Swinburne University of Technology
Response to the Expert Council on University Governance

Swinburne University of Technology (Swinburne) welcomes the establishment of the Expert Council (Expert Council) into University Governance to respond to Priority Action 5 as part of the Australian Universities Accord Interim Report. We welcome the opportunity to respond to the terms of reference and wholeheartedly support the national focus on strengthening university governance. We hope this process produces a streamlined governance model for all universities that is both fit for purpose and forward-looking, as good governance at Australian universities is critical not only to ensure accountability and compliance, but to enable bold thinking, strategic risk-taking, and greater innovation to serve our students and the wider community.

Universities play a pivotal role in advancing knowledge, fostering innovation, and preparing individuals for the future. At Swinburne, our mission is to bring *people and technology together to build a better world*. We are committed to tech and people-centred innovation, ensuring our graduates are equipped with the skills and knowledge needed to thrive in a rapidly evolving digital landscape. Our focus on industry engagement and real-world impact sets us apart, making us a leader in technology and innovation. As a proud dual-sector institution, we are committed to upholding and fully implementing all regulatory standards, accountability, and transparency required under legislation, codes and frameworks that currently support the University and Vocational Education and Training (VET) sectors. We encourage the Expert Council to consider how governance can enable innovation, impact, and strategic risk-taking—not simply constrain it.

Swinburne previously contributed to the Senate Inquiry into University Governance which focused on the regulatory powers of the Tertiary Education Quality Standards Agency (TEQSA). While there are some similarities between the inquiry and the work of the Expert Council, we believe that it is only through a State and Federal Education Ministers forum that a new, streamlined and less convoluted approach to governance can emerge, through discussions in which each jurisdiction is prepared to work collaboratively, rather than defensively.

With this in mind, this submission addresses the following key areas of concern for Swinburne:
- The cross-jurisdictional tug-of-war between VET and higher education (HE);
- The need for continuous improvements in governance, including the use of skills matrices on governing bodies and greater transparency in council appointments;
- Enhanced governance practices in relation to controlled entities;
- Risks identified by the Australian University Accord (Accord) process;
- Alignment with national initiatives to strengthen social licence
- Transparent engagement on key national policy settings and funding trends.

1- The unique dual-sector proposition

Dual sectors institutions offer an ideal education setting, where students can move seamlessly through education pathways to foster lifelong learning. And yet from a regulatory standpoint, this is not the case. Being a dual-sector provider presents many challenges in terms of university administration and compliance, governance and student useability – differing accreditation standards and funding mechanisms conspire to additional levels of complexity that neither standalone VET providers nor single sector Universities have to contend with.

The cross-jurisdictional complexities start with States enabling Universities under legislation, defining the structure of their Councils and determining their governance arrangements. State Ministers have a role in nominating to the Council, and the Governor has a role in endorsing some university council appointees. Once Council is established, however, the federal government sets regulatory and governance standards, through TEQSA. Furthermore, our Mission Based Compacts, funding agreements, research grants and other directives arise from the Federal Education Minister and their Department. Dual sector institutions are then further required to comply with the regulatory requirements of the Australian Skills Quality Authority (ASQA) and align with State Government priorities. In the case for Swinburne, this includes a VET regulatory framework set by the Victorian Registration and Qualifications Agency (VRQA), so that, in effect, we are directed by the Statement of Priorities delivered by the Victorian Skills Authority, as well as required to abide to our Mission-Based Compact.

These cross-jurisdictional quirks leave a higher administrative, reporting and compliance burden on dual sector institutions. We face a complex operating environment rife for error-making at a time where the Accord called for a smoother integration of VET and HE.

Swinburne believes that there is potential for a better joined up tertiary system under the proposed new Australian Tertiary Education Commission (ATEC) but notes the risk of simply adding to the current mash-up between differing State and Federal priorities. In this submission, therefore, we would suggest a more radical position, and recommend:

- that a *federated model of vocational education* would ease governance and regulatory issues for dual sector institutions. This would increase efficiency and, if appropriately handled by ATEC, should not compromise quality or oversight, making it easier to deliver the ambition of the Accord. Given that States have traditionally used the VET system to adjust to their market needs, a more active dialogue between State, Territory and Federal levels would ensure that State priorities are met without increasing the burden of regulation and governance.
- an agreed set of guidelines for the establishment of university councils, to ensure alignment across the sector and the country. This would avoid future situations where parts of the sector are governed differently according to directives of the State Government of the day. For instance, in Victoria between 2010 and 2016, legislation was introduced and enacted that precluded staff and students from sitting on university Councils before this was subsequently repealed by the following government.

2- Continuous Improvement and the need for skill matrices and greater transparency

Swinburne acknowledges the importance of continuous improvement in university governance. In considering the 10 priority areas agreed by Ministers and the Code of Governance Principles and Practice for Australia's Public Universities, Swinburne offers the following reflections on where governance improvements are most needed.

Governing bodies must better reflect the diversity of the communities they serve. This includes persons with disability, gender equity, First Nations people as well as student and staff. We believe this should be agreed by and ensured for each university. While many universities, including Swinburne, have taken proactive steps in this direction, more transparent appointment processes and structural mechanisms to ensure active participation from these various cohorts is essential for better decision-making.

As noted above, there is concern that Council nominations and appointments are subject to various approval mechanisms from Cabinet ministers, Council and staff and student elections. For Swinburne,

our Council is made up of 13 members, drawn from business, industry, the legal profession, academia, journalism, staff and student elected representatives as well as alumni. Our unique mix of leaders meets a rigorously established skills matrix and reflects the expertise needed to ensure strategic alignment with the vision of the university, as well as ensuring a robust culture of strong governance and thought leadership. This has been brought about by design, through the collaborative development of a skills matrix with the Victorian Minister for Education and Training. This matrix now guides all Council and Committee appointments and reflects best practice in aligning strategic capability and institutional mission.

Each university is uniquely placed to know the right mix of skills needed to achieve the strategic plan of their institution. Unfortunately, the complex mix of Ministerial and Governor-in-Council appointments does not always guarantee full adhesion to the skills matrix. Very occasionally, there may be instances of political interference in university council make-up, with little regard to the desire and needs of the university. We recommend a transparent, consultative process between universities and relevant government departments to improve alignment and reduce the risk of politicised or inconsistent appointments. This may include the publishing of skills matrices for each institution.

We would therefore encourage State Governments to work more closely with universities over the longer term to understand the current skills mix of their Councils, and to jointly identify any potential skills gaps, working together on appropriate appointments to ensure that the complex mix of Ministerial and Governor-in-Council appointments collectively meet the needs of university Councils as and when Council vacancies arise. As previously stated, we would support a federal council structure to ensure consistency over the 8 jurisdictions that decide university governance composition. As part of this consistency, alignment must reflect a balance of higher education and external expertise and represent the diversity of the communities these institutions serve. This could include adopting a formal, transparent selection process guided by a skills and diversity matrix, ensuring enough representation of First Nations people, staff and students and achieving gender and disability balance as well as demographic diversity.

Governing bodies need improved visibility and oversight of high-risk matters. Swinburne supports clearer oversight of risk areas such as academic integrity and workforce practices, including staff underpayments. It is indeed critical to create and maintain committees with clear terms of reference and reporting processes in place. Greater transparency in governance processes, including council and executive remuneration decisions, conflict of interest management and council and committee self-evaluations should build public trust and strengthen accountability.

Swinburne aligns with the University Chancellors Council Code of Governance Principles and Practice for Australian Public Universities (UCC Code) which provides guidelines for best practices in university governance. Recent updates to the UCC Code emphasize the importance of transparency, accountability, and stakeholder engagement. Swinburne supports these principles and recommends that this code be widely adopted by recommendation of the Expert Panel. We also suggest further refinement in areas such as digital governance and sustainability practices to address emerging challenges in the HE sector.

Governance improvements must also support communication within the university community, so that staff and students understand how they contribute to governance processes. While many universities conduct their own council capability reviews, Swinburne recommends regular, externally facilitated reviews aligned with TEQSA's accreditation cycle, to ensure consistent national standards and support long-term capability building. This would give Government more confidence in the systems and contribute to the design and adoption of specific reporting frameworks that could also intervene when skills matrices are missing or misaligned and/or Councils fail to run effectively.

3- Controlled entities

Universities often have companies they own or control. Controlled entities should be governed with the same discipline, transparency, and accountability as core university functions. Clear expectations regarding risk, alignment with university purpose, and independent oversight are essential to safeguard public trust and institutional integrity. They should also stay aligned with the university's overall goals and values.

We recommend national guidelines for risk management, board composition and reporting for university-owned entities.

4- Key areas outlined as risks in the Accord

Swinburne acknowledges that the sector, alongside others, is in the process of identifying and remediating underpayments to staff. Across the sector, significant programs of work have been, and continue to be, undertaken to mitigate against the risk of future underpayments. At Swinburne, this work has been overseen by the Council's Audit and Risk Committee (ARC).

As per its Terms of Reference, the ARC also receives standing reports on health & safety and compliance & conduct covering both staff and students. In addition, Health & Safety is reported to the People, Remuneration and Nominations Committee (PRNC) as part of its oversight of People & Culture and Diversity & Inclusion.

In terms of ensuring that our governing body have the right expertise, as previously noted, Swinburne has established a skills matrix to guide the appointment of members to its Council, and we have recently similarly initiated the establishment of a skills matrix for each of our committees of Council.

5- Alignment with National Initiatives to Strengthen Social Licence

Swinburne supports the joint work of the UCC and Universities Australia to strengthen the social licence of Australia's universities. We recognise that strong governance is foundational to trust, legitimacy, and effective sector-wide engagement.

Governance reforms should support and be informed by initiatives such as the *Social Licence Steering Committee*, including priority work on student safety, executive accountability, and sector-wide transparency.

6- Transparent Engagement on Key National Policy Settings and Funding Trends

Swinburne encourages structured, transparent engagement between government and the university sector on major national policy settings, including student debt, international education visas, and higher education funding. Effective governance requires clarity, stability, and sector input on policies that directly impact students, workforce planning, and institutional strategy.

Swinburne recommends greater transparency in year-on-year government funding for universities. This includes the public release of funding proportions, forward estimates, indexation impacts, and the evolving balance between public and private contributions. Improved transparency in this area would enhance public understanding and inform longer term planning across the sector.

Conclusion

Swinburne supports the national focus on strengthening university governance through the Australian Universities Accord and the work of the Expert Council. Good governance is essential to delivering high-quality education, maintaining public trust and responding to a rapidly changing environment.

While the current governance frameworks provide a strong foundation, there are opportunities for improvement, particularly in ensuring diverse and appropriately skilled governing bodies, stronger oversight of high-risk areas and a simplified approach to dual sector institutions. Stronger national coordination and greater transparency will inevitably support better outcomes across the sector.

Swinburne welcomes ongoing collaboration with government and peers to refine governance practices, build sector-wide capability and ensure that universities, as public institutions, remain accountable, inclusive and forward-looking in their governance responsibilities.