

**Re: Supplementary submission to the Inquiry into the quality of governance at  
Australian higher education providers**

Dear Senate Education and Employment Legislation Committee,

Following earlier evidence to the Committee, we are providing additional information to the committee for its consideration regarding two matters:

- The recommendations for universities in the Committee's interim report, and
- Models for internal accountability at universities that can fix the broken accountability mechanisms within Australian universities' internal governance structures.

We are also making a **single recommendation** for the committee's consideration:

*That the Committee recommend the Minister for Education introduce legislation to amend the Australian National University Act 1991 in accordance with the approach outlined in the Expert Council on University Governance (Cilento) Report, to establish a University Forum as a statutory body to strengthen internal accountability and implement the University Governance Principles.*

To this end, we are writing to append the following document and letter to our submission (no. 6) to the Senate Inquiry into *Quality of governance at Australian higher education providers*.

Recommendations for universities in the Committee's interim report

We welcome the committee's interim report and its recommendations to date. However, we are concerned that they will not fully address the governance issues facing the sector.

The Committee's recommendations can be grouped as addressing either external or internal accountability. *External accountability* encompasses mechanisms through which a university, as an agent of public purpose, is held answerable to external principals — ministers, parliaments, regulators, funding bodies, and the public — for its performance, compliance, and use of resources. It includes formal reporting, parliamentary scrutiny, audits, and statutory disclosure. *Internal accountability* refers to mechanisms within the university's governance structure that ensure those exercising authority — such as the executive and governing bodies — are answerable to internal principals, including staff, students, and the academic community, for decisions shaping the institution's direction, integrity, and performance.

The recommendations are also categorised by their level of enforceability — high, medium, or low — based on whether they establish a clear enforcement mechanism or instead depend on voluntary uptake and cultural change within universities.

The table below summarises the recommendations along these dimensions. Broadly speaking, most of the internal accountability mechanisms will have a low impact unless they are underpinned by an enforcement mechanism such as TEQSA reporting requirements (Recommendation 2), or stronger governance reporting requirements to TEQSA (Recommendation 10).

Internal or external	Mechanism	Enforceability
<b>Internal accountability</b>	<b>R1:</b> Improve transparency and accountability via reporting	Medium without R2 and R10 High with R2 and R10
	<b>R3:</b> Best-practice meaningful consultation processes	Low
	<b>R5:</b> Public sector experience on governing bodies	Low without R10 Medium with R10
	<b>R6:</b> Staff and student representatives on governing bodies.	Low without R10 Medium: with R10
	<b>R7:</b> Equal and respectful treatment of elected staff and student members on governing bodies	Low
	<b>R8:</b> Best-practice model for inductions	Low
	<b>R12:</b> Improved complaints processes	Low
<b>External accountability</b>	<b>R2:</b> TEQSA to enforce R1 reporting	High
	<b>R4:</b> Remuneration schedule for VCs and Senior managers	High
	<b>R9:</b> Additional investigative powers for TEQSA	High
	<b>R10:</b> Strengthen governance reporting requirements to TEQSA	Medium
	<b>R11:</b> Reduce duplication in reporting requirements	Medium

Recommendations dealing with external accountability are generally well defined. Most set out clear requirements, enforcement powers, or both. In contrast, the recommendations on internal governance rely mainly on voluntary action and cultural change within universities.

Recommendation 10, which calls for stronger external reporting, may encourage some internal reforms. However, real progress depends on restoring a clear chain of accountability inside universities. Governing bodies and senior executives need to be answerable not only to regulators, but also to the academic community they serve.

As outlined in our earlier submission (no. 6), the accountability mechanisms/loop that functions in public companies, non-profits, and parliaments is broken in Australian universities. Put simply, in a public company, shareholders — those who benefit from the company's success — can influence its direction through decisions

made at an annual general meeting. By contrast, in universities, those with a direct stake in the quality of teaching and research — staff, students, and the public — have no comparable means to influence how the institution is governed. The establishment of a University Forum<sup>1</sup> is one avenue to institutionalise a resolution to this issue. **Without such a Forum, or some other oversight body internal to a university, all of the internal recommendations have no strong enforcement mechanism and would thus rely upon a proactive and constant external oversight. This opens up risk of on-going and increasing government involvement in university affairs and could jeopardise the autonomy of Australia's universities.**

#### A model for internal accountability at universities

University forums are common in public universities internationally. They serve as accountability bodies that complement university governing bodies (known in Australia as university councils). A University Forum would provide a safe and structured way for staff, students, and representatives of the public to question, advise, and hold to account the university's governing body and executive. It would operate much like a public company's annual meeting—offering a regular venue to seek information, discuss major decisions, and raise concerns about performance or direction. The Forum would also have limited powers to appoint or recall members of the University Council, ensuring that governing bodies remain responsive to the wider university community without compromising the authority or efficiency of the governing body's decision-making processes. It would strengthen transparency and trust within the institution while reducing the need for ministerial or regulatory intervention or for scrutiny in parliament. A forum offers a cost-effective way to embed staff and student voices in governance and to strengthen recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10 and 12.

While the recommendations of the Committee go a long way to addressing the systemic governance crisis within the sector, they are analogous to establishing a state of the art fire-brigade but only going so far as to suggest that universities *consider* installing smoke alarms and sprinklers. While such a model is a welcome improvement on the status quo, it does not guarantee a significant improvement in internal governance mechanisms and may create a situation where the regulator becomes more involved in the management of universities, rather than as an actor of last resort.

To this end, we explain in an attachment to this submission how a university forum could be established and what its functions and composition might be.

#### Governance reform at the Australian National University

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<sup>1</sup> In our submission to this inquiry (no. 6), we referred to this body as a 'University Senate'. However, given that the peak governing bodies of some Australian universities are called Senates, we now prefer the term 'Forum' in this submission to avoid any further confusion.

The Australian National University (ANU) is the most appropriate institution at which to pilot the introduction of a University Forum. There are several reasons for this.

First, the ANU is governed by Commonwealth legislation and is therefore directly accountable to this Parliament. As Australia's national university, it carries a special responsibility to model best-practice governance and to lead reform across the sector.

Second, as Interim Vice-Chancellor Brown advised this Committee on 10 October, the ANU already implements nearly all of the seven governance recommendations for universities listed in the interim report. As Chancellor Bishop also noted, the ANU already exceeds the Committee's expectations regarding the composition of governing bodies. Yet, despite this apparent compliance, this Committee has heard evidence of serious governance failures at the ANU—failures now under independent investigation by Ms Lynelle Briggs AO, commissioned by the regulator.

This suggests that compliance with external standards alone is not sufficient to guarantee sound governance. The problems lie in the broken internal accountability mechanisms. Establishing a University Forum would create a conservative institution within the university, a low-cost mechanism to restore trust, strengthen transparency, and ensure that those affected by decisions—staff, students, and the public—have a formal voice within the university's governance framework.

Third, the ANU is well placed to pilot a Forum as part of implementing the Cilento Report's *University Governance Principles*. The Report recommends that Education Ministers review and amend university establishing legislation to bring it into alignment with the new governance principles and reduce regulatory duplication. Establishing a University Forum through amendment of the ANU Act 1991 would fit squarely within this framework. The Forum would not substitute for the Cilento Principles or for TEQSA's enhanced regulatory role, but would act as a complementary internal mechanism that enables those reforms to succeed in practice. By embedding structured internal accountability and stakeholder engagement, the Forum would translate the Cilento framework's aspirations for transparency, inclusiveness, and responsiveness into the daily governance life of the university.

To that end, we have one recommendation:

*That the Committee recommend the Minister for Education introduce legislation to amend the Australian National University Act 1991 in accordance with the approach outlined in the Expert Council on University Governance (Cilento) Report, to establish a University Forum as a statutory body to strengthen internal accountability and implement the University Governance Principles.*

Sincerely

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## Proposal for the establishment of university forums

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### Summary

This brief proposes the creation of a new statutory body in Australian universities, to be called the University Forum, to enhance internal accountability and transparency.

The Forum provides a low-cost mechanism for parliaments to ensure universities' governance meets public expectations for transparency and accountability—without requiring greater ministerial or regulatory intervention.

The Forum would be established through a new part of universities' establishing acts. It would function as an internal accountability and consultative mechanism—enabling direct scrutiny of the University Council and Executive by staff, students, and public representatives.

The **Forum would not replace or diminish the governing bodies' authority**. The Forum would be an accountability, not a governing body. It is designed to operate like a meeting of shareholders in a public company, providing mechanisms to appoint and remove Council members, scrutinise performance, and approve major structural changes. It is a venue for scrutiny, discussion and accountability. The Forum would bring university governance arrangements into alignment with contemporary standards of public accountability, while preserving independence from ministerial control.

### Context and Rationale

In all Australian public universities, governance authority rests with a governing body, generally called a Council or Senate. Existing accountability mechanisms for councils are weak. Over recent decades, university councils have become smaller and less deliberative. They have adopted corporate modes of business, resulting in less involvement in the running of universities. This has both lessened their knowledge of university affairs and weakened their direct accountability to university communities. Accordingly, governing bodies are both less able and less willing to hold university management accountable. External regulation alone cannot fill this gap.

The Expert Council's October 2025 proposals to strengthen TEQSA and revise the Higher Education Standards improve external regulation but do not address the broken accountability loop within the university system. University councils would remain self-perpetuating and resistant to scrutiny. A regulator can only act after failures occur. By contrast, the proposed Forum offers a low-cost, preventive mechanism for transparency and early oversight from individuals who are well informed about the institution, reducing the likelihood of issues escalating to the point of requiring regulatory intervention.

Recent controversies have highlighted the need for structured and institutionalised internal mechanisms for students, staff and public stakeholders to restore a functioning accountability loop. This means that universities provide a means for staff, students and

public stakeholders to engage with, question, and hold accountable universities' leadership without relying on regulatory, ministerial or parliamentary intervention.

## Functions

Functions of the Forum would be limited to:

- Reviewing the performance of the governing body and senior management, seeking information where necessary, and engaging regularly with the university's executive on matters of concern to staff, students, and the public.
- Advising and communicating with the governing body and senior management by placing matters on the governing body's agenda, making submissions or addresses, and receiving formal written responses to its recommendations.
- Appoint or remove members of the governing body and the Chancellor, on recommendation to the responsible Minister, in line with the regulator's approved skills matrix and through open and transparent processes.
- Approve major structural changes such as the creation, closure, or renaming of colleges and research schools, on recommendation from the governing body.
- Determine its own operating rules and procedures through university statute, subject to ratification by the governing body.

## Composition

As an accountability body, the University Forum would serve a deliberative and oversight role, focused on reviewing the governing body's performance and major university-wide decisions. Its composition should balance:

- Representation of key stakeholders;
- The trade-off between stewardship and expertise; and
- A clear division of powers between the University Council or Senate (the governing body) and the Forum (the accountability body).

The main stakeholder groups we envisage are staff (academic and professional), students (undergraduate and postgraduate), and the public (including alumni, the relevant Education Minister, the Parliament of Australia, the state/territory parliament, and First Nations representatives). Each group contributes distinct perspectives and expertise, reflecting their relationship to the University's mission of producing knowledge and public value for the national interest.

Staff and students should form the core of the Forum, reflecting their deep engagement with the University's mission. Including representatives of the public interest, such as parliamentary representatives and First Nations voices, strengthens the university's legitimacy and ensures alignment with national expectations of public accountability.

The Forum's composition should complement the governing body's size and expertise. A smaller, more technical governing body requires a broader, more representative

Forum. As TEQSA's external oversight expands, the Forums' focus should shift toward internal accountability.

## Operation

All groups represented should have full voting rights, although the Forum need not necessarily adopt a delegate-based 'representative' structure. Membership and voting procedures shall be set by University statute, on the recommendation of the Forum and ratified by the governing body.

The Forum would meet frequently, perhaps six times per year or more. Meetings should be open to the public except in extremely limited circumstances where confidentiality is required. A livestream and recording of debates should be published, and a summary of the Forum's work would appear in the University's Annual Report.

## Fiscal and resourcing Impact

The establishment of the Forum would require no additional funding and is expected to improve regulatory efficiency by addressing governance issues before they escalate to the point of requiring intervention. The proposal would not create any new Commonwealth entities.

## Governance relationship

**The governing body retains its role. In Commonwealth parlance, it would remain the Accountable Authority under the *PGPA Act 2013* and remains responsible for "the entire control and management of the university".** The Forum exercises oversight of the governing body but does not assume financial or statutory accountability functions. The governing body would be obliged to consider and respond to formal reports of the Forum, but **the Forum cannot overrule governing body decisions outside its narrowly defined powers.** The Forum could compel information from management and would have regular 'question and answer' sessions with university management and the Council.

## Benefits

- Enhances internal accountability, reducing reliance on regulatory, ministerial and parliamentary oversight.
- Aligns with standards for the governance of public companies.
- Promotes transparency and trust through open proceedings, preventing scandals and placing an internal check on mismanagement.
- Reinforces university autonomy and responsibility for governance.

This reform would strengthen trust in Australia's university system, lead to better governance and reduce the need for external intervention by regulators. It provides a replicable model for transparent governance across the higher education sector.