



Australian Government
Department of Education

Strengthening the *Australian National University Act 1991*

Consultation Paper





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The document must be attributed as the Strengthening the Australian National University Act 1991 Consultation Paper.

Introduction

This Consultation Paper seeks views on the legislative framework governing the Australian National University (ANU) and potential legislative reforms to strengthen the *Australian National University Act 1991* (ANU Act).

The ANU is a unique national institution and world-class university. It is also central to the Canberra community and economy. The proposed reforms will modernise the ANU Act, strengthening accountability, representation, appointment processes and institutional culture.

Australian universities receive over \$22 billion in public funding each year and play a central role in Australia's civic, economic and social life through education and research. With this public investment and their public role, all universities should exhibit high standards of governance.

The Australian National Audit Office's *Australian National University Financial Management* report highlights the importance of legislative arrangements that promote informed decision-making, access to relevant expertise, enhanced transparency and effective scrutiny.

In July 2026, the Australian Government amended the Higher Education Standards Framework (Threshold Standards) 2021 to embed the University Governance Principles and additional transparency requirements into the legislative framework. This includes publishing outcomes of governing body meetings and decisions made, publicly disclosing spending on consultants, and external roles and remuneration arrangements of senior staff in line with requirements of public companies.

The University Governance Principles were [developed](#) by the Expert Council on University Governance, which included Chair Melinda Cilento, Sharan Burrow AC and Bruce Cowley (the Expert Council).¹ From 2027, all public universities will be required to report to the higher education regulator, the Tertiary Education Quality and Standards Agency (TEQSA), annually against these new Principles on an "if not why not" basis.

The Department of Education is seeking views from students, staff, alumni, higher education stakeholders and the Canberra community on how the governance arrangements established by the ANU Act could be strengthened to ensure they remain aligned with contemporary standards and community expectations. Responses to the questions in this Consultation Paper are invited via [Qualtrics](#) by **5:00pm, Tuesday 1 September 2026**.²

Setting clear expectations for purpose, culture and performance

Strong governance requires a governing body that provides strategic leadership, promotes a positive institutional culture and acts as an effective steward of long-term interests. The Expert Council identified priorities for trust re-building for universities and university governance, with leadership and culture as a key priority. The Expert Council emphasised that university governing bodies should promote integrity, accountability, transparency and public trust, while ensuring universities continue to fulfil their public purpose.

Stakeholders have highlighted the importance of governance arrangements that support ANU's national mission, strengthen accountability and ensure the ANU Council is connected to the

¹ The Expert Council on University Governance - Final Report and Principles can be accessed here: <https://www.education.gov.au/australian-universities-accord/resources/expert-council-university-governance-final-report-and-principles>

² The Qualtrics survey can be accessed here: https://submit.dese.gov.au/ife/form/SV_eJu1fAuhpOvh4y

community. Stakeholders have also emphasised the importance of meaningful engagement between the ANU Council and staff, students and the university community.

The ANU Act establishes the ANU Council as the governing body of the university and requires it to act in the interests of the university. Council members are also subject to legal duties under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Questions

1. How could the ANU Act better reinforce the role and responsibilities of the ANU Council?

For example, approaches could include:

- Introducing new duties that would apply to ANU Council members in addition to their existing obligations under the PGPA Act. These duties could relate to stewardship, institutional culture or public purpose.
- Requiring the ANU Council to develop and maintain a specific Code of Conduct for its members.
- Better signalling ANU Council members' duties as officials under the PGPA Act.

2. What changes to the ANU Act could ensure the ANU Council is focused on strategic leadership and stewardship of the university?

For example, approaches could include:

- Outlining the core functions of the ANU Council in legislation, such as strategic leadership, oversight of institutional and Council performance, academic governance, risk management and expectations for the induction and ongoing development of Council members.

Achieving the right mix of skills, knowledge, experience and perspectives

The effectiveness of a governing body depends on the skills, experience and perspectives of its members. The Expert Council highlighted the importance of ensuring university governing bodies collectively possess the skills, knowledge, independence and diversity of perspectives, including expertise relevant to the higher education sector, to perform their roles consistent with a university's purpose and in the public interest.

The ANU Act establishes that the ANU Council comprises the Chancellor and Vice-Chancellor, six elected staff and student members, and seven members appointed by the Minister on the recommendation of the Council's Nominations Committee. It also includes requirements relating to financial and commercial expertise.

Question

3. Do the proposed changes ensure the ANU Council is representative of the community and has the appropriate skills and experience to enable the ANU to fulfil its mission?

Proposed changes include:

- Having a balance of elected and ministerially appointed members on the Council.
- Broadening the skills and experience required on the Council to include:
 - higher education governance or leadership experience;
 - public sector experience; and
 - improved gender diversity and First Nations representation.

- Establishing ex officio ANU Council membership for the Chair of ANU's Academic Board, bringing arrangements into line with other university Acts.

These would supplement existing financial and commercial expertise requirements.

Increasing transparency and accountability of Council member appointments

Transparent and merit-based appointment processes are critical to maintaining public confidence in university governance. The Expert Council highlighted the importance of appointment processes that are rigorous, transparent and take into account the skills, capabilities and diverse perspectives collectively required by the governing body.

Under the ANU Act, members appointed by the Minister are recommended by the Council's Nominations Committee consisting of the Chancellor and six other persons appointed by the Chancellor in accordance with Council guidelines. When the Nominations Committee makes a recommendation, the Minister can agree to either appoint the person or decline on specific grounds as set out in the ANU Act.

Question

4. What changes to the ANU Act could strengthen the ministerial appointments process?

For example, approaches could include:

- Providing that the full ANU Council is responsible for appointing members to the Nominations Committee.
- Requiring the Nominations Committee to undertake a transparent and merit-based process in recommending Ministerial appointments to the Minister.
- Having a publicly available skills matrix to inform selection processes for ministerial appointments.
- A requirement that the Nominations Committee provide the Minister with more than one recommendation for any Ministerially appointed vacancy.
- A requirement for a minimum number of independent members on the Nominations Committee, including an independent Chair.