organisations, as well as entities that conduct activities on behalf of the provider, including but not limited to businesses and organisations that operate on, use or lease the provider's land and facilities. These may include commercial vendors operating food outlets on campus, third party organisations delivering tutoring, mentoring or wellbeing services, or research institutes or centres collocated on university grounds.

Extending the policy to affiliated organisations may require amending legal agreements and these agreements should be tailored to the affiliated organisation and its core business, the staff and student population and the context in which they operate. The policy goal is to ensure that everyone connected to the provider is held to the same standard when it comes to preventing and responding to gender-based violence and that they can receive the same support. It's about creating a consistent, safe and respectful environment across all areas of university life.

Accessibility is key, meaning that the policy or policies related to gender-based violence must be publicly available, written in plain English and able to be translated into other languages that meet the needs of the provider's diverse student and staff population. To support good practice Standard 2.5 requires providers to regularly monitor, evaluate and review their gender-based violence prevention and response policy at least every three years. The initial development of the policy and its review should be informed by engagement and collaboration with key cohorts including students, employees, experts, those who have lived experience and those disproportionately affected by gender-based violence including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity. This engagement should also include third parties whose facilities are utilised by students or staff to undertake clinical or other work, research placements or practicums as relevant.

Providers may be required to report on how consultations with these stakeholders shaped their gender-based violence policy. To prepare for this, providers might maintain detailed records and engagement activities and document how feedback has informed their policy changes.

I'll now cover off on the specific requirement for providers to undertake a gender impact assessment in developing their policy.

As outlined in Standard 2.7 when creating, reviewing and implementing gender-based violence prevention and response policies providers must undertake a gender impact assessment. A gender impact assessment provides decision makers with a transparent and clear understanding of the gendered impacts of a given policy proposal. Gender inequality may also be compounded by other forms of disadvantage or discrimination that a person may experience based on Aboriginality, age, disability, ethnicity, race, religion, sexual orientation or other attributes. And so, this too should be considered.

Gendered impact assessments are about ensuring that a proposed policy development or change does not inadvertently discriminate against people in the way it is delivered or experienced and identifying opportunities to maximise the impact or benefit of a given policy, in this case in terms of how it can support gender equity or address the factors that drive gender-based violence.

To give some practical examples a policy allowing for flexible work for staff affected by gender-based violence could unintentionally disadvantage early career female researchers if the policy does not also adjust timeframes for early career researcher status and broader cultural change is not implemented to help academic leaders recognise the gender differences in how staff use flexible work. Another experience would be how a policy allowing for flexible attendance for students experiencing trauma or with care responsibilities may disproportionately benefit older students and women who are more likely to be primary caregivers or gender diverse or international students who may face unique barriers to attending in person classes due to safety concerns or discrimination.

As these examples show once gendered policy impacts are identified providers can work to mitigate any unintended negative impacts and strengthen the new policy's contribution to the broader safety, wellbeing and gender equity outcomes they seek for students and staff.

When the gendered impacts of policies are considered, we know there are benefits. Gender impacts assessments are valuable tools for advancing gender equity and reducing the large social and economic costs associated with the gender pay gap. Achieving gender equality is important not only because it's fair and the right thing to do but because it's linked to the country's overall economic performance. Workplace gender equality is associated with improved national productivity and economic growth, increased organisational performance and competitiveness, enhanced ability of companies to attract and retain employees and enhanced corporate reputation and brand trust.

In undertaking gender impact assessments providers can make use of guidance and resources such as the templates provided by the Australian Government Prime Minister and Cabinet, Victorian Commission for Gender Equality in the Public Sector, Queensland Gender Analysis Toolkit or the New South Wales Gender Impact Assessment Resource Hub among others.

I'll now pass back to Beth who will cover Standard 2.8 which focuses on the importance of transparency for strengthening providers' safety procedures.

**Beth Jones:**

Thanks Jo. Transparency is essential to building safe and accountable systems. To support responses to gender-based violence that uphold fairness and protect disclosures, Standard 2 requires providers to restrict the use of non-disclosure agreements and non-disparagement clauses when settling or managing gender-based violence incidents. In the context of gender-based violence a non-disclosure agreement is a legal contract often part of a settlement that requires the discloser to keep the details of the violence or harassment and the settlement confidential. A non-disparagement clause is a contract provision that prohibits a discloser from making negative statements about the respondent or employer.

These legal tools can undermine the safety of disclosers. Non-disclosure agreements can isolate individuals in their silence, shielding institutions and protecting respondents while leaving disclosers without the ability to seek support or speak about their experience. The prohibition of non-disclosure agreements is becoming increasingly common nationally. For example, the Victorian Government is currently considering legislation that limits employers' use of non-disclosure agreements as part of resolving a sexual harassment complaint. Such reforms centre the safety, rights and agency of people impacted by gender-based violence.

Standard 2 prohibits the use of non-disclosure agreements unless requested by the discloser. If the discloser does request a non-disclosure agreement the agreement must not prevent them from talking about their experience when seeking support or advice. It also must not interfere with the provider's responsibility to meet their reporting obligations under the National Code. Additionally, any settlement reached between the discloser and the provider must not include a non-disparagement clause that would require the discloser to stay silent about their experience of gender-based violence.

In practice this means that providers should review and amend their policies and settlement templates to ensure any agreements requested by a discloser explicitly allows them to seek support, advice and report the incident, and remove any clauses that could limit disclosure.

Recent research from the Australian Human Rights Commission showed that being unable to speak about traumatic experiences can significantly exacerbate the harms caused by an experienced sexual harassment in the first place, impacting on disclosers' mental health, job satisfaction, self-esteem and confidence. In particular, it demonstrated that non-disclosure agreements can exacerbate the experience of anxiety, depression and PTSD for a discloser by isolating them and preventing healing. By removing these barriers providers can better uphold the principles of fairness and accountability whilst ensuring their response systems genuinely support those affected by gender-based violence.

Finally let's touch on Standards 2.9 and 2.10 which cover recommendations made by the National Student Ombudsman in relation to gender-based violence and reporting requirements under this Standard.

Standard 2.9 of the National Code states that if the National Student Ombudsman makes a recommendation to a provider in relation to gender-based violence the provider must act on it. This means that institutions are not only expected to listen but are required to take meaningful steps in response to these recommendations. Actioning this requirement with transparency may involve assigning responsibility for tracking implementation and oversight to the provider's governing body, developing an action plan with timelines, accountable staff and measurable outcomes for implementing each recommendation.

The National Student Ombudsman was established to provide an independent pathway for students to escalate complaints about their provider's handling of gender-based violence as well as other issues including course administration. The National Student Ombudsman works within the higher education sector to improve the students' experience and support systemic change.

Recommendations the National Student Ombudsman might make to a provider could include addressing situations where decisions were not context sensitive like when academic policies are applied too rigidly without accounting for the impacts of gender-based violence on students, improving trauma informed approaches in investigations, for example avoiding repeated interviews, insensitive questioning or the use of investigators who aren't appropriately trained, removing barriers in complaints, appeals and misconduct processes related to gender-based violence especially where procedures are complex or students aren't given clear guidance on how to navigate them.

Implementing recommendations from the National Student Ombudsman is legislated under Standard 2.9 and reflects the shared commitment to safer, more accountable institutions. Like many other Standards in the National Code the Secretary may require providers to report on how it's met its responsibilities under this Standard.

As we've seen Standard 2 plays a critical role in laying the groundwork for safer and more accountable higher education environments. Policy development and strengthening recruitment and employment practices are powerful elements of whole of organisation change. Meeting the requirements of Standard 2 alongside the broader requirements of the National Code can shape, guide consistent practice and create pathways for the prevention and response of gender-based violence. When institutions are transparent in how they handle disclosures and design policies they

build confidence in their system and their approach to preventing and responding to gender-based violence. This is essential for driving long term change.

Jo will now close off our presentation and talk about next steps.

**Joanna Brislane:**

Thanks Beth. The National Code commences on the 1<sup>st</sup> of January 2026 as I'm sure many of you all know, and with-it Table A and B higher education providers must meet their requirements. We know that many higher education providers are already working towards strengthening their systems and ensuring their environments are safe and supportive. The Department recognises that organisation wide change takes time and different providers might be at different levels of maturity regarding their processes and policies for addressing gender-based violence. However, by the initial reporting date all higher education providers are expected to demonstrate clear and measurable progress towards compliance with the National Code. This includes having foundational policies in place, actively implementing required changes and being able to show how transparency and accountability are being embedded into systems. Structured policy reform is essential to driving meaningful, lasting change across the sector.

This brings us to the end of the overview presentation for Standard 2 of the National Code. Just to wrap up we say again that the higher education sector is a really critical partner in this national effort to prevent and respond to gender-based violence, and we really look forward to working alongside the sector to continually build environments where safety is the norm and disclosure leads to support and every member of the community can flourish. Thank you all so much for your time and have a lovely afternoon.

*[Closing visual of slide with text saying, 'Thank you',  
'<https://www.education.gov.au/highereducationGBVcode>', image of QR code]*

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