

UNSW submission to the Expert Council on University Governance

UNSW Sydney welcomes the opportunity to contribute to the Expert Council on University Governance's (ECUG) work in strengthening university governance across Australia. This submission provides reflections on current practices, identifies areas for improvement, and recommends governance principles aligned with the ECUG's objectives.

UNSW is a globally recognised, research-intensive university committed to excellence in teaching, discovery, and public impact. Since our foundation in 1949, UNSW has worked to transform lives through pioneering research, outstanding education, and a sustained contribution to Australia's social and economic development.

UNSW Recommendations:

Recommendation 1: Measured consideration should be given to whether desired objectives could be achieved within existing regulations. Any additional regulatory requirements should be principles-based, risk-based, and proportionate.

Recommendation 2: To enable recommendation 1, a Regulatory Impact Review of the higher education sector should be conducted, to ensure that current requirements are well understood, and mapped against possible gaps in the complex regulatory environment within which universities operate, and which should include state and federal laws.

Recommendation 3: Governance frameworks should enable universities to exercise effective self-governance, supported by clear accountabilities and appropriate levels of institutional autonomy.

Recommendation 4: Any recommendations of the Expert Council on University Governance that are accepted by government should be implemented in close collaboration with the sector.

Executive Summary

UNSW is committed to principled, effective, and transparent governance. This submission offers sector insights grounded in UNSW's experience as a leading Australian institution. In alignment with ECUG's reform agenda, UNSW offers five broad principles to strengthen university governance: safeguarding academic integrity through independent academic oversight; embedding inclusive and representative decision-making; promoting transparency and public accountability; ensuring diversity and capability on governing bodies; and adopting proportionate, risk-based regulation.

UNSW operates a tripartite governance model, comprising strategic direction by the University Council, academic governance by the Academic Board, and executive management by the University Leadership Team. The Council includes a balanced mix of elected, appointed, and ex-officio members, supported by a skills matrix and robust conflict-of-interest processes. The Academic Board, with extensive staff and student representation, holds delegated authority over academic matters and operates independently of management, maintaining the integrity of academic standards.

To support its commitment to being a responsible and inclusive employer, the university has recently taken steps to strengthen our employment governance framework, including substantial investment in payroll compliance and new pathways for casual academic staff to transition into secure roles.

Given universities are required to comply with no fewer than 272 laws and regulations across state and federal jurisdictions, UNSW supports the need for a Regulatory Impact Review to promote greater harmonisation across legislative and regulatory frameworks. In particular, inconsistencies between state and federal requirements highlight the importance of a coordinated and coherent regulatory environment for the higher education sector.

UNSW endorses strong external accountability mechanisms and supports the roles of Tertiary Education Quality and Standards Agency (TEQSA), the NSW ICAC, the NSW Ombudsman, and the National Student Ombudsman (NSO).

A balance must be struck between responsible oversight of the sector, and regulatory overreach. Effective governance is best supported by frameworks that empower universities to govern themselves with integrity, rather than through prescriptive or overly interventionist approaches. Further regulation is unlikely to yield better outcomes for the higher education sector.

Recognising the breadth of regulatory change currently underway, UNSW encourages a staged and consultative approach to any future reform, enabling institutions to embed changes effectively while maintaining a clear focus on their core mission of delivering high-quality education and research.

Principles for strengthening university governance

Drawing on UNSW's institutional experience and broader sectoral best practice, we recommend the following principles to guide the work of the ECUG. These principles are intended to promote clarity of responsibility, enhance institutional accountability, and reinforce the public trust upon which Australian universities depend.

1. **Academic Governance and Integrity:** Academic Boards hold clearly defined and protected authority over academic matters, including contributing to the delivery of the University's Strategy in regard to the academic matters, promoting excellence and overseeing high standards in teaching and learning, research and research training. This authority is distinct from operational management. It safeguards academic freedom, the quality of degree programs, and the integrity of academic decision-making.
2. **Inclusive and Representative Governance:** University governing bodies — including Councils, Academic Boards, and committees — are structured to include staff and student representation. This ensures governance decisions reflect the lived experience and needs of the university community and support a culture of shared responsibility.
3. **Transparency and Public Accountability:** Institutions adopt transparent governance practices, including the public reporting - where appropriate - of governance processes, Council decisions, financial performance, and conflict-of-interest management. This strengthens community trust and supports informed stakeholder engagement.
4. **Diversity, Capability and Competence:** Governing bodies reflect a breadth of professional and lived experience across disciplines, sectors, and demographics. Members are educated in governance responsibilities and the higher education regulatory framework, to ensure effective oversight and informed deliberation.
5. **Proportionate and Risk-Based Regulation:** Governance principles are designed to avoid regulatory duplication and administrative burden, supporting a proportionate, risk-based approach aligned with TEQSA's legislative framework. Universities are empowered to meet high standards through context-specific approaches, while remaining accountable to students, staff, and the broader public.

The right expertise on university governing bodies

UNSW supports a governance model built on the principles of transparency, accountability, and diversity of perspective. The University's governance structure is underpinned by a robust committee system that includes the University Council, Council Standing Committee, Academic Board, Academic Board Standing Committees, and Faculty Boards and committees. This layered framework ensures that decisions are informed, evidence-based, and inclusive of both institutional and academic expertise.

UNSW operates under a tripartite governance model, where governance functions are clearly delineated and operate in strategic alignment:

- The University Council is the governing body, responsible for strategic oversight, financial stewardship, and institutional accountability;
- The Academic Board governs all academic matters through delegated authority from Council, including academic quality, policy, standards, and program approval;
- The University Leadership Team (ULT) provides executive and operational leadership, implementing strategy and supporting academic and administrative functions.

UNSW strongly affirms the capability and expertise of its Council members. The view that university councils lack the knowledge required to govern complex institutions does not reflect UNSW's experience. UNSW Council brings together professional and academic expertise — including members with extensive leadership backgrounds in education, finance, law, health, public administration, and governance — ensuring that strategic decisions are well-informed and contextually grounded.

The complementary roles of the Council and Academic Board are critical to maintaining both institutional direction and academic autonomy. Their constructive partnership, supported by the executive leadership of the University Leadership Team (ULT), ensures that UNSW's governance remains both rigorous and responsive to the evolving needs of students, staff, and the broader community.

Role of the UNSW Council

The University of New South Wales is governed by a Council of 15 members, established under the *University of New South Wales Act 1989 (NSW)*. The Council is chaired by the Chancellor and includes a balanced mix of ex-officio, appointed, and elected members, ensuring diversity of perspective and deep institutional understanding within the University's governing body.

The Council's composition includes:

- 3 ex-officio members: the Chancellor, Vice-Chancellor, and President of the Academic Board;
- 2 members appointed by the NSW Minister for Education;
- 5 members appointed by the Council itself; and
- 5 elected members: comprising representatives from academic and professional staff and 2 student members — one undergraduate and one postgraduate.

Standing committees of Council ensure that expert advice supports Council decision making. These include the Audit, Finance and Strategy, Honorary Degrees, Information Technology, Remuneration and People, and Safety and Risk Committees.

This structure ensures that the Council maintains a blend of external expertise and internal insight, drawing on professional, academic, and student voices to inform its decisions. Importantly, almost half

of members are directly engaged in university education, reinforcing the Council's capacity to govern in the context of contemporary higher education challenges.

UNSW Council maintains a skills matrix to ensure its collective membership possesses the full range of expertise necessary for effective governance. This approach enables the Council to proactively identify and address any capability gaps, ensuring that strategic oversight is informed by diverse professional perspectives and sector-relevant knowledge. The skills matrix supports sound decision-making, strengthens institutional accountability, and aligns with best practice in public sector governance.

Robust integrity measures underpin Council operations. All members are required to declare conflicts of interest upon appointment and update these declarations at each Council or Standing Committee meeting, or as circumstances change. A register of interests is regularly reviewed and actively monitored, and members with material conflicts are excluded from related discussions and decisions, in accordance with the provisions of the UNSW Act.

Governance accountability is supported through regular public reporting. The Council's activities, financial performance, and risk oversight are documented in the University's Annual Report, which is reviewed by the NSW Auditor General, tabled in the NSW Parliament, and made publicly available. This reporting demonstrates UNSW's alignment with sector standards, including the Code of Governance Principles and Practice for Australia's Public Universities, which came into effect in December 2024 and now supersedes the former Voluntary Code.

Role of the UNSW Academic Board

UNSW's governance framework recognises the vital distinction between institutional governance and academic governance, with both working together to uphold transparency, rigour, and sector-leading performance.

A defining feature of UNSW's model is the strength and autonomy of the Academic Board, which serves as the University's principal academic governance body. The Board plays a central role approving new degrees and changes to programs, in maintaining academic quality, safeguarding academic integrity, and providing strategic advice to both the Vice-Chancellor and the Council.

At UNSW, the Academic Board holds delegated authority over academic programs, endorses academic policies, and oversees the design and quality of degrees and awards.

This delegation reflects a clear separation of academic functions from strategic and operational functions, ensuring that academic matters are governed by those with the requisite expertise, and in accordance with principles of academic autonomy and integrity.

The Academic Board's functions are articulated in the *University of New South Wales By-law 2005* and include:

- Overseeing academic governance & the maintenance of academic standards.
- Advising the Vice-Chancellor & Council on matters relating to the conduct & standards of teaching, scholarship & research within the University.
- Considering & reporting on matters referred to it by the Council or Vice Chancellor.
- Addressing any functions delegated to it by the Council.

The Board's composition reflects a strong commitment to academic and student representation. Its membership includes the Vice-Chancellor, all Faculty Deans, two elected professorial and two non-

professorial staff from each faculty, and 11 student representatives — amongst the highest number of student participants of any Academic Board in Australia - highlighting the enhanced role the Academic Board plays in embedding the student voice.

Formal student engagement and representation occurs through the UNSW Student Representative Group, comprising around 30–35 students from diverse disciplines and backgrounds, including both domestic and international representative, and including undergraduate and postgraduate students, and higher degree by research candidates. This group meets regularly and provides input into Academic Board discussions and policy development.

Faculty boards

Faculty Boards are a key component of UNSW's distributed academic governance framework, providing faculty-level oversight of academic quality, standards, and program development. Established under the UNSW by-laws, these boards operate as extensions of the Academic Board, ensuring that academic decision-making is informed by disciplinary expertise and closely aligned with the University's broader standards and strategic direction.

Faculty Boards oversee academic governance within faculties, which includes advising Deans on teaching and research performance, reviewing and approving curriculum proposals, and contributing to institutional initiatives. Faculty Boards also hold delegated authority for approving minor academic changes, serving as a critical interface between central governance bodies and academic units. This decentralised model ensures accountability, consultation, and consistency across the University while supporting a contextually informed approach to academic quality assurance.

Federal and state legislation for universities

UNSW operates within a complex legal and regulatory environment spanning both state and federal jurisdictions. The University is a statutory body corporate established by an Act of the Parliament of New South Wales. At present, UNSW is required to comply with more than 270 laws and regulations, including 10 that specifically govern higher education.

These obligations span a wide array of domains — from Defence Trade Controls and Animal Research Ethics to Workplace Safety, Environmental Protection, and Personal Information Privacy. To meet these obligations, UNSW has implemented a comprehensive governance and compliance framework that supports institutional integrity, public accountability, and sector leadership.

Further regulation is unlikely to yield better outcomes for the higher education sector. The priority should be the effective application of existing regulatory frameworks, rather than the introduction of additional layers of regulation.

UNSW recommends a Regulatory Impact Review to promote greater harmonisation across legislative and regulatory frameworks and to map universities' current responsibilities. In particular, inconsistencies between state and federal requirements — and, at times, between Commonwealth departments such as DFAT and Home Affairs in the application of Foreign Interference regulations — highlight the importance of a coordinated and coherent regulatory environment for the higher education sector.

Oversight and public accountability mechanisms

UNSW acknowledges the critical role that independent oversight plays in maintaining public confidence in university governance. As a publicly funded institution, the University is subject to scrutiny by oversight bodies, including TEQSA, the NSW Auditor General, the NSW Independent Commission Against Corruption, the NSW Ombudsman, and of course, the NSW Parliament. These mechanisms provide an avenue for members of the public, staff, or students to raise concerns about the integrity of UNSW's operations or governance practices.

In addition, the recent establishment of the National Student Ombudsman introduces a dedicated and independent pathway for addressing student concerns across the higher education sector. This national oversight function strengthens the system's capacity to respond to complaints with fairness, transparency, and impartiality.

UNSW supports public accountability as integral to good governance. It reinforces institutional responsibility, encourages continuous improvement, and contributes to a governance culture built on transparency, integrity, and improvement.

The role of the Tertiary Education Quality and Standards Agency (TEQSA) in upholding governance quality and institutional accountability

UNSW acknowledges the pivotal role of the Tertiary Education Quality and Standards Agency (TEQSA) in upholding governance quality and institutional accountability across the Australian higher education sector, as defined in the Higher Education Standards. As the national regulator, TEQSA provides a critical layer of oversight that supports student protection, sector reputation, and continuous improvement in institutional performance.

We support TEQSA's three guiding regulatory principles:

- Regulatory necessity – focusing on material risks and issues.
- Reflecting risk – tailoring regulatory intensity to provider profiles.
- Proportionate regulation – avoiding undue administrative burden.

In considering future reforms to university governance, UNSW encourages the ECUG to preserve these principles and ensure new regulatory measures are targeted, risk-informed, and outcome-oriented. Excessive duplication of reporting obligations – across TEQSA, state governments, and other statutory bodies – risks diluting institutional focus and creating procedural compliance at the expense of meaningful accountability.

Robust governance is not a product of regulation alone, but of institutional culture, clear roles and responsibilities, and strong internal oversight mechanisms. As such, the regulatory framework should enable universities to take ownership of their governance performance while ensuring appropriate external accountability.

Universities must be supported – not hindered – in their efforts to strengthen academic integrity, public trust, and institutional transparency.

Ensuring universities are good employers

The governance of employment practices is central to maintaining institutional integrity and public trust in higher education. At UNSW, we recognise that strong employment governance — grounded in fairness, compliance, and transparency — is essential to the sustainable delivery of our teaching and research mission. UNSW works within overarching industrial relations law, like all other employers, and in line with requirements in the Higher Education Standards Framework and our Enterprise Bargaining Agreements. UNSW supports high quality employment practices through comprehensive enabling policies, including our Code of Conduct, which outlines responsibilities and expectations of the organisation, staff and students; our Recruitment policy; our complaints management and grievance handling policies and procedures; and other organisational policies.

In partnership with the National Tertiary Education Union (NTEU), UNSW has committed to enhancing job security for academic staff, with a focus on transitioning casual academic roles into more stable forms of employment. Under our current Academic Staff Agreement, UNSW has pledged to expand secure employment opportunities for at least 20 per cent of the existing casual academic workforce. This includes pathways such as:

- Conversion to continuing or tenure-track appointments,
- Alternative offers of employment with greater job security, and
- Prioritising existing casual academics for internal recruitment before seeking external candidates.

These commitments are reinforced by new procedures aligned with amendments to the Fair Work Act, including the introduction of a formal casual conversion application process. These procedures provide eligible staff with a structured and transparent pathway toward long-term employment.

We are committed to responsible employment. This includes ensuring that all staff are paid accurately and fairly, in accordance with our Enterprise Agreements and applicable legislation. Employment policies and pay systems are subject to continuous review and improvement to uphold compliance and support staff wellbeing.

Governance of employment arrangements is not only an industrial matter, but a core element of institutional accountability. Universities must model best practice in their treatment of staff, recognising that workforce integrity is foundational to public confidence and academic excellence.

Safe universities for students and staff

Safety of our students and staff is our top priority, and our first responsibility. UNSW's comprehensive set of policies and practices support staff and student safety, including through our Code of Conduct; our Support for Students Policy, our Student Wellbeing and Safety Policy, our Sexual Misconduct Prevention and Response Policy; and our Complaints Management and Investigations Policy and Procedure. These comprehensive policies and procedures are backed in through general staff and student training, as well as specific and tailored training for leaders in staff and student bodies, staff in complaints and investigations teams, residential colleges, and so on.

Recognising that there is always room for improvement, UNSW actively supports a 'speak up' culture through our SpeakUp! campaign, where any concerns from staff, students, the general public or anonymous individual can be reported; and through our Gendered Violence Portal. Both are supported through widespread and consistent communications campaigns and resourced by suitably qualified staff. UNSW actively supports participation in the National Student Safety Survey, the Quality Indicators of Learning and Teaching survey, and will also support the forthcoming AHRC Racism@Uni Survey.

We encourage the Government to adopt a measured and sequenced approach to any further regulatory reform covering staff and student safety matters, where significant action has been taken in recent times both nationally and within institutions. This includes the National Student Ombudsman, and legislation brought forward by the previous Parliament to introduce a National Higher Education Code to Prevent and Respond to Gender Based Violence.

These reforms have additional compliance requirements for institutions and affiliated accommodation providers which will take time to demonstrate effectiveness, but which should make a material difference to the experience of staff and students, including building capacity in the sector. Embedding new governance practices, ensuring compliance readiness, and sustaining a culture of continuous improvement requires coordinated effort, resourcing, and stability.

National Higher Education Code to Prevent and Respond to Gender-based Violence

UNSW supports the goal of increased student safety and appropriate institutional responses to issues around student safety, which are reflected in the proposed *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) (Consequential Amendments) Bill 2025* brought before the former Parliament.

Importantly, the proposed Code will extend obligations to privately operated student accommodation providers, recognising the vital role these third parties play in shaping students' university experiences. It will be the first time that student accommodation providers have been covered by such regulations and accountability measures.

As part of our ongoing commitment to fostering a respectful and safe university community, UNSW looks forward to contributing to the implementation of the National Code and engaging constructively with sector-wide efforts to uphold these standards.

National Student Ombudsman (NSO) Framework

UNSW welcomes the introduction of the National Student Ombudsman (NSO) Framework, which should be considered for statutory review by February 2027 (two years after its establishment). A statutory review would provide a critical opportunity to evaluate how the NSO is operating in practice and whether it is effectively fulfilling its mandate in a rapidly evolving regulatory environment. The review of the NSO should give consideration to the recommended sector-wide regulatory impact review, as well as the performance and suitability of the NSO function in achieving its goals.

This should include coverage of whether there have been any unintended impacts on academic judgement or institutional autonomy, especially in light of the Minister's ability to define "excluded actions" via legislative instrument. The flexibility within the current rules, such as handling complaints that partially relate to excluded matters, warrants scrutiny to protect the balance between student rights and academic independence.

UNSW supports the aims of the NSO in promoting fairness and accountability in student experience, but stresses the importance of ensuring that the framework is precise, proportionate, and consistent with broader governance principles. A scheduled statutory review would provide a constructive, evidence-based opportunity to refine the model and strengthen confidence in its role across the sector.

Conclusion

UNSW is committed to advancing governance standards in Australian higher education. We support ECUG's efforts to develop practical, principles-based reforms that strengthen transparency, accountability, and academic integrity while respecting institutional autonomy.

We welcome further engagement with the Council to ensure that Australian higher education governance continues to meet the expectations of students, staff, and the broader community.

Should you wish to discuss any issue raised in this submission, please do not hesitate to contact our Director, Government Relations and Policy, [REDACTED] on [REDACTED] [REDACTED].