

## THE AUSTRALIAN NATIONAL UNIVERSITY

### COUNCIL MINUTES

The 454<sup>th</sup> meeting of the Council was held at 2pm on **Thursday 3 October 2019** in the Board Room, Charles Darwin University, Darwin, Northern Territory.

#### **Members present:**

The Chancellor, Professor Gareth Evans AC QC (in the Chair)  
The Vice-Chancellor, Professor Brian P. Schmidt AC  
The Pro-Chancellor, Ms Naomi Flutter  
Ms Anne-Marie Schwirtlich AM  
Ms Natasha Stott Despoja AO  
Professor Kate Reynolds  
Mr Peter Yu  
Professor Suzanne Cory AC  
Professor Matthew Colless  
Associate Professor Ben Corry  
Mr Utsav Gupta  
Ms Eden Lim

#### **Apologies:**

Mrs Claire Shrewsbury  
Dr Doug McTaggart  
Mr Mike Baird

#### **In attendance:**

Provost - Professor Mike Calford  
Chief Operating Officer - Mr Paul Duldig  
Chief Financial Officer - Mr Adam Black (by phone)  
Vice-President (Engagement and Global Relations) - Ms Jane O'Dwyer  
Vice-President (Advancement) - Ms Barbara Miles  
Interim Pro Vice-Chancellor (University Experience) - Professor Tony Foley  
Pro Vice-Chancellor (International Strategy) - Professor Sally Wheeler  
Chair, Academic Board - Professor Jacqueline Lo  
Acting Director National Centre for Indigenous Studies (NCIS) - Professor Asmi Woods  
ANU College of Law, Director of Clinical and Internship Courses - Dr Anthony Hopkins

Council Secretary and Director, Corporate Governance and Risk Office - Mr Chris Reid  
Associate Director, Corporate Governance and Risk Office - Mrs Megan Easton  
Senior Governance Officer, Corporate Governance and Risk Office - Ms Leslie McDonald

#### **Council visit to Charles Darwin University (CDU)**

Council members were welcomed by the CDU Vice-Chancellor, Professor Simon Maddocks, who presented a fascinating overview of this dual sector (VET/University) institution, one geographically closer to Asia than any other Australian university and becoming deeply engaged in the region.

CDU is also a university deeply engaged with Australia's Indigenous people, and a natural partner with ANU given its unique national responsibilities and strong commitment especially to Indigenous Australia, as reflected in the ANU Strategic Plan.

Following the presentation, the Chancellor sincerely thanked Professor Maddocks and CDU colleagues for the kind hospitality extended to the ANU and especially to Council members, who greatly appreciated the opportunity to meet at CDU and further develop partnerships between the two institutions.

Following the meeting, Council attended the *HC Nuggett Coombs Memorial Lecture* delivered by the Hon Linda Burney MP, Member for Barton and Shadow Minister Indigenous Australians.

Council visited the ANU North Australia Research Unit (NARU), based at CDU, where presentations were delivered - including by Council Member, Mr Peter Yu - about research initiatives in Northern Australia, and, separately, from the North Australian Indigenous Land and Sea Management Alliance (NAILSMA).

## **PART 1: PROCEDURAL ITEMS**

### **\*1. ANNOUNCEMENTS AND APOLOGIES**

Council noted the following announcements:

The Minister for Education, the Hon Dan Tehan, was advised on 30 July 2019 that Council had appointed the Hon Julie Bishop as the next ANU Chancellor, from 1 January 2020 until 31 December 2022, and that the University made a public announcement in respect of this appointment on 1 August 2019.

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### **\*2. LEAVE OF ABSENCE**

Ms Anne-Marie Schwirtlich AM was granted leave for the February 2020 Council meeting.

### **\*3. DISCLOSURE OF MATERIAL PERSONAL INTEREST**

No member disclosed any material personal interest.

### **\*4. ARRANGEMENT OF AGENDA**

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#### **Resolved**

On the motion of the Vice-Chancellor, Council approved all unstarred items being dealt with as proposed in the agenda.

### **\*C5. MINUTES**

#### **Resolved**

Council confirmed the minutes of the meeting of 26 July 2019 to be a true and accurate record.

## **PART 2 – KEY BUSINESS ITEMS**

### **\*C6. VICE-CHANCELLOR'S REPORT**

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#### **Resolved**

Council noted the report from the Vice-Chancellor.

### **\*C7. 2019 FINANCIAL PROJECTIONS**

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## **Resolved**

Council noted the University's 2019 financial projection and year to date result.

### **\*8. CHANCELLOR'S REPORT – COUNCIL SELF EVALUATION 2019**

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## **Resolved**

Council noted the Chancellor's report on Council's self-evaluation for 2019.

## **PART 3 – STRATEGIC ISSUES**

### **\*9. PHILANTHROPIC PRESENTATION – INDIGENOUS JUSTICE PARTNERSHIPS WITH ANU**

The Chancellor introduced Dr Anthony Hopkins, Senior Lecturer and Director of Clinical and Internship Courses at the ANU College of Law, who delivered a presentation on ANU Indigenous justice partnerships.

During the presentation, Dr Hopkins made the following points:

- True justice for Indigenous peoples can only be achieved by working in partnership with Indigenous peoples, and partnership begins with deep listening.
- ANU has two ground-breaking Indigenous Justice Partnerships of national significance. The first is a partnership with the Kimberley Community Legal Service that connects student capacity, innovation and passion for justice with the aspirations, priorities and demands for justice of the Aboriginal peoples of the Kimberley. The second is a partnership with the North Australian Aboriginal Justice Agency which involves a course to be conducted at Uluru in September 2020, titled *Education for True Justice: Indigenous Perspectives and Deep Listening on Country*. Its aim is to bring students to a space of stillness, on-country, far removed from the lecture theatre, where they can listen to Indigenous voices and perspectives on law, develop cultural competence, and be empowered to work with Indigenous peoples in pursuit of true justice.
- For such initiatives, financial support is needed to fund the work of senior legal practitioners and to support the many traditional owners who volunteer their time to assist students.

During the discussion, Council:

- Applauded the Indigenous justice partnerships, a program already known to some members.
- Noted that *ANU Advancement* is working closely with the Program.
- Thanked Dr Hopkins for a compelling and realistic case for funding.

## **Resolved**

Council noted the philanthropic presentation on Indigenous justice partnerships.

### **\*10. INTERNATIONAL STRATEGY – PRESENTATION**

The Pro Vice-Chancellor (International Strategy), Professor Sally Wheeler, presented the ANU International Strategy proposal as outlined in the papers provided to Council members.

In the presentation, the following main points were made:

- The Strategy is the international realisation of the ANU Strategic Plan, and recognises that the ANU is one of the most international universities in the world and the most international in Australia.
- The Strategy intersects with most parts of the University: Advancement, Student Experience, Global Programs, Student Recruitment, Research, Industry Partnerships and Societal Transformation.
- This is an ambitious approach to advance Australia's contribution to the world through globally connected research, intellectual leadership, and enhanced engagement with Asia and the Pacific.
- Building the University's international capacity includes creating deeper strategic partnerships, greater opportunities and pathways, and an increased physical presence overseas.
- Success will require a significant investment by the University.

The following main points were made during the discussion:

- The Strategy provides a clear vision, one supported by the Senior Management Group.
- The International Strategy needs to more explicitly recognise the value of research collaboration and well established connections already made by the University's academic staff.
- Overseas office locations should be aligned with core research and student recruitment opportunities.
- Operational goals, including Key Performance Indicators, and funding arrangements will be developed to properly support the International Strategy.
- The International Strategy should be listed on the agenda for the Council Planning Day in February 2020.

### **Resolved**

Council endorsed the International Strategy and noted that:

1. Funding for the International Strategy will be considered as part of budget planning for 2020;
2. Operational plans will be developed to support the International Strategy; and
3. The International Strategy will be an item listed for discussion at the Council Planning Day in February 2020.

## **PART 4 – OTHER MATTERS FOR DECISION**

### **\*11. MODEL CODE – FREEDOM OF SPEECH AND ACADEMIC FREEDOM**

The Vice-Chancellor provided an update the University's Model Code deliberations.

At the 24 May meeting, Council noted the Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers by the Hon Mr Robert French. As part of the discussion, Council also considered the accompanying draft Model Code for the protection of freedom of speech and academic freedom, a proposal arising from the Report.

The Chancellor had been a member, with Robert French and Peter Varghese, of a University Chancellors Council (UCC) Working Group established to review the Code's text. Its slightly revised

text recommended changes that were noted by Council at the 26 July meeting and its broad objects endorsed by Academic Board on 27 August (and also formally endorsed by the UCC on 9 October).

At this meeting, Council approved in-principle the Model Code, noting that the University will be developing a specific ANU Statement on Freedom of Speech in consultation with the wider university community, and further addressing the Code's implementation, including its consistency with existing policy and practice, over the course of the next year.

### **Resolved**

Given Academic Board endorsement of the broad objects of the Model Code, Council approved in-principle the Model Code for adoption by the University, as described above.

### **\*12. ACADEMIC GOVERNANCE REVIEW (WINCHESTER) REPORT - UNIVERSITY RESPONSE**

The Chancellor introduced the item and reminded members that Council had noted the *Winchester Report* at its meeting of 24 May 2019 and requested that a co-ordinated university response to the recommendations made in the report be brought to Council for consideration at this meeting.

In leading the discussion, the Provost explained that the Academic Board and the Senior Management Group (SMG) shared the same view in respect of 18 of the 20 recommendations (many were agreed, some were simply noted, and others had an alternative proposed), which Council accepted, but that differences remained in relation to recommendations 4b and 20.

Two recommendations required Council discussion, as follows:

***Recommendation 4b*** – for Academic Board to be the delegated authority for academic governance, rather than the Vice-Chancellor.

Council agreed that, consistent with its established position that Academic Board should report directly to Council albeit in full consultation with the Vice-Chancellor, the Board should be formally designated as the delegated authority for academic governance, rather than the Vice-Chancellor, and that the Provost should proceed to develop a protocol to enable this change to occur. This should include an outline of areas of academic governance that reside with Council or Academic Board, and any instances where it would be appropriate and practical for academic policy to remain with the Vice-Chancellor.

***Recommendation 20*** – to revise and update the Risk Management Framework to ensure that academic risk is fully incorporated, evaluated annually, and academic risks identified in internal audit schedule.

SMG was concerned about two parallel risk management systems emerging. Following discussion, Council determined that a specific *academic risk* component be developed and included as part of the next edition of the University's Strategic Risk Register. Additional academic risks that may be identified and managed at the operational level by Academic Board, one of its sub-committees or other university groups, are matters for those bodies.

In regard to implementation, Council requested that the Provost lead the implementation of the University response, including the outcome of recommendations 4b and 20, as resolved at this meeting, and that he provide a progress report to Council at the April 2020 meeting.

Council also noted that a consequence of accepting the University response to recommendation 2 was that the Chair, Academic Board will, effective immediately, be seated with members at the Council table as a non-voting participant at Council meetings.

**Resolved**

Council:

1. Accepted the consolidated University response to the *Winchester Report*.
2. Requested that the Provost lead the implementation of the University response, including with respect to Council resolutions concerning recommendations 4b and 20, with a progress report to be provided at the April 2020 Council meeting.

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**14. STUDENT SERVICES AND AMENITIES FEE (SSAF) 2020****Resolved**

Council approved a process for consulting students on the expenditure of Student Services and Amenities Fee (SSAF) funds for 2020.

**\*15. COUNCIL MEETING DATES AND FORWARD AGENDA PLAN 2020**

In approving the meeting dates and the forward agenda plan for 2020, Council requested that more time be made available to accommodate the first meeting and the Planning Day – that is, to schedule these across both Thursday 13 and Friday 14 February 2020.

Also, strategic items for the Planning Day agenda should include:

- Strategic Plan 2017-21: Overview Year 3
- Research Performance at the ANU
- International Strategy
- New Budget Resource and Allocation Model
- Digital Strategy (including Cyber)

**Resolved**

Council:

1. Approved the proposed meeting dates and forward agenda plan for 2020; and
2. Endorsed the expected acquittal of governance responsibilities for 2020.

**\*16. COUNCIL COMMITTEE MEMBERSHIP – UPDATE**

The Council Secretary, Mr Chris Reid, provided members with an update about the status of Council and Committee memberships, including the Chair, Academic Board.

Council noted periods of significant membership change over the next nine months, with many terms ending on 30 June 2020, and that succession or re-appointment planning is well underway.

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**Resolved**

Council noted the update on Council and Committee memberships, and the Chair, Academic Board.

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## **PART 5 – OTHER MATTERS FOR NOTING**

### **\*C17. UNIVERSITY RANKINGS – REPORT**

The Vice-Chancellor presented a report on the University's most recent ranking performance, as outlined in the papers provided to Council members.

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#### **Resolved**

Council noted the University Rankings report, and acknowledged the Planning and Performance Measurement division for its work in preparing the document.

### **\*C18. WORKPLACE GENDER EQUALITY AGENCY (WGEA) – REPORT AND NOTICE OF COMPLIANCE 2019**

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#### **Resolved**

Council noted:

1. The University's report as submitted to the Workplace Gender Equality Agency (WGEA).
2. The Notice of Compliance with the *Workplace Gender Equality Act 2012* (the Act) issued to the University by WGEA.
3. Progress made on gender initiatives to support and advance the careers of women.

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### **\*C19. AHRC REPORT ON SEXUAL ASSAULT & HARASSMENT – ANU RESPONSE – UPDATE \*C20. STUDENT SAFETY REPORT (JUNE TO AUGUST 2019)**

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### **\*C22. FINANCE COMMITTEE - EXECUTIVE SUMMARY**

#### **Resolved**

Council noted the summary of major items considered by the Committee at its meeting of 13 September 2019.

### **\*23. AUDIT & RISK MANAGEMENT COMMITTEE - EXECUTIVE SUMMARY**

#### **Resolved**

Council noted the summary of major items considered by the Committee at its meeting of 18 September 2019.

### **\*24. CAMPUS PLANNING COMMITTEE – EXECUTIVE SUMMARY**

#### **Resolved**

Council noted the summary of major items considered by the Committee at its meeting of 16 September 2019.

**\*25. ACADEMIC BOARD – EXECUTIVE SUMMARY**

**Resolved**

Council noted the summary of major items considered by Academic Board at its meeting of 27 August 2019.

**26. SIGNIFICANT VISITS AND EVENTS, GRANTS AND CONSULTANCIES**

**Resolved**

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

**27. POWER OF ATTORNEY**

**Resolved**

Council noted that there were no transactions over which the Investment Manager exercised Power of Attorney since the last meeting of Council on 26 July 2019.

**28. LEGISLATION**

**Resolved**

Council noted that there was no legislation approved by the Vice-Chancellor since the last meeting of Council on 26 July 2019.

**29. UNIVERSITY SEAL**

**Resolved**

Council noted that there were no documents to which the University Seal was affixed since the last meeting of Council, on 26 July 2019.

**PART 6 – OTHER BUSINESS**

**\*30. OTHER BUSINESS**

Council agreed that, through the Vice Chancellor and Pro Chancellor, the University will bring to Council at its next meeting a proposal to endow, and structure for future growth via philanthropy, an ambitious new scholarship program to support a significant increase in Aboriginal and Torres Strait Islander student enrolments at the University.

**31. NEXT MEETING**

**Resolved**

Council noted that its next meeting will be held on Friday 6 December 2019, in Canberra.

The meeting closed at 6.14pm.

Date: \_\_\_\_\_

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

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