

07 April 2025

**Council Secretariat**

**Expert Council on University Governance**

**Email:** [ExpertCouncilUniGov@education.gov.au](mailto:ExpertCouncilUniGov@education.gov.au)

Dear [REDACTED]

Thank you for your email of 12 March 2025, regarding strengthening University Governance.

I thank the Expert Council on University Governance for inviting the NSW Department of Education to make a submission for consideration in drafting the University Governance Principles and Recommendations for Education Ministers. I provide this submission on behalf of the NSW Department of Education.

The department is committed to providing the people of NSW with access to an equitable and outstanding education system. Our universities educate our workforce, provide employment, solve community challenges, and bolster the NSW economy.

NSW's 10 public universities are established under individual acts of Parliament. The department supports the Minister for Skills, TAFE and Tertiary Education to fulfill his legislative responsibilities for universities. This includes the Minister appointing two members of the governing body of each public university, tabling university annual reports in NSW Parliament, and decision-making in relation to a range of university land transactions. The department also provides the Minister with strategic policy advice on issues in higher education, some of which are linked in a broad sense to the governance of universities.

While the NSW Government has a role in the legislative foundations of university governance, I note that universities are administratively autonomous and self-governing institutions, with the Australian Government holding primary responsibility for funding and regulation, and through that, policy settings and oversight of Australian higher education.

### **University governing bodies**

The legislative requirements for NSW university governing bodies are set under state legislation. The 10 NSW public university acts mandate that each university governing body be comprised of representatives who are ministerially-appointed, governing body-appointed, official, and elected student, academic staff and non-academic staff members. While the Minister makes two appointments to each university governing body, he is not involved in the election or appointment of the remaining members.

Other relevant NSW legislative requirements include there being a balance of experienced and new members on university governing bodies. At least two members of each governing body must have financial expertise and at least one member must have commercial expertise.

The NSW Department of Education's Guidelines and Principles for Ministerial Appointments have recently been revised to support a robust appointments process. The Minister has complete discretion in making these appointments and universities may suggest candidates.

The guidelines ask universities to demonstrate how their nominees for Ministerial appointments demonstrate the principles of equity, merit, fairness and integrity. Universities are also asked to demonstrate how a proposed appointment will meet criteria for higher education or other education expertise and reflect the diversity of NSW communities. The recently released *Public Partnerships for Public Benefit 2025-2029* underscores the Minister's commitment to diversity on university governing bodies, so they reflect the communities they serve.

University governance principles must require all university governing bodies to have members with expertise in higher education and who reflect the diversity of the communities they serve. The Guidelines and Principles for Ministerial Appointments may be a useful model to consider when drafting governance principles. A copy of the guidelines can be made available to you.

### **Universities as employers**

Over the past five years, each NSW public university has reported underpaying staff. The Minister has asked the NSW Vice-Chancellors' Committee to provide updates on progress in repaying affected staff. Governance principles must ensure that governing bodies have appropriate oversight of and accountability for high priority, high risk issues, including ongoing wage underpayment and remediation processes.

### **Staff and student safety and wellbeing**

Universities should be safe places for students, staff and visitors. Governance principles must reflect interwoven reforms from the Australian Universities Accord that are aimed at making universities safer places to study and work. The Australian Government's *Action Plan Addressing Gender-based Violence in Higher Education* and, subject to the passage of legislation, the National Higher Education Code to Prevent and Respond to Gender-based Violence, must be reflected in the principles to guide the work of university governing bodies and universities more broadly, as well as student accommodation providers and governments.

Given the issues faced by international students with wellbeing and safety, consideration should be given to whether an expansion of student representation on university councils focuses on this group.

Governance principles should broadly encourage universities to fulfil their missions and for public universities, these are set out in their establishing legislation. This should be a balance between teaching and supporting students, conducting research and the discovery of new knowledge, and community engagement and delivery of public benefits. This is also reflected in *Public Partnerships for Public Benefit 2025-2029*, which frames how the NSW Government is working with the higher education sector to bring about shared impact, with positive outcomes for both universities and NSW.

I look forward to reviewing the council's new *University Governance Principles and Recommendations* when completed.

Sincerely,



**SECRETARY  
DEPARTMENT OF EDUCATION**

