

THE AUSTRALIAN NATIONAL UNIVERSITY

COUNCIL MINUTES

The 431st meeting of the Council was held at 11am on Thursday, 18 February 2016, in the Conference Room, ANU House, Level 11, 52 Collins Street, Melbourne.

ANU Council:

The Chancellor, Professor Gareth Evans AC QC (in the Chair)
The Vice-Chancellor, Professor Brian P. Schmidt AC
Pro-Chancellor, Ms Robin Hughes AO
Mr Graeme Samuel AC
Mr David Miles AM
Professor Suzanne Cory AC
Professor Patrick Dodson
Professor Matthew Colless
Professor Tim Senden
Professor Jan Provis
Mr Matthew King
Mr Chris Wilson, President, PARSA
Mr Ben Gill, President, ANUSA

Apologies:

Dr Doug McTaggart and Ms Naomi Flutter

In attendance:

Deputy Vice-Chancellor (Research) – Professor Margaret Harding
Deputy Vice-Chancellor (Academic) – Professor Marnie-Hughes Warrington
Pro-Vice Chancellor (International and Outreach) – Professor Shirley Leitch
Pro-Vice Chancellor (Innovation) – Professor Michael Cardew-Hall
Pro-Vice Chancellor (Research and Research Training) – Professor Jenny Corbett
Pro-Vice Chancellor (Student Experience) – Professor Richard Baker
Executive Director, Administration and Planning – Mr Chris Grange
Chief Financial Officer – Mr Alastair Sinton

Chancelry staff:

Director, Corporate Governance and Risk Office – Ms Kate Molloy
Manager, Corporate Governance and Policy – Mr Andrew Heath
Senior Governance Officer – Ms Leslie McDonald
Executive Officer to the Vice-Chancellor - Dr Liz Eedle

PART 1: PROCEDURAL ITEMS

1. ANNOUNCEMENTS

Dr Doug McTaggart and Ms Naomi Flutter each advised their apologies, due to business commitments. Ms Flutter joined the Council planning session at 12:40pm.

Council noted that Professor Patrick Dodson was an apology for the planning day on Friday 19 February 2016, due to commitments in Canberra, Professor Matthew Colless was an apology for the first session of the planning day on Friday 19 February 2016, due to a meeting clash with a SERC (CRC) Board meeting, of which he is a member; and, Council member, Mr Ben Gill, departed the Council planning session on Friday 19 February 2016 at 11:45am, to return to Canberra for a family funeral.

2. LEAVE OF ABSENCE

Mr Graeme Samuel advised his likely absence for Council's next meeting on 1 April 2016, subject to confirmation.

Professor Suzanne Cory foreshadowed her apology for Council's April meeting, due to international travel commitments, and was granted leave of absence for the meeting.

No other member sought leave of absence.

3. DISCLOSURE OF MATERIAL PERSONAL INTEREST

Professor Matthew Colless disclosed his involvement in the development of the Mt Stromlo and Siding Spring Master Plans and absented himself from Council deliberations on that item.

4. ARRANGEMENT OF AGENDA

No additional agenda items were declared confidential, nor were additional items starred.

No items were unstarred.

Unstarred items were approved on the motion of the Vice-Chancellor.

5. COUNCIL MINUTES

Council resolved to confirm the minutes of the meeting held on 4 December 2015 (889/2015).

PART 2: KEY BUSINESS ITEMS

6. VICE-CHANCELLOR'S REPORT

The Vice-Chancellor introduced his report.

Key highlights included:

Vice-Chancellor Transition

The all staff welcome was held on 4 February and student commencement welcome was held on 11 February 2016 with over 1700 in attendance. The University was fortunate to have the Federal Minister for Education and Training, Senator the Hon Simon Birmingham, and Australian of the Year, Lieutenant General David Lindsay Morrison AO, address the student audience.

School of Music

Following the appointment of former Australian Public Service Commissioner, Professor Andrew Podger AO, to head the review of the School of Music, an extensive consultation process is under way, involving staff, students and community stakeholders to consider options for the structure, organisation and discipline priorities for the School of Music that would ensure academic excellence, world standing and financial viability.

The consultation program will be conducted over the next 6 months, with an interim report expected in late August 2016.

School of Culture, History and Language (CHL)

A review of the School of Culture, History and Language (CHL), one of four Schools within the College of Asia and the Pacific has also commenced. Recognised as a high performing part of the ANU, the School represents a sizable portion of the University's expertise in the Asia and the Pacific, and has a large number of high profile staff members and alumni. But its headcount has grown to a level that is no longer sustainable and the review, accompanied by a change management process, aims to reduce that by up to 10 FTE, and achieve a size and scale that ensures the ongoing success of the School within a funding base that is supportable.

A detailed report will be provided to a future meeting of Council.

2016 Admissions

The Deputy Vice-Chancellor (Academic) provided a verbal update on admissions, highlighting the following:

- Student load in CGS is up by 200 EFTSL, compared with 2015;
- International load is up by 300 EFTSL, compared with 2015;
- Student load for Flexible Double degrees has grown from 39% to 42% since 2014;
- Programs showing strong growth include Engineering and International Security. A decline in demand is shown in Languages, Psychology and Business and Economics, the latter attributed to the withdrawal of DFAT scholarships;
- There remains a high dependency on China, signalling the need for the University to diversify its international outreach to other strategic markets to offset such dependence and to mitigate potential risk exposure in the event of market downturn;
- Compared with the Go8, ANU is a poor performer in its conversion rate performance that is, translating a student place offer to acceptance;
- Retention rate performance is consistently high at ANU.

The Pro Vice-Chancellor (Research and Research Training) reported on conversions and entry pathways for HDR students, noting that current application processes are being redesigned to capture better information to enable an improved understanding about the entry pathway of applicants and to develop improved response processes.

Poor process management is a contributing factor to the University's performance in being able to attract, offer and secure student placements in its programs. A program of work is under way to improve and streamline internal processes, supported by new dashboard reports which will be made available, for the first time, to Colleges.

A University-wide dashboard report will be provided at the 1 April 2016 meeting.

Workplace Health and Safety

Council deliberated on the preferred approach to reporting on workplace health and safety, noting that agenda item 12 provides detailed information and data applicable to both staff and students. Council reaffirmed its desire to have Work, Health and Safety as a standing item on its agenda and that future reports should include all critical incidents.

Council noted the report of the Vice-Chancellor, welcoming the level of detail in the report provided.

7. CHANCELLOR'S 2015 REPORT ON COUNCIL SELF-EVALUATION

The Chancellor introduced the item, noting that his report following one-on-one consultations with Council members highlights a variety of areas where Council members are satisfied with current

governance arrangements and practices of the University; and notes a few areas for improvement including that:

- A still greater proportion of Council's time be spent on discussing strategic issues and the continuing larger policy issues in play relating to the future of Australian higher education
- Future site visits be used as an opportunity to explain in a little detail Council's role
- Council members, particularly the staff and student members, be given the opportunity to attend, before commencing or very early in their terms, relevant external short courses (especially the LH Martin program on 'Understanding University Governance' and the Australian Institute of Company Directors' program 'Foundations of Directorship') and relevant conferences (such as the Higher Education Conference run by Universities Australia)
- To enable greater time for Council deliberations, particularly on strategic issues, meetings be extended to 4 hours (with site visits starting later and the day concluding by 4pm rather than the present 3pm)
- Presentations on strategic issues need not just to be informative about present practice, but to include, so far as possible, sharply defined conclusions and recommendations appropriate for Council debate.

Council members noted on the report and resolved to extend its meetings to 4 hours, making provision for lunch before undertaking its site visit.

Council further resolved that, to facilitate a deeper engagement with the ANU community, a briefing document be provided by the academic team whose site Council will visit, which would provide an overview of the key characteristics, areas of research and academic excellence, its achievements, key issues and their relevance to, and alignment with, the University's strategic priorities.

Resolved:

That Council note the Chancellor's 2015 report on Council self-evaluation and adopt the recommendations contained within it.

8. NEW AUSTRALIAN NATIONAL UNIVERSITY ACT – UPDATE ON DRAFT BILL

The Chancellor provided an update in relation to the current status of drafting of a Bill for a new *Australian National University Act*.

- Most technical and machinery issues have been resolved in further discussions between the Department and the University's Corporate Governance and Risk Office
- Three key issues signalled the need to act expediently given the timetable for the Bill's introduction into the Australian Parliament. These were:
 - A drafting requirement of Office of Parliamentary Counsel for a shorter version preamble. The Chancellor's Memorandum to the Minister for Education and Training, dated 8 February 2016, incorporating such a statement, meets this requirement
 - Adoption of the Walker review recommendation that staff or student members be appointed or elected on an *ad personam* basis should be accommodated (in a way that is least disruptive of present practice).
 - Reconsideration of Council's earlier position in relation to the Minister having the residual power to appoint his own nominee to the ANU Council. The alternative proposed by the Chancellor's Memorandum, is for the Minister to have no such power, but appoint one member of the Nominations Committee.

The University and Department expect to finalise the drafting instructions, for issuing to Office of Parliamentary Counsel, by 15 February 2016.

Given the timelines for introduction of the Bill, Council noted that it may be necessary to re-convene to consider the final form of the Bill, either via teleconference, or by out-of-session resolution.

Resolved:

That Council

1. Note progress towards the re-enactment of the *Australian National University Act*, in response to recommendations of the Walker review;
2. Accept the recommendation of the Walker review that staff or student members be appointed or elected on an *ad personam* basis; and
3. Endorse the proposal that the Minister appoint his nominee to the Nominations Committee rather than having a discretion to appoint someone to the Council not nominated by the Nominations Committee.

9. PURPOSE BUILT STUDENT ACCOMMODATION (PBSA) INVESTMENT TRANSACTION - UPDATE

The Vice-Chancellor introduced the item, highlighting its significance to the University.

Resolved:

That Council note the progress on the PBSA Investment Transaction *****

9.1 PURPOSE BUILT STUDENT ACCOMMODATION (PBSA) INVESTMENT TRANSACTION – PUBLIC RELATIONS AND ISSUES MANAGEMENT UPDATE

The Vice-Chancellor introduced the item, stating that work is well under way to prepare a suite of communications that will assist in responding to concerns about accommodation, flowing from the consultations conducted with students, alumni and stakeholders.

The Executive Director (Administration and Planning) outlined the consultation process *****

- *****
- Vice-Chancellor briefings to senior residents and residents, ANUSA and PARSA, to outline the principal aim of the initiative that affords the University a once in a generation opportunity to improve the quality of student accommodation and the student experience.

Council expressed its thanks to the Executive Director (Administration and Planning), and his team, for a job well done in respect of the PBSA Investment Transaction and associated public relations and issues management matters.

Resolved:

That Council note the approach to project communications in respect of the Purpose Built Student Accommodation (PBSA) investment transaction.

11. ANU ENTERPRISE PTY LTD - AUSTRALIAN SCIENTIFIC INSTRUMENTS UPDATE

The Vice-Chancellor introduced this item and the Pro Vice-Chancellor (Innovation) reported on the current status of the financial position of Australian Scientific Instruments.

Resolved:

That Council:

1. Note the progress of the restructuring plan being pursued in relation to ANU Enterprise Pty Ltd and Australian Scientific Instruments businesses; and

2. Receive an update report at its 1 April 2016 meeting.

12. WORK, HEALTH AND SAFETY PERFORMANCE REPORT

In introducing this item, the Vice-Chancellor emphasised the importance of working to improve the work, health and safety (WHS) culture at ANU and advised Council that this will remain a priority under his leadership. Of note, at his commencement address for the start of the 2016 academic year, the Vice- pledged that violence, of any form, will not be tolerated.

The Executive Director (Administration and Planning), and the Pro Vice-Chancellor (Student Experience) each provided Council members with updates in respect of staff and students.

Among the key issues highlighted were:

- Historically poor reporting to Council, with the accompanying document representing an important milestone to establish a comprehensive set of data to inform future safety initiatives and responses
- The report being a work in progress with further refinements required to ensure better data integrity on the student dimension
- A lower incidence of Workers' Compensation claims in 2015 and programs implemented to enhance workplace safety which are beginning to deliver benefits
- Evidence of a rise in incident reporting by staff but a recognised need to improve student reporting of all incidents
- The presence of 137 legacy Workers' Compensation claims from former employees which continue to be managed and are yet to be brought to conclusion
- The launch of a new application, targeted to students, 'ANUOK' to provide a platform for reporting and access to services, such as ANU Counselling Service, the Canberra Hospital, and the Canberra Rape Centre
- 25 incidents of unwanted sexual attention reported by students in 2015, 6 of which involved allegations of unwanted sex.
- A lack of reporting by one affiliated student residence. The relevant statute requires reporting to the Deputy Vice-Chancellor (Academic) and subsequent briefings have been undertaken to remedy the situation.

Resolved:

That Council note the overview and update on work, health and safety performance for 2015.

PART 4: OTHER MATTERS FOR DECISION

13. HONORARY DEGREE NOMINATION

Resolved:

That Council award the degree of Doctor of the University *honoris causa* to Professor Ian Donaldson, on the grounds of his exceptional achievement as a scholar, with a distinguished career in the humanities and the arts and for his exceptional service to the Australian National University.

14. MASTER PLANS AND PRECINCT CODE

Resolved:

That Council:

1. Approve the *Mt Stromlo Master Plan 2030* and the *Siding Spring Observatory Master Plan 2030*;
2. Endorse the draft *ANU Precinct Code*, as an addendum to the draft National Capital Plan;
3. Note the review, commencing in 2016, of the *Acton Campus Master Plan 2030*; and
4. Note that the Campus Planning Committee has strengthened governance oversight in relation to these matters.

15. WORK, HEALTH AND SAFETY SELF-INSURANCE PROJECT – OVERVIEW AND UPDATE

The Vice-Chancellor introduced this item and invited the Executive Director (Administration and Planning) to provide further context in relation to the report.

Key highlights included:

- The University is on track to lodge its Workers' Compensation self-insurance application to ComCare in December 2016. To date, the University team has received good support from ComCare and from Australia Post, as an existing self-insurer, providing mentoring to the ANU project team.
- A further report will be presented to Council at its next meeting scheduled for 1 April 2016, following financial benefits analysis undertaken, as part of the project. The quantum of estimated savings is dependent on the actions implemented to improve the WHS culture at ANU.

Resolved:

That Council note the overview and update on the Workers' Compensation Self-Insurance project.

16. INTERNAL AUDIT CHARTER

Resolved:

That Council approve the Internal Audit Charter, following its review by the Audit and Risk Management Committee.

17. APPOINTMENT TO BOARD OF GOVERNORS OF THE ANU ENDOWMENT FOR EXCELLENCE

Resolved:

That Council approve the appointment of the Hon Warwick Smith AM, to the Board of Governors of the ANU Endowment for Excellence for a period of 4 years, from 19 February 2016 to 19 February 2020.

PART 5: OTHER MATTERS FOR NOTING

19. COUNCIL MEMBERSHIP – NOMINATIONS TO MINISTER

The Chancellor reported on outcomes from the Nominations Committee meeting held earlier in the day.

Resolved:

That Council note the recommendations of the Nominations Committee regarding Ministerial appointments to Council.

20. COUNCIL COMMITTEE MEMBERSHIP 2016

Council note the upcoming vacancies on various Committees of Council, which will be filled at the 1 April 2016 meeting of Council.

21. DECLARATIONS OF INTEREST – ANNUAL DISCLOSURES

Resolved:

That Council note the Register of Disclosed Interests as at 8 February 2016.

22. ANU EMERITUS FACULTY ANNUAL REPORT 2015

Resolved:

That Council note the 2015 Annual Report of the ANU Emeritus Faculty.

23. PRIZES AND SCHOLARSHIPS APPROVALS 2015

Resolved:

That Council note the Prizes and Scholarships approved for 2015.

24. AUDIT AND RISK MANAGEMENT COMMITTEE – EXECUTIVE SUMMARY

Council noted the summary of major items considered via circulation on 27 January 2016, by the Audit and Risk Management Committee (ARMC).

25. MAJOR PROJECTS JOINT SUB-COMMITTEE – EXECUTIVE SUMMARY

Council noted the summary of major items considered by the Major Projects Joint Sub-Committee at its meeting held on 14 December 2015.

26. ACADEMIC BOARD REPORT

Council noted the report from the Academic Board meeting held on 8 December 2015.

27. ACADEMIC BOARD ANNUAL REPORT 2015

Council noted the 2015 Annual Report of Academic Board.

28. POWER OF ATTORNEY

Council noted the transactions over which the Investment Manager, and Acting Investment Manager, exercised the Power of Attorney between 19 November 2015 and 8 January 2016.

29. UNIVERSITY SEAL REPORT

Council noted that there have been no documents to which the University Seal has been affixed since its meeting of 4 December 2015.

30. REPORT OF SIGNIFICANT VISITS AND EVENTS, GRANTS AND CONSULTANCIES

Council noted the report of significant visits and events, grants and consultancies.

31. LEGISLATION

Resolved:

That Council note the legislation as approved by the Vice-Chancellor, namely:

- *Coursework Awards Rule 2015*
- *Research Awards Rule 2015*
- *Appeals Rule 2015*
- *Assessment Rule 2015*
- *Academic Misconduct Rule 2015*
- *Discipline Rule 2015*
- *Academic Progress Rule 2015*
- *Academic Progress (ANU Medical School) Order 2015*
- *Fees Rule 2015*
- *Fees (General) Order 2015*
- *Information Infrastructure and Services Rule 2015*
- *Information Infrastructure and Services Order 2015*
- *Academic Board (Election of Members) Order 2015*

32. 'ANU BY 2020' – PERFORMANCE REVIEW REPORT

Resolved:

That Council endorse the 'ANU by 2020' performance review report for 2015.

33. REPORT ON ISSUES IN VARIOUS MEDIA REPORTS ON ATAR AND UNIVERSITY ADMISSIONS

The Vice-Chancellor introduced this item which has been a feature of media reporting, following serious data breaches occurring in some NSW universities in relation to ATAR and admissions.

The Deputy Vice-Chancellor (Academic) made the following points:

- The media has recently reported about gaps between the published admissions thresholds and the lower actual admissions thresholds for many undergraduate programs offered by NSW universities and in the University Admissions Centre (UAC) in NSW and ACT
- A further media report has raised concern about a change in reporting in the Victoria Tertiary Admissions Centre (VTAC) (Vic and Tas) where universities with small enrolment programs do not have to report a percentage of students who were offered a place despite having a lower attainment level than the published threshold
- The ANU published ATAR is the actual ATAR and the University shares the concerns raised in the media; and continues to argue for greater transparency in the process
- The University has completed an audit of its processes, with no breaches found, but protocol improvements identified
- In light of concerns raised, the Federal Government has now initiated a review
- In relation to VTAC, ANU has initiated discussions with the ACCC about what it considers are exclusionary measures adopted by competitors where ANU is excluded in VTAC.

Resolved:

That Council note the report on issues in various media reports on ATAR and University Admissions; and the University's actions, in response.

PART 6: OTHER BUSINESS

34. QUESTION TIME

No questions were raised during Question Time.

35. OTHER BUSINESS

Mr Matthew King raised the question about the potential risk of a terrorist attack on the ANU campus and the University's preparedness in such circumstances.

In response, the Executive Director (Administration and Planning) advised that the University has developed emergency management plans and has established a crisis management team to critically review and tests scenarios, on an annual basis, to ensure their ongoing currency and state of readiness to activate plans, in such an event. The process for escalation to activate the plans is known amongst 100 key staff, including Security and Student Counselling Services, but is not universally known across the University campus.

Council noted the update.

A further matter was raised by Mr Ben Gill, regarding the recent research performance presentation to the University Research Committee of Academic Board by Dr Thomas Barlow. It was suggested that this presentation also be made to a future Council meeting. Of note, Dr Barlow is a leading independent advisor to Australian universities on research strategy and the publisher of the Barlow Report, a biennial resource widely subscribed to within the Australian higher education system.

Council noted the proposal.

36. NEXT MEETING

Council noted that its next meeting will be held on Friday 1 April 2016.

Professor the Hon Gareth Evans AC QC
Chancellor
The Australian National University

Date: _____

*(***** indicates a removed item which is confidential to Council Members)*