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THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

14 December 2018

The Hon Robert French AC
Suite 2, Level 13
Allendale Square
77 St George's Terrace
Perth WA 6000
E: freedomofspeechreview@education.gov.au; sulcsj@bigpond.com

Dear Mr French

I write regarding your request for information relating to freedom of expression and intellectual enquiry. You note within your letter dates 29th November 2018 that this is a requirement within the Higher Education Standards Framework (Threshold Standards) 2015 where a higher education provider is required to have a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in its academic endeavours. You will note below that the University of Newcastle takes this responsibility very seriously and has therefore embedded the principle of academic freedom in its Vision and Code of Conduct. You will also note we attach our relevant rules and policies which make explicit refer to the Code.

The University of Newcastle is aware of the discussion in the sector around the broader issue of free speech and understands the complexities of this topic due to the absence of an Australian legal framework in this area other than for comment with a political content. Our University Audit team have already committed to conduct an internal review on this topic within 2019, we look forward to the outcomes of your review to assist us in our work.

Below I attach relevant links and information to assist you in your review.

Please don't hesitate to contact me if I can be of further assistance.

Best regards

Professor Alex Zelinsky, AO
Vice-Chancellor and President

University of Newcastle's relevant documentation:

- **Act**: https://www.legislation.nsw.gov.au/~/view/act/1989/68
- **By-Law**: https://www.legislation.nsw.gov.au/~/view/regulation/2017/84
- **Vision**: https://www.newcastle.edu.au/about-uon/our-university/vision-and-strategic-direction - Which indicates: "Integrity **-** We are open, ethical, rigorous and committed to the highest standards in academic enquiry. We are champions of academic freedom and professional responsibility."
- **Council charter**: (attached)
- **Internal audit charter**: (attached)
- **Risk management framework**: (attached)
- **Terms of enrolment**: (attached)
- **Code of Conduct**: https://www.newcastle.edu.au/__data/assets/pdf_file/0006/93561/Code-of-Conduct-June-2017.pdf - which indicates: "We promote collegiality by behaving inclusively and openly, and fostering academic freedom. We value our University and the broader community."
- **Code of ethical conduct**: (attached) - which indicates – "Student Responsibilities (3) Within the context of the Preamble and the University's Vision and Mission, students acknowledge the following responsibilities: 1.To contribute to a work and study environment free from discrimination or harassment. 2.To act at all times in a way that respects the rights and privileges of others and shows commitment to freedom of expression; and in particular to be sensitive to cultural diversities;"
- **Student Conduct Rule**: https://policies.newcastle.edu.au/document/view-current.php?id=34 - refers to Code of Conduct
- **Hire of facilities**: (attached): 3.11 section of objectionable or dangerous activities
- **Student occupancy agreement / Student living standards**: https://www.newcastle.edu.au/future-students/study-at-uon/accommodation-options/uon-student-living/terms-and-conditions - Living standards see section 5, and appendix on discipline and misconduct.

Council Charter

Section 1 - Overview

(1) This Charter sets out the role and responsibilities of the Council and its members, responsibilities delegated to committees or to management, as well as the membership and the operation of the Council.

(2) The Charter plays a significant role in the University's governance framework as the primary reference point for Council members and is supported by a broader suite of documents assembled in handbook format. The handbook can be accessed on the Council member's BoardPad portal. The index and publicly available information is also published on the University's Council Handbook website.

Section 2 - The University Council's Role in Governance

Role of the University Council

(3) The University Council is responsible for the governance of the University.

(4) The Council acts in the best interest of the University, driving the performance of the University through strategy and stewardship, by providing overall strategic guidance for the University and overseeing senior management in carrying out that strategic direction.

(5) The Council operates in accordance with the University of Newcastle Act 1989 No 68 (the Act) and the University of Newcastle By-law 2017 (the By-law), which set out the powers and functions of the University and how these must be performed.

(6) Council members are involved in the matters that the Council has reserved to itself to achieve its role and includes the matters outlined in the statement of its primary responsibilities as adopted by Council:

a. Strategic direction:
    i. Oversee the development of, and approve, the University's mission and strategy, and annual plans and budgets.
    ii. Monitor the University's performance in meeting these plans and objectives.
b. Management oversight:
    i. Appointment to the position, and if required the removal, of the Vice-Chancellor, determining the remuneration of the Vice-Chancellor, and monitoring the Vice-Chancellor's performance.
    ii. Approve the appointment, remuneration and service conditions of senior executive staff, ensuring the University has the right people with the right skills.
c. Research, education, and University awards:
    i. Oversee and monitor the academic activities of the University, including the maintenance of academic standards.
    ii. Approve University courses, degrees and awards, including revocation of such awards if required.

    iii. Award honorary degrees and other honorary awards.
    iv. Approve membership and rules relating to the activities of the Academic Senate.

d. Financial and capital oversight:
    i. Oversee, review and approve the annual financial reports.
    ii. Monitor financial results on an ongoing basis.
    iii. Oversee the University's accounting and financial management systems.
    iv. Approve decisions affecting the capital of the University, including the capital management plan, investment policy, engaging a funds manager and major financing arrangements.
    v. Review, approve and monitor the progress of major capital expenditure, material commitments, and commercial activities above delegated limits.
    vi. Develop or acquire a new University campus or operating location, approve the purchase or sale of University land, buildings and/or facilities, estate master plans, asset management plans and policies.
    vii. Approve significant leases, licences and tenancy arrangements up to 21 years (make recommendations to the Minister for arrangements over 21 years in accordance with the Act) and all naming rights.

e. Ethical standards:
    i. Establish and model the University's culture, values and principles.
    ii. Act to protect and enhance the University's reputation and corporate integrity.
    iii. Actively promote ethical and responsible decision-making and monitor the system of accountability for ethical practice.
    iv. Establish and maintain a code of conduct and receive an annual report from management in relation to compliance with the code.

f. Corporate governance and regulatory compliance:
    i. Establish appropriate standards of corporate governance and regulatory compliance.
    ii. Establish University rules and policy principles consistent with legal requirements and community expectations, and review their effectiveness.
    iii. Approve and monitor the effectiveness of the University's (& its controlled entities) control and accountability systems and review reporting under those systems.

g. Risk oversight:
    i. Establish, approve and regularly review policies governing risk oversight and management.
    ii. Oversee the annual review of strategy and operations and updates to University's risk profile, and review the profile in line with the risk appetite set by the Council in conjunction with management.
    iii. Establish, oversee and regularly review the management of risk, including commercial undertakings, and other activities which may have a material impact on the University.
    iv. Establish policies and oversee performance with respect to the University's commitment to the health and safety of employees, contractors, students and the community.
    v. Review, approve and monitor the establishment of legal structures including a company, partnership, trust, other incorporated bodies, or joint venture, or the winding up of such companies.
    vi. Take reasonable steps to understand risks to the University arising from the University's interest in other entities.

h. Stakeholder management and networking
    i. Effectively represent the range of University stakeholders.
    ii. Establish and monitor policies governing the University's relationship with stakeholders and the broader community.
    iii. Establish and participate in an active stakeholder engagement strategy and create valued relationships with our communities – regionally, nationally and globally.

Structure of the University Council

(7) The Council is comprised of 16 members:

a. Three official members - The Chancellor, Vice-Chancellor and the President of Academic Senate;
b. Four elected members – two academic staff, one professional staff member and one student;
c. Seven external members appointed by the Council; and
d. Two external members appointed by the Minister.

(8) Three external members must be graduates of the University.

Appointment and Election of Members

(9) Procedures for the appointment and election of members are prescribed under the By-law, and complemented by processes approved by the Nominations Committee. When considering appointment to Council, the Nominations Committee identifies candidates with appropriate skills, experience and expertise that best complement the Council's effectiveness, for recommendation to the Council. For some roles, the Council may be asked to advise the minister on the Council's skill requirements.

(10) Council members are engaged by a letter of appointment setting out the terms and conditions of their appointment. Members are provided with a Deed of Access and Indemnity upon appointment which sets out, insurance, indemnity and the basis upon which Council members will have access to the University Books. This latter right continues for seven years after they cease to be members.

(11) The total time on Council must not be more than 12 consecutive years of office unless the Council otherwise resolves in relation to the person.

(12) The Chancellor of the University is elected by the Council in accordance with the Act for a term of four years. The Chancellor may be re-elected upon expiry of a term of office if eligible to hold the office.

(13) Council members are expected to participate in any induction or orientation programs on appointment, and any continuing education or training arranged for them. The Council allocates an annual budget to encourage Council members to participate in training and professional development programs.

Council Member Independence

(14) The Council's policy is that the Council will have a majority of members who are external members, judged by the Council to have independence. Members will be of good character, free of material relationships with the University and other entities and people that might influence or would be perceived to influence such judgement.

Delegations of Authority to Committees

(15) The Council may establish and delegate responsibility to committees to consider certain issues in further detail who report back to and advise the Council. The Council adopts a specific charter for each committee setting out the authority, responsibilities, membership and its operation. The Council has adopted the policy that its committees are comprised with a majority of external members.

(16) The University's By-Law prescribes a Nominations Committee, its composition, committee appointment terms and the procedures for the appointment and election of members to the Council.

(17) With the exception of the Chancellor's Committee, Council members are entitled to attend committee meetings, including Academic Senate and its committees, with rights of audience and debate and to receive committee papers.

(18) Committees maintain minutes of their meetings and are entitled to obtain professional or other advice including co-opting up to two external persons in order to effectively carry out their proper functions.

(19) The Chair of each committee will report back on the business conducted at committee meetings to the Council at the next meeting of the Council.

Delegations to the Vice-Chancellor

(20) The Council has delegated to the Vice-Chancellor the authority to manage the day to day affairs of the University, other than those responsibilities reserved to itself. The Vice-Chancellor has the authority to sub-delegate.

(21) The Council is accountable for all of its decisions, even those made under delegation, and requires the Vice-Chancellor to establish reporting mechanisms to keep the Council informed of delegated activities.

(22) The delegations of authority are maintained by the University Secretary and are reviewed by the Council as appropriate from time to time.

(23) A delegation of authority does not prevent the Council exercising any of its powers, authorities, duties or functions.

Rules

(24) The Council may make Rules not inconsistent with the Act and By-law which have the same force and effect as a By-law.

Section 3 - Key Governance Roles at the University

The Chancellor

(25) The Chancellor is appointed by the Council and holds office in accordance with the Act and on the conditions determined by the Council. The Chancellor (and Chairman of the Council) is an independent, non-executive director selected on the basis of achievement and record as a leader. The Chancellor utilises experience, skills and leadership abilities to facilitate governance processes and is responsible for:

a. Leadership of the University Council in performing its strategic and stewardship roles;
b. Efficient organisation and conduct of the Council's functions and meetings;
c. Facilitating the effective contribution and communications with members of the Council;
d. Promoting a positive culture for the Council and between the Council and management;
e. Promoting constructive relations between the position and Vice-Chancellor including the provision of mentoring and advice;
f. Representing the Council to the community as the official spokesperson for the University Council;
g. Scheduling regular evaluations of the Council's performance;
h. Ensuring that independent members of Council meet separately at least annually;
i. Reviewing corporate governance matters with the University Secretary and reporting on those matters to the Council; and
j. Presiding at official ceremonies and functions of the University.

(26) The Council may, by resolution, confer functions or authority upon the Chancellor as it deems appropriate.

The Deputy Chancellor

(27) The Deputy Chancellor is elected by the Council to support the Chancellor. The Deputy Chancellor assumes all functions of the Chancellor including presiding at official ceremonies and functions of the University on behalf of the Chancellor in the absence of the Chancellor, during a vacancy in the office of Chancellor or during the inability of the Chancellor to act.

The Vice-Chancellor and President

(28) The Vice-Chancellor and President (Vice-Chancellor) or principal executive officer of the University, is appointed by the Council.

(29) The Vice-Chancellor is responsible for the attainment of the University's goals and vision for the future, in accordance with the strategies, policies, programs and performance requirements approved by the Council.

(30) The Vice-Chancellor represents the University to the community as the official spokesperson for the University on operational matters.

(31) The Vice-Chancellor manages a team of executives responsible for the functions contributing to the success of the University, and maintains succession plans for these roles.

(32) The Vice-Chancellor's performance is assessed annually in light of the achievement of goals, targets and other key performance indicators as determined by the Chancellor's Committee.

(33) The Vice-Chancellor is a Council member, with the duties and responsibilities of a member of the Council.

President of Academic Senate

(34) The President of Academic Senate is elected by the full-time members of the academic staff of the University from amongst the Professors and Associate Professors, to:

a. Provide leadership of the Academic Senate in performing its academic governance role;
b. Efficient organisation and conduct of the Academic Senate's functions and meetings;
c. Facilitating the effective contribution and communications with members of the Senate;
d. Promoting a positive culture for the Academic Senate and between the Senate and management; and
e. Representing the outcomes of the Academic Senate – the principal academic forum for discussion and principal advisory committee on academic matters – to the University Council and facilitating communications and advice on academic matters to the University Council.

(35) The President of Academic Senate is a member of the Council, and has the duties and responsibilities of a member of the Council.

Academic Senate

(36) The Academic Senate is the primary forum for debate on academic issues in the University and has a major role in academic quality assurance processes. It is the principal advisory committee to the Council on academic matters. The Academic Senate reports to the Council through its President.

Pro Chancellors and other Council Roles

(37) The Council may appoint one or more of its members to the office of Pro Chancellor for a term of up to 2 years. A Pro Chancellor is eligible for re-appointment upon expiry of a term of office.

(38) A Pro Chancellor supports the Chancellor and Deputy Chancellor and may preside at official ceremonies and functions of the University on behalf of the Chancellor, specifically in the absence of the Chancellor and Deputy Chancellor.

(39) The Council may confer functions or authority upon Council members as it deems appropriate.

University Secretary

(40) The University Secretary is the secretary to the Council and is accountable to the Council through the Chancellor, on all corporate governance matters. Responsibilities to Council include:

a. Advising Council members on the obligations of the University and themselves;
b. Facilitating the University's corporate governance processes and advising the Council on governance programs, compliance activities and risk management;
c. Company secretarial provision including Council meetings (agendas, Council papers and minutes);
d. Carrying out the instructions of the Council, usually in conjunction with the Vice-Chancellor, giving practical effect to the Council's decisions;
e. Retaining independent advisory services at the request of the Council, and in consultation with the Vice-Chancellor;
f. Communication with regulatory bodies, and for statutory and other filings;
g. Facilitating the induction of newly appointed members and professional development programs;
h. Developing and maintaining information systems and processes, appropriate for the Council to fulfil its role; and
i. The authority to make administrative amendments to University rules, policies and procedures.

(41) The University Secretary is a key point of contact for Council members on Council matters.

(42) The Council is responsible for the appointment and termination of the University Secretary.

Section 4 - What is Expected of Council Members?

Skills, Qualities and Experience

(43) The Council has developed a skills matrix indicating the skills, experience, expertise and qualities it requires of its members. The University's legislation specifies some of these requirements. The Council reviews its skills profile as part of its regular performance review.

Skills, Experience and Expertise	Qualities
- Advocacy and fundraising - Audit - Commercial expertise - Community and business engagement, including commercialisation of research - Digital technologies - Domain expertise, e.g. Medical, Engineering etc. - Financial - Governance - Higher Education knowledge - Interest/experience in equity and diversity - International business experience - Legal experience/qualifications - Marketing and communications - Networking and dealing with stakeholders - Risk Management experience/skills - Strategic planning/leadership - University of Newcastle graduate	- Unquestioned honesty and integrity - A proven track record of creating value - Time available to undertake the role - A preparedness to question, challenge and critique - Ability to listen, analyse, think clearly and work in a collegiate manner with others - A willingness to understand and commit to the highest standards of governance of the University - An appreciation of the objectives, values, functions and activities of the University, its independence and academic freedom - The capacity to appreciate what the University's external community needs from it. - Engage in collegiate behaviour and act in a mutually respectful manner

Standards of Behaviour

(44) Council members are required to behave ethically, in keeping with Part 4A and Schedule 2A of the Act, and must act honestly in the best interests of the University, at all times preferring the University's benefit to:

a. Personal advantage, whether financial or otherwise;
b. The advantage of any other person or organisation; or
c. The advantage of any group qualifying a member for election or appointment to Council.

(45) The Council has adopted the following Council Member Code of Conduct, and relevant policies to deal with conflicts of interest or duty, including the provision or receipt of gifts, benefits or hospitality, requiring Council members to:

a. Act in the best interests of the University – demonstrate accountability for actions, accept responsibility for decisions, do not engage in activities that could negatively impact the reputation of the University;
b. Exercise care and diligence – commit the time necessary to effectively discharge the role, prepare adequately, attend and participate at Council meetings, ascertain all relevant information, make reasonable enquiries, understand the financial, strategic, and other implications of decisions;
c. Act honestly and for a proper purpose – be open and transparent in dealings, avoid bias or self-interest, demonstrate respect for others;
d. Use the position appropriately – do not use a position on Council to seek an undue personal benefit, advantage family members or associates, or to cause detriment to the University. Decline gifts that may cast doubt on the ability to apply independent judgement as a member of the Council;
e. Use information appropriately – ensure information gained as a member of the Council is only applied to proper purpose and kept confidential;
f. Avoid conflicts - disclose any interest, direct or indirect, which conflicts with the duty to the University. It is not obligatory to disclose an interest which naturally follows from membership of the group qualifying you for election or appointment to the Council and is not otherwise special or personal;
g. Be financially responsible – understand financial reports, audit reports and other financial material that comes before the Council, actively enquire into this material, do not trade if insolvent;
h. Act within the powers and functions set out in the University of Newcastle Act 1989 No 68;
i. Act collegiately and in a mutually respectful manner – be a team player and treat fellow members, University

staff and students and members of the public with honesty, respect and courtesy; and

j. Demonstrate leadership and stewardship, promoting and supporting the University's values in accordance with the values specified in this Charter.

Conflict of Interest or Duty

(46) If a conflict exists, it must be declared and managed in the best interests of the University. An interest in relation to any matter on the agenda must be declared at the meeting, even if it has been declared previously. Declared conflicts are recorded in the minutes of the Council meeting, together with details of how the Council dealt with the conflict.

(47) A Chair or the Chancellor may instruct the University Secretary to withhold papers relating to a particular matter from a Council member after that Council member has declared a conflict of interest with respect to that matter.

(48) Council members complete a Declaration of Interests form as part of their induction process, and update the declaration annually, or as circumstances change. The University Secretary maintains a Register of Interests, which is published each Council meeting.

Section 5 - How the Council Operates

Meetings

(49) The Council will meet as frequently as required, but not less than four (4) times a year. The Council may rotate the location of its meetings to visit major facilities of the University.

(50) In establishing the meeting agendas, the Chancellor and Committee Chairs meet with the Vice-Chancellor and University Secretary to determine which matters require the Council's attention and/or decision. The agenda may need to allow for relevant presentations to the Council and where appropriate, management attendance to discuss a particular agenda item.

(51) Best endeavours will be undertaken to provide the meeting agenda and papers to members one (1) week prior to the scheduled meeting. No papers requiring consideration or decision can be tabled at a Council meeting except with the unanimous approval of those members of Council present at the meeting.

(52) Council papers should be concise standalone documents that provide the information that the Council requires to fully understand the issues being raised and, where required, to make an appropriately informed decision that meets the needs of the University. The Council has an agreed template for papers and requires the purpose of each Council paper to be clearly stated to assist Council members to understand management's requirements. The information needs of management and the Council are quite different, Council papers require context and succinct coverage of the key elements of strategy, risk, financial value and operational impact. The Council will source management reports from the VC where greater detail may be required.

(53) Members are required to attend and participate at Council meeting. Members unable to attend a meeting must advise the Chair or University Secretary ahead of the meeting. The Council's preference is to conduct meetings in person. The Council may also conduct meetings by telephone or video conference provided all Council members have a reasonable opportunity to participate in the meeting. Participation is equivalent to attendance at a regular meeting. The nearest whole number above one half of the membership of the Council for the time being constitutes a quorum.

(54) Meetings are conducted so that matters are debated openly and constructively. Council members are committed to collective decision making, but have a duty to bring an independent judgement to bear in decision-making. Individual Council members must utilise their particular skills, experience and knowledge when discussing matters at Council meetings. Council members commit to the consensus view once a decision is made by the Council. The

Council member decision checklist may be used to support decision processes. The Council also has a formal voting procedure which is required for some processes.

(55) The signed minutes should be entered in the minute book within 1 month of the meeting. A full set of minutes is kept by the University Secretary. Annotations made by members in their electronic papers are not retained as part of the University's recordkeeping process.

(56) To facilitate an even workflow throughout the year, the Council adopts a twelve month calendar, which includes all scheduled Council and committee meetings as well as major items of Council business. External members periodically meet without executive members, management, staff or students.

Starring

(57) Any member may request that an item be starred for discussion at Council. This usually occurs at the conclusion of a Committee meeting or prior to consideration of business at a meeting of Council. The Chancellor may also use discretion on additional items to be starred for discussion by the Council.

(58) At the Council meeting, non-starred items are considered 'en globo' and a vote taken in the affirmative is regarded as conclusive evidence that the motions are approved by the meeting.

Urgent Decision Making

(59) The process and consideration of business in between scheduled meetings of Council is at the Chancellor's discretion.

(60) The Chancellor's Committee or the Chancellor together with the Vice-Chancellor, have authority delegated from Council to consider urgent business. Authority exercised under urgent business delegation is reported to the Council.

(61) The Chancellor may request to conduct a meeting by flying minute in respect of a routine matter where it is convenient to conduct a vote of members or the matter is of an urgent matter. A flying minute must be agreed by at least two-thirds of members, and is deemed to be passed at the time when the motion was last approved by a member. Flying minutes are ratified at the next meeting of the Council.

Major Correspondence

(62) The Council is made aware of major correspondence received by the Chancellor, the Vice-Chancellor, University Secretary, or other senior officers of the organisation, including, but not limited to, any non-routine correspondence from:

a. The Minister;
b. The Auditor General (and other external auditors);
c. Any Federal, State or Local Government Body;
d. Any correspondence which significantly impacts on the compliance requirements of the members of the Council;
e. Any correspondence which may have a significant impact on the University;
f. Any writ, summons or correspondence taking or threatening legal action against the University and whose claim is greater than $100,000; and
g. Any related party transactions which have occurred in the past month or are proposed to occur.

Independent Professional Advice

(63) Following consultation with the Chancellor, any member of Council may request access to independent professional advice at the expense of the University on any matter connected with the discharge of their

responsibilities. Generally, this advice will be available to all members on Council. Such requests are communicated to the Vice-Chancellor by the University Secretary.

Access to Management

(64) The members of Council have complete and open access to management, and are expected to keep the Chancellor and Vice-Chancellor fully informed as appropriate. The University Secretary is a primary point of contact for Council member queries or issues.

Section 6 - Maintaining Effectivness

Council Evaluation

(65) The Council is responsible for its own effectiveness as a governing body. It assesses its own performance as well as the performance of individual members at least every two (2) years and develops actions plans as required. Independent advisory firms with expertise may be engaged to facilitate the process, as the Council considers appropriate.

(66) Annually, there is a performance evaluation of each of the committees of Council, and assessment against the governance guidelines outlined in the Voluntary Code of Best Practice for the Governance of Australian Universities.

(67) Processes are regularly reviewed to ensure they meet good practice guidelines.

Vice-Chancellor Evaluation

(68) The Chancellor's Committee will review the performance of the Vice-Chancellor on at least an annual basis and report to the Council the findings of those reviews.

Council Member Remuneration

(69) The Council determines the level of remuneration paid to external and student members of the Council. Elected staff members are not remunerated for their role on the Council, as membership of the Council is a valuable part of a staff member's professional development.

(70) Members of the Council are entitled to be reimbursed for their reasonable travel, accommodation and expenses when travelling to and from meetings of the Council or its committees, or when otherwise engaged in the business of the University.

(71) Non-executive members of the Council receive statutory superannuation, have directors' and officers' insurance premiums paid and are indemnified by the University as permitted by law.

Executive Remuneration

(72) The Chancellor's Committee reviews executive remuneration annually.

Section 7 - Review

(73) The Council is responsible for reviewing the Council Charter and division of functions and responsibilities to determine appropriateness to the needs of the University at two (2) year intervals. Amendments to the charter are by resolution of the Council.

Section 8 - Schedule 1

(74) Council Member Decision Checklist

Status and Details

Status	Current
Effective Date	5th April 2017
Review Date	31st December 2019
Approval Authority	University Council
Approval Date	5th April 2017
Expiry Date	Not Applicable
Enquiries Contact	David Cantrick-Brooks University Secretary +61 2 49217316

Glossary Terms and Definitions

"Council" - The governing authority of the University established under section 8A of the University of Newcastle Act 1989.

"Council member" - A person who is a member of the Council as described in Section 8B of the Act.

"Award" - When referring to a University qualification, this term means an academic qualification approved by Council that is conferred when a student has met the relevant program requirements. For all other uses of this term, the generic definition applies.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes For example, ECON1010: (course code) Introduction to Microeconomics (course title) (10) (unit value). For all other uses of this term, the generic definition applies.

"Honorary award" - An honorary degree conferred by the University, without examination, as a mark of esteem.

"Academic Senate" - The Academic Senate of the University as described in the University of Newcastle Act 1989.

"Capital expenditure" - Expenditure relating to the purchase, creation or subsequent improvement of an asset controlled or owned by the University. Capital expenditure may relate to tangible assets (such as land, buildings, or equipment) or intangible assets (such as intellectual property or long term software licences) that have a useful life beyond 12 months. Expenditure that simply maintains an asset in its current state is an operating expense (repairs and maintenance) and is not capital expenditure.

"Commercial activities" - As defined in the University of Newcastle Act 1989.

"Campus" - The Callaghan campus (being the land bounded by, but not including, University Drive, Highway Route 123, the main Northern rail line and the Shortland waters golf course); i. the Newcastle CBD campus: a. Hunter Street, Worth Place, Northern rail line and Steel Street; b. being the land bounded by, but not including, Auckland Street, Hunter Street, Darby Street and King Street; c. being the land bounded by, but not including, Auckland Street, Gibson Street, Laman Street and Charles Street; d. being the land bounded by, but not including, King Street, Pacific Street, Ocean Street, Shortland Esplanade, Church Street and Watt Street; ii. the Ourimbah campus (being that part of Ourimbah bounded by, but not including, Chittaway Road, Brush Road and the Northern rail line).

"Asset" - Any tangible or intangible item (or group of items) that the University owns, or has a legal or other right to control and exploit to obtain financial or other economic benefits.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Risk profile" - Description of any set of risks.

"Risk appetite" - An organisation’s approach to assess and eventually pursue, retain, take or turn away from risk.

"Student" - a person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Establishment" - When referring to an Award offered by the University, establishment means the process of approving an award that the University has decided to offer. For all other uses of this term, the generic definition applies.

"Academic staff" - An academic employee holding a substantive academic position of 0.5 full-time equivalent or above where the contract length is twelve months or longer.

"Graduate" - (Noun) Has the same meaning as in section 3(2) of the University of Newcastle Act 1989.

"Candidate" - In regard to Higher Degree by Research it has the same meaning as student. For all other instances it is a person considered for appointment to a position.

"Program" - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

"External person" - Has the same meaning as set out in section 8 of the University of Newcastle Act 1989.

"Officer" - Has the meaning given in section 9 of the Corporations Act 2001 (Cth).

"Risk Management" - the co-ordination of activities to optimise the management of potential opportunities and reduce the consequence or impact of adverse effects or events.

"Law" - All applicable statutes, regulations, by-laws, ordinances or subordinate legislation in force from time to time anywhere in Australia, whether made by the Commonwealth, a State, a Territory or a local government and, where the context permits, includes the common law and equity.

Internal Audit Charter

Section 1 - Establishment

(1) This charter establishes the purpose, scope, authorities and responsibilities, organisational relationships and independence conferred by the University of Newcastle's (UON) Council on UON's Assurance Services with respect to carrying out internal audit duties.

(2) An effective internal audit service is required by Section 11 of the Public Finance and Audit Act 1983 and supported by Section 17(A) of the University of Newcastle Act 1989 No 68.

(3) The Internal Audit function, within the context of UON operations, comprises those resources directly associated with the provision of internal audit services, whether they be resources internal or external to UON.

(4) The definition of Internal Audit, the application of the Internal Audit Code of Ethics and the Internal Audit Standards are discussed on a needs basis between the Director, Assurance Services, the Vice-Chancellor and the Risk Committee.

Section 2 - Purpose

(5) Internal Audit is an important aspect of UON's governance framework as it provides an independent and objective assurance service to the Council and management. It is based on a systematic and disciplined approach to the evaluation of the adequacy and effectiveness of governance, financial and operational controls throughout the organisation.

(6) Internal Audit assists UON in achieving its objectives by adding value and identifying areas for improvement with the aim being to promote efficiency, economy and effectiveness of management processes as well as reliability and accuracy of operations.

(7) Internal Audit also assists the Risk Committee to discharge its responsibilities related to compliance and accountability, internal controls and governance processes for UON and its controlled entities.

Section 3 - Independence

(8) The Internal Audit function has independent status within UON to ensure its effectiveness. To achieve this, Internal Audit is:-

a. functionally responsible to the Council via the Risk Committee;
b. administratively responsible to the Vice-Chancellor;
c. independent of any other organisational unit, employee or official of UON.

(9) The Director, Assurance Services and Senior Internal Auditor have unrestricted access to the Chair of the Risk Committee and/or the Vice-Chancellor to raise any concerns about audit matters or other significant risks that in their opinion are not being adequately dealt with by UON.

(10) All Internal Audit activities must be free of influence from any element in the organisation, including matters related to audit selection, scope, procedures, frequency, timing, or report content.

(11) Internal Audit is independent of the activities that it audits to ensure unbiased judgements, proper conduct and impartial advice to management and the Council. Internal Audit must not have any direct operational responsibility or authority over any of the activities reviewed and must not assume responsibilities for the implementation of risk mitigates or controls.

(12) Potential impairments to independence or objectivity relating to other management reviews must be disclosed to the key stakeholders of the engagement prior to acceptance of the engagement.

(13) To further preserve independence, staff working within Internal Audit will not usually undertake secondary employment within UON unless approved by the Risk Committee on the recommendation of the Director, Assurance Services.

Section 4 - Authority

(14) Under the authority of the Council:

a. Internal Audit will undertake audits in accordance with plans approved by the Risk Committee on behalf of Council.
b. Internal Audit may undertake further audits and reviews as the Council, Vice-Chancellor, members of the Executive Committee or the University Secretary may from time to time direct.
c. Internal Audit may also conduct the preliminary fact finding activities required to assess any concerns of possible fraud or corruption that come to its attention. Resulting enquiries and investigation must be discussed and approved with the relevant senior authority (Vice-Chancellor or Member of the Council where the Vice-Chancellor has a conflict of interest).
d. For the duration of the audit and in carrying out its duties and responsibilities, Internal Audit is entitled to full, free and unrestricted access to all of UON's activities, records, property, personnel and any other information which the Director, Assurance Services considers necessary to properly fulfil its functions as specified in the Internal Audit Plan, scope of individual audits or other special tasks or investigations.
e. UON staff (including those employed by a UON controlled entity) are required to fully cooperate with Internal Audit activities and to facilitate the progress of audit work by providing input and assistance in a timely manner.
f. The Director, Assurance Services, in undertaking the Internal Audit Plan or other tasks as directed under b or c is authorised to allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques required to accomplish audit objectives and approve the final audit report in consultation with key stakeholders in the individual audit.
g. Subject to the availability of approved budget, the Director, Assurance Services is authorised to engage an external service provider to conduct the audit, specific task or investigation, or if additional resources are required. The Director, Assurance Services will decline the consulting engagement if Internal Audit are unable to obtain or lack the knowledge, skills, or other competencies needed to perform all or part of the engagement.
h. The existence of Internal Audit does not reduce the financial and operational responsibilities of management for the proper execution and control of activities, including responsibilities for the periodic conduct of system appraisals, internal controls and risk management.

Section 5 - Confidentiality

(15) All records, documentation and information accessed in the course of Internal Audit activities are to be used solely for the conduct of these activities. All Internal Audit staff are responsible and accountable for maintaining the confidentiality of information they receive in the course of their work.

(16) Internal Audit reports are deemed to be confidential reports of the Council and will be provided to UON's appointed external auditors and/or any other government agency in accordance with legislative requirements. Access to Internal Audit records will be managed by the Vice-Chancellor or the Director, Assurance Services after consideration and approval from relevant senior management.

Section 6 - Scope of Responsibilities

(17) Internal Audit shall, in the performance of its function, consider the following:

a. compliance, with internal and external legislation and instruments;
b. the adequacy, reliability, integrity and effectiveness of the financial and operational controls, including IT system controls ;
c. whether the information technology governance supports UON's strategies and objectives;
d. the recording, control and use of UON's assets;
e. the efficiency, effectiveness, design, implementation and ethical conduct of UON's systems and processes with an aim to contribute to the improvement in internal controls and risk management processes; and
f. the extent to which public and other property, money and resources under the control of UON are accounted for, used and safeguarded from loss, including misuse.

(18) Internal Audit shall, where appropriate and requested, may provide advice to management, including on new projects and programs, with particular emphasis on the matters identified in clause 17.

(19) Internal Audit activities may also cover any controlled entities of UON.

(20) By request from the Council or the Vice-Chancellor, Internal Audit may be asked to engage with associated/related bodies that are part of, attached to or otherwise partially controlled by UON.

(21) Should consulting opportunities arise during an audit engagement, a specific written understanding as to the objectives, scope, respective responsibilities, and other expectations should be reached between the parties with the results of the consulting engagement communicated to stakeholders.

(22) Internal Audit activities does not, in any instance, extend to:-

a. exercising executive or managerial authority functions except those related to the Internal Audit function;
b. performing any operational duties for UON or its controlled entities;
c. initiating or approving accounting transactions outside the Internal Audit area; or
d. involvement in any day-to-day operations or internal control functions of UON.

Section 7 - Planning

(23) Following consultation with the Vice-Chancellor and members of the Executive Committee, an Internal Audit Plan will be prepared annually by the Director, Assurance Services for approval of the Risk Committee on behalf of Council.

(24) Amendments to the approved Internal Audit Plan shall be submitted to the Risk Committee for consideration and approval on the recommendation of the Director, Assurance Services.

Section 8 - Professional Standards and Quality Assurance

(25) Internal Audit will conduct activities consistent with this Charter and the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, noting that:

a. external audit activities remain the prerogative of the NSW Audit Office, or their agents;
b. Internal Audit activities do not extend to the coordination of external audit on behalf of the NSW Audit Office although Internal Audit will consult with UON's external auditors to reduce duplication of audit activity;
c. where applicable, Internal Audit will have regard for the standards and practice statements and professional code of ethics issued by Australian and International accounting and auditing organisations.

(26) The Director, Assurance Services will arrange an independent review of the efficiency and effectiveness of the operations of the Internal Audit function as part of a quality assurance program at least every three years.

Section 9 - Reporting

(27) The Director, Assurance Services will provide the results of internal audits and quality assurance reviews to the Vice-Chancellor and as a general rule, to the Executive Committee and the relevant members of UON management.

(28) The Director, Assurance Services will report to the Risk Committee on:

a. audits completed;
b. progress in implementing the Internal Audit Plan including any issues impacting on the approved plan;
c. progress in implementing agreed audit recommendations including any issues impacting on implementation;
d. matters arising from previous meetings; and
e. any other information requested by the Committee.

(29) The Director, Assurance Services will communicate to the Vice-Chancellor and the Risk Committee any instances where management assumes a level of risk that may be outside the UON risk appetite and is unacceptable to UON.

(30) Annually the Director, Assurance Services will provide to the Risk Committee an attestation to support the independence of the internal audit services provided and an attestation to support compliance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

Section 10 - Audit Recommendations and Actions

(31) The Director, Assurance Services is responsible for working with relevant management to ensure that a system is in place which supports the implementation of agreed audit recommendations and actions within required time-frames.

Section 11 - Review of Charter

(32) The Director, Assurance Services is responsible for review of this Charter at least annually.

(33) Amendments to this Charter require the approval of the Council on the recommendation of the Risk Committee.

Status and Details

Status	Current
Effective Date	2nd August 2017
Review Date	31st December 2019
Approval Authority	Risk Committee
Approval Date	2nd August 2017
Expiry Date	Not Applicable
Enquiries Contact	Matthew Long Senior Internal Auditor +61 2 49215342

Glossary Terms and Definitions

"Council" - The governing authority of the University established under section 8A of the University of Newcastle Act 1989.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Personnel" - In relation to a party, any employee, officer, agent, contractor, sub-contractor, student or volunteer of that party.

"Risk Management" - the co-ordination of activities to optimise the management of potential opportunities and reduce the consequence or impact of adverse effects or events.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes For example, ECON1010: (course code) Introduction to Microeconomics (course title) (10) (unit value). For all other uses of this term, the generic definition applies.

"Asset" - Any tangible or intangible item (or group of items) that the University owns, or has a legal or other right to control and exploit to obtain financial or other economic benefits.

"Program" - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

"Level of risk" - Magnitude of a risk or combination of risks, expressed in terms of the combination of consequence and their likelihood.

"Risk appetite" - An organisation’s approach to assess and eventually pursue, retain, take or turn away from risk.

Risk Management Framework

Section 1 - Introduction

(1) Risk influences the strategic and operational decisions of the University and risk management is an integral part of its governance arrangements. Effective risk management, which includes the understanding, assessment, management and mitigation of risks, supports UON to make better decisions, safeguard assets, provide services to students and communities and achieve strategic objectives.

(2) This Framework sets out the process for integrating risk management into operations. The Risk Management Framework provides the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management.

(3) Risk management is focused on identifying, evaluating, controlling and mitigating risks. It is not a negative or constraint concept but rather allows the University to take advantage of opportunities to achieve improved outcomes by ensuring that risks taken are based on informed decision making, realistic and measurable objectives and sound analysis of possible outcomes.

Section 2 - Audience

(4) This Framework applies to UON in the entirety including all controlled entities.

Section 3 - Background

(5) Risk management is the co-ordination of activities to optimise the management of potential opportunities and reduce the consequence or impact of adverse effects or events.

(6) An effective risk management framework will assist the University Council, Risk Committee, Vice-Chancellor and Executive in obtaining reasonable assurance that:

a. the University's strategic and corporate objectives are supported by effective risk management systems and processes;
b. risk exposures are identified and adequately monitored and managed; and
c. the effectiveness of controls are systematically improved where necessary.

(7) The Risk Management Framework provides the key principles that guide risk management and ensure that risk is identified, effectively managed and mitigated within the defined risk appetite.

(8) The Risk Management Framework is based on the International Standard as adopted by Standards Australia – AS/NZS ISO 31000:2009 Risk management – Principles and guidelines.

Section 4 - Risk Management Principles

(9) UON's Risk Management Framework supports the 11 principles of risk management, from ISO 31000, as the qualities key to effective risk management:

a. Risk management creates and protects value – by integrating risk management into the corporate and strategic planning cycles, the business planning and decision making processes and as an integral part of operational processes UON aims to maximise opportunities and minimise adverse impacts.
b. Risk management is an integral part of all processes – by operating effectively throughout the University and incorporating the risk processes into management processes.
c. Risk management is part of decision making – to aid in improved decision making.
d. Risk management explicitly address uncertainty – by considering and assessing the nature of uncertainty in the application and management of risks.
e. Risk management is systematic, structured and timely – the management of risk is undertaken in a planned, consistent manner contributing to efficiency and comparability.
f. Risk management is based on best available information – from a variety of sources.
g. Risk management is tailored – with the risk profile and risk appetite set for UON's experiences and strategy.
h. Risk management takes human and cultural factors into account – taking into consideration the University's culture and communities.
i. Risk management is transparent and inclusive – the risk management processes includes the timely involvement of stakeholders and decision makers across UON and with controlled and associated entities.
j. Risk management is dynamic, iterative and responsive to change – the risk profile and framework is reviewed regularly.
k. Risk management facilitates continual improvement of the organisation – the framework continues to improve with the risk maturity.

Section 5 - Approach to Risk Management

(10) The Council has adopted a Risk Management Policy confirming its commitment to risk management. It sets out the approach to enhancing risk management capability and maturity and ensuring continual improvement of the Risk Management Framework.

(11) Risk management should be performed continuously and is not simply about responding to events. UON supports a risk culture which involves the process of establishing the risk context, identification, analysis, evaluation, treatment, monitoring and review when making decisions. The process should include consultation with relevant stakeholders and be communicated widely throughout the UON community.

(12) The risk management process covers the establishment of the risk categories (context), the risk assessment which includes the identification, analysis and evaluation and the risk treatment supported by effective communication and consultation and continuous monitoring and review (Refer Appendix A).

Section 6 - Risk Appetite and Risk Tolerance

(13) The Strategic Plan, the annual Corporate plan, the Faculty, School, Divisional and Unit Corporate plans and specific project plans set the strategic and operational objectives. This planning cycle supports the assessment of emerging or known risks that may impact objectives.

(14) As part of the strategic planning review the Council and Executive Management consider and set the risk appetite

and risk tolerance. In setting the risk appetite the Council acknowledges that it is not possible, or may not be desirable, to eliminate all risks inherent in activities. Acceptance of some risk may be necessary to support innovation within well controlled business activities.

(15) The risk appetite is considered in strategic and operational decision making. The risk tolerance supports the translation of risk appetite into operational quantitative limits. The risk appetite and risk tolerance are considered at least annually.

(16) The risk appetite provides guidance as to the risk boundaries that are acceptable and how risk and reward are to be balanced. It recognised that risks present both challenges and opportunities and should not be considered solely in terms of their potential financial consequences. The risk appetite aids in the understanding of the level of risk that is acceptable across the University.

(17) The overarching risk appetite is:

a. In pursuing its objectives, as expressed in the strategic plan, the University has a low appetite for risk where there is a likelihood of loss or life or harm, illegal or unethical activity, significant and lasting reputational damage, negative material long term financial impacts or material regulatory breaches.
b. UON accepts a high level of risk in strategies that deliver quality, equity, excellence, impact and innovation, and a medium level of operational risk in business units to deliver these strategic priorities.

(18) This overarching appetite can be segregated into specific appetites for different activities within strategic, operational, financial and regulatory categories. Where an activity is not made explicit in the following categories, the upper and lower limits of that category apply, in addition to the application of the overarching appetite. (Refer Appendix B and C).

(19) Managed risk refers to risk of any level that has been identified and assessed, with the appropriate level of controls and treatments in place and passed through the relevant review and approval channels. In the instance that there is a high risk appetite, it is imperative that high rated risks are managed risks.

Section 7 - Risk Categories

(20) Risk management addresses a broad range of potential exposures to risks across the entire operations of the University and includes core and enabling activities.

(21) Strategic risk refers to the impact of changes within the environment, including changing legislation, and the ability to meet the strategic objectives.

(22) The University has identified the risk categories which are likely to affect the ability to deliver on objectives. These include Core and Business Risks (see UoN Risk Categories Diagram).

Core Risks

(23) Operational risk refers to the risk that arises from day-to-day operations including project management activities and may arise from inadequate or failed internal processes, practices, systems or people. It may also occur from failures due to external systems or events and deliberate actions such as fraud.

(24) Regulatory (compliance) risk refers to the failure to comply with regulatory requirements. These include legislative obligations, legal requirements and includes compliance with UON Rules, policies, frameworks, guidelines and may be deliberate or inadvertent.

(25) Health and Safety risk refers to the direct and indirect impact on staff, students, the community and third parties

arising from the activities undertaken by UON including the management of the physical environment.

(26) Financial risk refers to the risk associated with the inability to achieve financial outcomes. This includes short term and long term financial and capital planning.

(27) Reputation risk refers to the impact on the UON as a result of the outcome of an activity. This may impact on financial or operational outcomes or may result in the loss of trust or standing within the community.

Business Risks

(28) The business risks are a subset of the core risks and are assessed at each core risk level.

a. Education – learning and teaching is a core activity. Risks arising from academic activities include: student administration, progress, assessment, grading, retention and success; academic and staff teaching capacity and capability, learning resources and support, learning spaces, course curriculum and content.
b. Research and Innovation is a core activity. Risks include: ethics, quality and value of research, commercialisation, collaboration, intellectual property, supervision and support of students.
c. People risk refers to the risks associated with attracting and retaining talented and engaged staff and includes risks associated with: recruitment and retention; training and development; career development and performance management.
d. Assets refers to the physical infrastructure and the digital environment with these assets being fundamental to the delivery of services. The risks include: loss or ineffective use of assets; failure or unavailability; ineffective management resulting in loss or regulatory breach.

Section 8 - Risk Assessment – Identification

(29) University Leaders are required to identify their role in contributing to UON's goals, objectives, values, policies and strategies when making informed risk decisions.

(30) The risk identification process is to generate a comprehensive assessment of risks that may impact on the activity. In establishing the context of risks key questions may include:

a. when, how, why and where are the risks likely to occur;
b. what is the consequence should the risk or event occur;
c. what are the threats and opportunities;
d. what are the significant factors in both the internal and external environment that may affect the outcome;
e. what is the source of the risk, has this occurred before;
f. what is the impact should this occur, consider time and monetary impact;
g. what controls are in place to mitigate this risk; and
h. who are the stakeholders.

(31) All identified risks are documented in risk registers which identify what can happen, when and where it can happen, how and why it occurs.

(32) The risk owner has responsibility for:

a. ensuring that risks are managed appropriately;
b. monitoring and reporting progress to manage the risks;
c. ensuring that their risk register is maintained on a timely basis; and

d. assisting in reporting as required.

(33) Effective risk identification can be undertaken by a number of processes including: scenario analysis; workshopping; prior experience; inspections; flowcharting; survey/ questionnaires; and SWOT analysis.

Section 9 - Risk Assessment – Analysis

(34) The risk analysis process supports the identification as to which risks may have an impact on achieving objectives.

(35) Risks are determined by the relationship between the likelihood (frequency or probability of occurrence) and the consequence (impact or magnitude of effect) if the risk occurs. The likelihood and consequence are assessed taking into consideration the effectiveness and the adequacy of current internal controls in place. The likelihood and consequence table is included in Appendix D.

(36) The assessment of each risk is determined at both the inherent risk (risk without internal controls in place) and residual risk (risk with effective internal controls in place).

(37) Internal controls which are in place to support the early identification of occurrence or lower the impact will affect the consequence (detective controls). Internal controls which are in place to prevent the risk will affect the likelihood of occurrence (preventative controls).

(38) In considering the adequacy of internal controls the effectiveness needs to be considered. The control effectiveness criteria can be considered as follows:

Control Effectiveness Table		
Effective The existing control is effective and is working appropriately to mitigate the risk. Controls are subject to regular monitoring and review.	Partially Effective The existing control is satisfactory and is having some impact on mitigating the risk. Controls are documented and implemented but inconsistent in their application and monitoring.	Ineffective The existing control is missing or ineffective and does not support the risk mitigation. Controls are poorly communicated and are not subject to monitoring.

Section 10 - Risk Assessment – Evaluation

(39) The risk evaluation process is to support the decision making as to whether the risk is acceptable or unacceptable. In undertaking an evaluation, consideration is given to the cost impact, benefits and opportunities presented by the risk and the degree of control over the risk.

(40) In assessing and ranking the risk consideration is given to:

a. what is the risk appetite and risk tolerance;
b. what is the risk ranking; and
c. what is the level of risk.

Section 11 - Risk Treatment

(41) The risk treatment involves dealing with risks where the residual risk rating is determined to be unacceptable. To effectively consider the treatment, the causes of the risks need to be determined for treatment not the symptoms.

(42) Risk treatment options are:

a. Avoidance – an informed decision is made to not proceed with the activity, obtain an alternative solution or exit the activity as the risk rating is unacceptable;
b. Reduce/ transfer – actions are implemented to reduce the likelihood or consequence (or both) to reduce the risk; or
c. Accept – no further action is taken.

(43) Likelihood can be reduced by improved management controls which reduce the frequency or opportunity for error. This may include automated processes, quality assurance, testing, independent reviews, training, education and documented policy and procedures.

(44) Physical controls may minimise the consequence of a risk. This may include contracts in place for resources and effective Business Continuity Plans.

(45) The internal controls should be embedded in usual business processes, activities and systems to support the effective management of risks and to achieve the risk reward.

(46) Risk transfer may occur by shifting the responsibility to another party and may be in full or part. Insurance policies are a potential option for the transfer of risks.

(47) Acceptance of the risk occurs when an informed decision has been made that retaining the residual risk level supports the objectives and the cost to implement additional controls or options cannot be justified. The risk reward assessment supports the strategic objectives and the benefits outweigh the risk exposure.

(48) For those risks where the residual risk rating is outside the risk appetite, defined actions are to be considered and included in the Risk Treatment Plan for ongoing monitoring and reporting to Executive Committee.

Section 12 - Risk Monitoring and Review

(49) Monitoring and reviewing risks supports the integration of the Risk Management Framework. Risks do not remain static and are monitored to ensure that changing conditions are considered in the risk priority and assessment.

(50) The relevance of regular review of performance can assist in the early identification of risk trends, concerns and potential impact on objectives.

(51) University Leaders - Faculties, Schools, Divisions and Units will:

a. Consider the risks associated with achieving their corporate plans, develop treatment plans as required and document these in their Risk Treatment Plan as part of the corporate planning process each year.
b. Review and update risk register with emerging risks and assess the effectiveness of the Risk Treatment Plans as part of the Faculty and Division quarterly review of performance.

(52) Executive Committee will:

a. Receive a report on the Operational Risk Register every six months.
b. Review and shape the annual Strategic Risk Register ahead of consideration by the Risk Committee and Council.
c. Consider Strategic Risk Reports from risk owners on risks identified in the Strategic Risk Register ahead of consideration by the Risk Committee and Council, and as frequently as is determined by the Executive Committee to maintain appropriate oversight of the risk.

d. Consider the Risk Treatment Plans for residual risks which are outside risk appetite to ensure that these plans will address the key risks.

(53) The Risk Committee and University Council will receive:

a. The Operational Risk Report annually. This report will identify those risks which are outside risk appetite and include plans for managing the risks.
b. The Strategic Risk Register annually.
c. Strategic Risk Reports from Risk Owners on risks identified in the Strategic Risk Register at least annually, or every six months where the risk is managed out of appetite.

Section 13 - Risk Registers

(54) Risk registers capture the process to establish the context, identify, analyse, evaluate, treat, monitor and communicate risks to support the attainment of objectives, goals and the benefits of effective risk management processes.

(55) Strategic Risk Register

a. Executive leaders shape the identified strategic risks and the Vice-Chancellor presents these views to the Risk Committee and Council for approval.
b. Strategic risk assessment processes are aligned with the annual strategic planning cycle, commencing with the Council Strategic Retreat in June of each year.

(56) The Operational Risk Registers are completed for risks identified by the Faculty/School, Division/Unit, controlled entity, project and commercial activity. These risks are reviewed and risk rated at the inherent and residual risk rating in conjunction with the Risk team.

(57) The Operational Risk Register will be prepared and maintained by Assurance Services, in consultation with Executive Leaders, and will be subject to regular review.

(58) The Operational Risk Registers are supported by Risk Mitigation Plans, including internal control improvements and proposed completion dates where:

a. current and emerging risk issues where the residual risk rating is high or above or the risk rating is outside of the University's risk appetite; or
b. any risk where the targeted completion of an appropriate mitigation plan exceeds the agreed date for implementation; or
c. risks have been identified with a University-wide impact or where the risk impacts a number of Faculties/ Divisions and the overall cumulative result is the risk being rated as high or above.

(59) Local risk registers are prepared and maintained by Faculties and Schools, Divisions and Units and by project managers for major projects and new commercial activities.

a. Local risk registers must be endorsed by the relevant senior leader and have Executive sponsorship ahead of reporting to the Executive Committee and inclusion of relevant risks in the Operational Risk Report.
b. Residual risks rated high or above are required to be reported to the relevant Executive Leader as soon as practicable after the risk is identified.
c. Project risk registers will be developed as part of project planning/business case development for major projects or strategic initiatives and be maintained by the project manager for reporting at least quarterly to the project

sponsor and/or project steering committee.

d. Commercial Activity risk registers are required for business case approval and will be monitored, updated and reported at least annually by the sponsor of the activity to the Chief Financial Officer.
e. Emerging risk issues are required to be incorporated in the local risk register as they are identified.
f. Health and safety risk registers are a subset of Faculty/School/Division/Unit Risk Profiles and are supported by the Health & Safety Team.

(60) Unless otherwise determined by the Vice-Chancellor, an appropriate risk mitigation plan must be documented and implemented for any risk outside the University's risk appetite. These will be documented in the local Risk Treatment Plans.

Section 14 - Corporate Governance Principles

(61) Corporate governance refers to the process by which the University is controlled and governed in order to achieve objectives. UON's Council is committed to establishing and maintaining an organisational culture that ensures risk management is an integral part of all activities. The core function of risk management within the University is the achievement of the University's short and long term objectives and supporting the strategic direction.

(62) Sound and effective risk management contributes to good governance and provides support and protection for managers in the event of adverse outcomes. Effective identification and management of risks in accordance with the approved Risk Management Framework supports UON by potentially reducing the severity of the outcome and assisting those who are accountable for the risk management, in the demonstration of a proper level of due diligence.

(63) To support the effective risk management practices, at least annually, the Executive Committee and Executive Leaders will provide an attestation to the Vice-Chancellor supporting the effective identification and management of risks.

(64) The responsibility for effective risk management practice is undertaken by all University leaders and staff. Specific roles and responsibilities for risk management are outlined below.

ROLE	RISK MANAGEMENT FRAMEWORK RESPONSIBILITY
University Council	• The University Council and its Committees have responsibility under the University of Newcastle Act 1989 No 68 for overseeing risk management and risk assessment activities across the University. • The University Council, via the Risk Committee is responsible for setting the risk appetite of the University and evaluating the effectiveness of the key components of the Risk Management Framework.
Risk Committee of Council	The Risk Committee is responsible for assisting Council in: • Evaluating the soundness of the system of risk implemented at the University. • Reviewing the outcomes of risk management processes, monitoring emerging risks that are material to the achievement of the University's strategic plans and facilitating assurance that risk exposures are being managed appropriately. • Informing University Council of the adequacy and effectiveness of the University's risk management processes.
Vice-Chancellor	• The Vice-Chancellor is responsible for ensuring that a risk management system is established, implemented and maintained. • Providing leadership on the University's risk appetite and acceptable risk exposure. • Maintaining the risk management framework and controls to manage the University's material risks and to report to the Council and Risk Committee on whether the risks are being managed effectively. • Development of the annual Strategic Risk Register.

ROLE	RISK MANAGEMENT FRAMEWORK RESPONSIBILITY
Executive Committee	• Providing advice to the Vice-Chancellor on matters of risk management and provide leadership in portfolio areas. • Reviewing and shaping the annual Strategic Risk Register. • Considering Strategic Risk Reports from risk owners on risks identified in the Strategic Risk Register as frequently as required to maintain appropriate oversight of the risk. • Reviewing the outcomes of the risk management processes. • Considering enterprise risks and facilitating assurance that the enterprise risk exposures are being managed appropriately.
All Staff	• Recognise, communicate and respond to expected, emerging or changing risks. • Contribute to the process of developing risk profiles. • Implement risk plans within area of responsibility. • Update progress on risks and risk treatment plans.

Section 15 - Review

(65) This Framework and the effectiveness of risk management practices will be reviewed by Assurance Services annually.

(66) This Framework will be reviewed by the University Council every three years or earlier as required.

Section 16 - Appendices

(67) Appendix A – Risk Management Process - diagram

(68) Appendix B – Risk Appetite Statement - defined

(69) Appendix C – Risk Appetite - depiction

(70) Appendix D – Consequence and Likelihood Tables

Status and Details

Status	Current
Effective Date	10th May 2017
Review Date	31st December 2019
Approval Authority	University Council
Approval Date	10th May 2017
Expiry Date	Not Applicable
Enquiries Contact	Shayne Falkenmire Manager, Risk Services +61 2 4921 8858

Glossary Terms and Definitions

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Term" - When referring to an academic period, term means a period of time aligned to an academic year for the delivery of a course in which students enrol and for which they are usually charged fees for example semesters, trimesters, summer, winter or full-year term. The academic year for a term is determined by the academic year in which the course commences, not concludes. For all other uses of this term, the generic definition applies.

Terms, Conditions and Informed Consent (ENROLMENT)

Your enrolment cannot progress unless you accept all terms and conditions set out below.

1. I certify that all information and documentation supplied by me to the University is true, accurate and complete including all information supplied with my application for admission and/or credit.

2. I understand that I must comply with the rules, policies and by-laws of the University of Newcastle and that failure to do so may result in the cancellation of my enrolment.

3. I understand that I must ONLY enrol in courses that comply with the requirements of the program to which I have been admitted.

4. I understand that failure to pay fees and charges owed to the University and/or its partner organisations by the due date may result in my access to University services being restricted, the cancellation of my enrolment and/or action to recover any remaining debt. This may also result in my grades and testamur being withheld until debts are fully paid.

5. I understand that the University abides by the *Privacy and Personal Information Protection Act 1998* (NSW) and that if I have any questions about the personal information the University collects about me, how the University handles my information or if I would like to access and/or correct the information that the University holds about me, I can refer to the University's Web Privacy Statement and Privacy Management Plan for information and contact details.

6. I authorise the University to disclose personal and administrative information that is held by the University to Government agencies including the Commonwealth Government department with responsibility for tertiary education (currently Department of Education), Centrelink, Australian Health Practitioner Regulation Agency (AHPRA) and the Department of Immigration and Citizenship (DIAC) in accordance with legal requirements.

7. I consent to the sharing of information between the University of Newcastle, other Universities and educational institutions as well as Universities Australia and tertiary admissions centres in relation to any academic or other misconduct, exclusion from study or irregular activity that may be considered to be untrue or misleading in any respect.

8. I understand that I may be invited from time to time to participate in surveys to provide feedback on the University's teaching, services and facilities. I may also be contacted by the University's Alumni Services.

9. I accept as a condition of enrolment and re-enrolment that any assessments I submit may be checked for plagiarism including through an electronic checking system and my assessment may be held in the plagiarism database for future matching purposes.

10. I understand that I am required to access the student portal at least once a week to ensure I receive communications and obtain access to UoNline.

11. I understand that I am required to read my NUmail regularly, and must use NUmail for all email correspondence with the University. NUmail is accessed via a web-browser located here.

12. I understand that the University may use SMS messages to alert me to important University information.

13. I understand that the Student ID Card photo will be used for educational purposes including the generation of class lists.

14. For students undertaking placements in a NSW Health Facility, I understand that I must meet specified placement requirements including but not limited to a Criminal Records Check and a NSW Working With Children Check. I must inform NSW Health and my Course Coordinator if I am subject to any serious allegation or am charged

or convicted of any criminal offence during my enrolment in this program. I understand I cannot attend further clinical placements until I am granted clearance by NSW Health.

15. If I enrol in a Teaching or Education program, I consent to the University providing information about my enrolment and progress to the NSW Education Standards Authority (NESA) and the Catholic Education Office to facilitate my accreditation as a teacher.

16. If I enrol in a Teaching or Education Program, I authorise the University to disclose personal information collected by the University (including but not limited to full name, date of birth and NSW Working with Children Check number) to NSW Department of Education schools/services or any other appropriate organisation where this information is mandatory for the provision of any professional experience placement that will enable me to fulfil my Course/Program requirements. I understand that disclosure of this information is voluntary where involvement in a professional experience placement is not a compulsory Course/Program requirement. However, I understand that disclosure is a requirement in order to participate in a placement.

17. I understand that the University is collecting the information in this form under the Higher Education Support Act 2003, and I authorise wider use and disclosure of personal information collected for the purpose of the Act.

a. I understand that the University will disclose this information to the Department of Education (DoE) for the above purposes and that the Commonwealth Government department with responsibility for tertiary education (currently DoE) will store the information securely in the Higher Education Information Management System (HEIMS), and that the information may be used in connection with the National Data Collection on University Applications and Offers and/or other collections as the Commonwealth Government department with responsibility for tertiary education (currently DoE) may lawfully require from time to time.

b. I accept that the Commonwealth Government department with responsibility for tertiary education (currently DoE) may disclose the information to the Australian Taxation Office (ATO).

c. I understand that the Commonwealth Government Department with responsibility for tertiary education (currently DoE) may disclose the information to:

i. Commonwealth officers to assist them in their official employment;

ii. the Tertiary Education Quality and Standards Agency (TEQSA) and members of its staff for the purposes of the Tertiary Education Quality and Standards Agency Act 2011;

iii. the National VET Regulator (currently the Australian Skills Quality Authority (AQSA)) and members of its staff for the purposes of the National Vocational Education and Training Regulator Act 2011;

iv. officers employed or engaged by State and Territory agencies, officers of higher education providers, and officers of vocational education and training providers for the purpose of improving the provision of, or research into the provision of, higher education or vocational education and training; and

v. officers employed or engaged by bodies or associations determined by the responsible Minister including Universities Australia, the Council of Private Higher Education Incorporated, the Australian Council for Private Education and Training, and Tertiary Admissions Centres for the purpose of improving the provision of, or research into the provision of, higher education or vocational education and training.

18. I understand that the University will not otherwise disclose the information I have supplied without my consent unless required or authorised by law.

19. I understand that it is a requirement to complete the Consent Matters Module and Academic Integrity Module made available through UONline within this term of study, if I have not already done so. Failure to complete these modules will result in suspension of services, including your ability to view grades or enrol in courses

For students enrolling in Research Higher Degrees, additional terms and conditions exist and are viewable here.

I declare that I have read and agree to the Terms & Conditions of Enrolment outlined above. I understand that giving false or misleading information is a serious offence under the Criminal Code (Commonwealth).

Code of Ethical Academic Conduct Policy

Section 1 - The University and Its Students - Responsibilities and Expectations

(1) Academic honesty, integrity and a respect for knowledge and truth are fundamental to the University. This document is intended to clarify and reinforce the University's obligations and responsibilities at law, and is one of the statements of good practice observed by the University in addressing teaching and learning and the academic behaviour of its staff and students.

University Responsibilities

(2) Within the context of the University's Vision, Mission and Values, the University acknowledges the following responsibilities towards its students:

a. To provide a work and study environment free from discrimination or harassment on the basis of race, nationality, sex, age, political conviction,sexual preference, marital status, religious belief, disability, family responsibilities or carers' responsibilities. This environment will take account of the different characteristics of students and their varying cultural and educational backgrounds, including those of Indigenous Australian students.
b. To maintain a safe, positive, harmonious and cooperative teaching and learning environment by ensuring that students have:
    i. access by appointment to academic staff to discuss program matters;
    ii. timely, fair and constructive assessment of work;
    iii. the prompt addressing of concerns and complaints, especially where they relate to academic standing and progress; and
    iv. work and study areas in compliance with the relevant principles of occupational health and safety.
c. To deal with all students and their academic work with honesty and integrity, to maintain ethical academic standards and to provide helpful and appropriate feedback in a timely manner.
d. To encourage a respect for knowledge, excellence and to stimulate students to reach a high level of academic attainment.
e. To provide, before enrolment, information on courses in a variety of formats, accessible to all students especially students with disabilities, sufficient to allow an informed decision on the programs and courses to be undertaken.
f. To ensure that information on timetables for lectures and tutorials is available on enrolment and confirmed prior to the commencement of term and that detailed and accurate information about all relevant aspects of the courses chosen by students is provided within two weeks of the commencement of the term in which the courses are offered.
g. To ensure that, if changes are made to courses or programs, adequate arrangements are made so that students who are undertaking them are not disadvantaged.
h. To inform students of the common conventions and requirements in relation to proper referencing and acknowledgement of sources as well as providing information on the specific requirements of the Faculty,

School or other teaching area.

i. To ensure the availability and appropriate timing of compulsory courses and sufficient optional courses to enable program completion within the specified minimum time, provided that the standard rate of progress in the program is maintained.
j. To make information freely available on policies and procedures which affect students in all aspects of their life in the University.
k. To address concerns and complaints of students and to provide access to suitable appeal and grievance mechanisms.
l. To provide support services which take into consideration the needs of equity group students, including Indigenous Australian students.
m. To provide access to special consideration rescheduled examination,alternative assessment, replacement assessment or extension of time for assessment where academic performance has been adversely affected by illness or other serious cause beyond the student's control.
n. To ensure that students have the opportunity to provide input into academic staff teaching performance appraisal.
o. Where appropriate, to have student members on University committees.
p. To acknowledge students’ Intellectual property rights.
q. To uphold information privacy principles relevant to personal student information in accordance with applicable legislation.

Student Responsibilities

(3) Within the context of the Preamble and the University's Vision and Mission, students acknowledge the following responsibilities:

a. To contribute to a work and study environment free from discrimination or harassment.
b. To act at all times in a way that respects the rights and privileges of others and shows commitment to freedom of expression; and in particular to be sensitive to cultural diversities;
c. To respect knowledge, scholarship and truth and act with honesty and integrity at all levels of academic life.
d. To be aware that all forms of academic dishonesty or misconduct are unacceptable and that the University may put in place measures to test student compliance with its standards.
e. To participate actively and positively in the teaching and learning environment, it is expected that students will:
    i. attend classes as required;
    ii. maintain steady progress within the unit or course framework;
    iii. comply with workload expectations; and
    iv. submit required work on time.
f. To participate in the functioning of the University and to provide constructive feedback on the teaching and learning environment.
g. To monitor their own progress in the teaching and learning environment and the academic program, in the context of reasonable access to academic staff for assistance and to the various academic support services.
h. To cooperate in suggested remedial options to improve their academic performance and maintain adequate progress in a course or program.
i. To be aware of all University rules and regulations pertaining to their rights and responsibilities as students.
j. To be aware of their individual rights and responsibilities regarding the proper use of copyright material.
k. To be aware of all unit or course information made available to them and to raise any questions or concerns with the appropriate academic staff member in a timely manner.

Status and Details

Status	Current
Effective Date	25th June 2008
Review Date	31st December 2019
Approval Authority	Academic Senate
Approval Date	25th June 2008
Expiry Date	Not Applicable
Enquiries Contact	Louisa Connors Executive Officer, Office of the Deputy Vice-Chancellor (Academic) +61 2 492 15135

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Law" - All applicable statutes, regulations, by-laws, ordinances or subordinate legislation in force from time to time anywhere in Australia, whether made by the Commonwealth, a State, a Territory or a local government and, where the context permits, includes the common law and equity.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Student" - a person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Disability" - As defined by the Disabilty Discrimination Act 1992 (Cth) (as amended from time to time).

"Academic staff" - An academic employee holding a substantive academic position of 0.5 full-time equivalent or above where the contract length is twelve months or longer.

"Program" - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

"Complaint" - As defined in Australian/New Zealand Standand - Guidelines for complaint management in organisations.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes For example, ECON1010: (course code) Introduction to Microeconomics (course title) (10) (unit value). For all other uses of this term, the generic definition applies.

"Faculty" - An organisational unit established within the University by the Council.

"School" - An organisational unit forming part of a Faculty or Division, responsible for offering a particular course.

"Intellectual property" - All present and future rights to intellectual property including any inventions and improvements, trademarks (whether registered or common law trade marks), designs, copyright, any corresponding property rights under the Laws of any jurisdiction and any rights in respect of an invention, discovery, trade secret, secret process, know-how, concept, idea, information, process, data, or formula.

VENUE HIRE AGREEMENT

Terms and Conditions

THE UNIVERSITY OF NEWCASTLE AUSTRALIA

TERMS AND CONDITIONS

1. VENUE HIRE

1.1 Agreement to Hire

(a) In consideration for the payment by the Hirer to the University of the Hire Fee, the University agrees to hire the Venue to the Hirer solely for the Approved Purpose between the Agreed Times on the Function Date on the terms of this Agreement.

(b) This Agreement does not create any lease or tenancy of University premises, but is merely a license to occupy the Venue during the Agreed Times.

(c) The Agreed Times include any time required by the Hirer to set up before, and clean up after, the Function.

1.2 Special conditions

If the Details of this Agreement set out any special conditions, those conditions are incorporated into and form terms of this Agreement. In the event of an inconsistency, the special conditions will prevail.

1.3 Deposit

(a) The Hirer must pay the Deposit to the University on account of the Hire Fee within 30 days after the Hirer receives an invoice for the Deposit from the University.

(b) The Hirer's booking is confirmed once the University receives the Deposit in accordance with clause 1.3(a).

1.4 Balance of Hire Fee

At least 10 business days before the Function Date, the Hirer must pay to the University the Hire Fee less the Deposit paid under clause 1.3. The University will issue an invoice to the Hirer in respect of this amount.

1.5 Ticket sales

(a) Clause 1.5 will only apply if the Function is ticketed and a percentage amount is included in the Details for the Ticketing Fee.

(b) The University will charge the Ticketing Fee to the Hirer based on the number of tickets sold in respect of the Function. The Hirer must provide written evidence of the number of tickets sold to the University within 10 business days after the Function Date.

(c) The Hirer must pay the Ticketing Fee to the University within 30 days after the Hirer receives an invoice for the Ticketing Fee from the University.

2. CANCELLATION OR REDUCTION IN AGREED TIMES

2.1 Cancellation by the Hirer

(a) Subject to clause 2.1(b), the Hirer may cancel a confirmed booking at any time.

(b) In the event of cancellation of a confirmed booking by the Hirer, the following fees will be deducted from the Deposit by the University:

(i) cancellation made 20 business days or more before the Function Date, a cancellation fee equal to 50% of the Deposit; and

(ii) cancellation made less than 20 business days before the Function Date, a cancellation fee equal to 100% of the Deposit.

(c) The balance of the Deposit (if any) after deduction of the fees referred to in clause 2.1(b) will be refunded to the Hirer. The University will also refund the other 50% of the Hire Fee if already received by the University.

2.2 Cancellation by the University

(a) The University may cancel a confirmed booking at any time if there are circumstances beyond the University's reasonable control, or any other event which in the reasonable opinion of the University, causes the Venue to be unsafe or inappropriate to hold the Function.

(b) The University is not liable for any loss or damage to the Hirer or any third party in consequence of the cancellation in accordance with clause 2.2(a).

(c) In the event of cancellation of a confirmed booking by the University, the University will refund to the Hirer the Deposit or the Hire Fee amount (if already received by the University).

2.3 Reduction in Agreed Times by the Hirer

If the Hirer reduces the Agreed Times by 25% or more after the booking is confirmed, a fee equal to 25% of the Deposit is payable by the Hirer. The Hirer must pay the fee to the University within 30 days after the Hirer receives an invoice for the fee from the University.

3. CONDUCT OF THE FUNCTION

3.1 Decorations

(a) All sound, electrical and lighting requirements, signs, banners and decorations connected with the Function must be approved by the University before the Function and may be the subject of a further charge.

(b) If the Venue has specialised sound, lighting or other equipment, the equipment can only be used by a person with appropriate certification or qualification who is engaged at the Hirer's cost. The Hirer must obtain prior written approval from the University in this regard. The University can provide approved staff or contractors if requested at the Hirer's cost.

3.2 Attendance

The Hirer must be in attendance at the Venue at all times during the Function.

3.3 Supervision

The Hirer is responsible for ensuring that at all times its agents, contractors, employees, licensees and invitees are properly supervised and under the control of a representative of the Hirer.

3.4 Directions

The Hirer must comply with the directions of University management and staff whilst on the Venue premises.

3.5 Deliveries

All deliveries for the Function must be arranged with and approved by the University prior to delivery.

3.6 Invitees

The University reserves the right to refuse entry to the Venue premises to any of the Hirer's invitees.

3.7 Animals

No animals are permitted on the Venue premises unless they are service animals.

3.8 Liquor, refreshments and smoking

(a) Unless otherwise approved by the University, the Hirer must not sell or bring liquor, beverages, food or refreshments onto the Venue premises.

(b) In the event approval is given, the Hirer must abide by any conditions imposed by the University.

(c) The Hirer must ensure that smoking is not permitted inside the Venue premises or anywhere on the University's campus.

(d) The Hirer must comply with all applicable health and safety rules and regulations, including under the Food Act 2003 (NSW) and any associated regulations.

3.9 Vacation of Venue premises

The Hirer must:

(a) vacate the Venue by the end of the Agreed Times;

(b) promptly remove any goods or materials brought onto the Venue premises by or on behalf of the Hirer; and

(c) leave the Venue premises in an undamaged, clean and tidy condition.

3.10 Restrictions

(a) The Hirer must not use the Venue for any purpose other than the Approved Purpose.

(b) The Hirer must not affix any sign, decoration or other item to any part of the Venue, without the University's prior written consent.

(c) The Hirer must not interfere with or alter any of the University's electrical systems, lighting or sound systems within the Venue.

(d) The Hirer must not bring onto the Venue premises or the University's campus any flammable liquids, explosive, illegal substance or potentially harmful substance.

(e) The Hirer must not cover, handle or endanger the University's artworks or furnishings within the Venue.

(f) The Hirer must not re-hire, sub-let or licence any part of the Venue premises.

(g) The Hirer must not display, publish or broadcast advertising material that infers that the Function is in any way connected to or endorsed by the University, without obtaining the University's prior written permission to do so.

(h) The Hirer will not reproduce or make use of any of the University's branding or logos in marketing material or otherwise, without obtaining the University's prior written permission to do so.

3.11 Objectionable or dangerous activities

(a) The University may at its sole discretion, prohibit, cancel or stop without notice any performance, function or activity which is objectionable, dangerous, illegal or detrimental to the reputation of the University.

(b) The University reserves the right to remove any person from the Venue immediately if their behaviour is deemed by the University to be offensive, illegal, disorderly, riotous, dangerous or in breach of any relevant law.

3.12 Capacity

The University reserves the right to restrict entry to the Venue once the legal occupancy capacity has been reached and to put in place at the cost to the Hirer any systems required to enforce legal occupancy capacities.

3.13 Parking

(a) The Hirer must comply with all parking rules, fees and charges on the University's campus.

(b) The Hirer must inform all persons who perform work on the Venue premises on behalf of the Hirer and all other attendees at the Function that they must comply with all parking rules, fees and charges on the University's campus.

4. SAFETY

4.1 All leads, power tools and electrical equipment must be inspected and tagged by a qualified person prior to their use on the Venue premises.

4.2 The Hirer is responsible for ensuring that:

(a) all persons who perform work on the Venue premises on behalf of the Hirer (including employees, contractors, agents and others) complete the University's site induction before entering it; and

(b) all entrances, exists (including exit doors), passageways and aisles at or around the Venue are kept clear and available for public use, and all exit signs remain visible, at all times when the Venue is occupied.

5. ADDITIONAL FEES

5.1 Damage other than normal wear and tear

The Hirer agrees to pay additional charges imposed by the University for repair of any damage, beyond normal wear and tear, caused to the Venue, furnishing or equipment in the Venue, or for the removal of unwanted materials left after the Function.

5.2 Reasonable out of pocket expenses

In addition to clause 5.1, the Hirer agrees to reimburse the University for any reasonable out-of-pocket expenses that may be incurred in relation to the Hirer's use of the Venue, such as extra cleaning services, or overtime for an attendant or security.

5.3 Payment

(a) The University will issue an invoice to the Hirer in respect of any additional charges or reasonable out of pocket expenses. The Hirer agrees to pay the University's invoice in full within 30 days of receipt of the invoice.

(b) A failure of the Hirer to comply with clause 5.3(a) of this Agreement will be deemed to be a debt to the University which is immediately due and payable.

6. INDEMNITY AND INSURANCE

6.1 Hirer's indemnity

The Hirer is liable for and indemnifies the University from and against all actions, claims, demands, losses, damages and expenses for which the University may be or become liable or suffer in respect of:

(a) damage to the University's property arising out of or in the course of the Function, except to the extent it is caused or contributed to from the negligence or default of the University;

(b) injury to or death of any persons arising out of or in the course of the Function, except to the extent it is caused or contributed to from the negligence or default of the University;

(c) damage or injury caused or contributed to by the acts or omissions of the Hirer's contractors;

(d) any infringement of rights under copyright in connection with the performance, display or transmission of musical, artistic or dramatic work, as a result of or in connection with the Hirer's use of the Venue;

(e) any breach of any law by the Hirer in connection with the Function; and

(f) any breach of this Agreement by the Hirer.

6.2 Insurance

(a) The Hirer must obtain the following insurance:

(i) insurance covering liability for claims for personal injury or death, and damage to property, arising in respect of the Hirer's obligations under this Agreement, however caused, with such insurance providing cover in respect of each and every occurrence for an amount not less than $20,000,000, and in respect of public liability must be unlimited as to the number of claims which can be made; and

(ii) workers' compensation insurance as required by law or workplace personal injury insurance.

(b) The Hirer must not do, or permit to be done, anything which may invalidate or affect the rights of the University to make a claim under any of the University's or the Hirer's insurance policies.

(c) The Hirer must give to the University certificates of currency for the insurance policies required by this Agreement at least 14 days before the Function Date.

6.3 Exclusion of liability

The University accepts no responsibility for any loss or damage to the property of the Hirer or any third party.