

1 December 2025

**Committee Secretary**

Senate Education and Employment Legislation Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: eec.sen@aph.gov.au

Dear Committee Secretary,

**Inquiry into the quality of governance at Australian higher education providers  
Answers to written questions on notice from Senator Faruqi**

We refer to the written questions on notice from Senator Faruqi, received on 18 November 2025, in relation to the Senate Education and Employment Legislation Committee's inquiry into the quality of governance at Australian higher education providers.

Our responses to Senator Faruqi's questions are set out below:

**1. *Please describe in detail the measures that Nous Group has in place to prevent exchange of information or communication that could lead to conflicts of interest in relation to:***

Introduction:

At Nous Group, we pride ourselves on acting with honesty, integrity and transparency. We are committed to always taking an ethical approach to our work. In particular, we act with honesty and transparency to proactively identify and manage any conflicts of interest.

In accordance with our Professional and Ethical Standards and Conflicts of Interest Policy (**COI Policy**):

- **Awareness:** We conduct annual conflict of interest training for all Nous Group employees. The training teaches our people how to identify and manage conflicts of interest and emphasises the importance of conflict management to Nous Group and our clients.
- **Identification:** Nous Group assesses for potential conflicts of interest across the lifecycle of each project – including:
  - At proposal stage.
  - At contracting stage (when providing conflict of interest undertakings).
  - At project commencement.
  - During project delivery.
  - When any team member joins a project.

The following questions are explored on every proposal and project:

- Does anyone on the proposal team or proposed project team have an individual conflict of interest to declare?
- Could this project result in Nous Group working with different clients who are on opposing sides of the same issue or agenda?
- Given our priority work in this domain, could Nous Group otherwise be perceived to be in a conflicted position?
- Could this project result in Nous Group providing a competitive advantage for competing clients?
- Will Nous Group need to use partners and/or subcontractors who may create a conflict of interest?
- **Systems:** Nous Group has implemented automated systems and workflows to capture and record conflicts of interest for all projects.
- **Disclosure and management:** If a conflict of interest is identified, it must be managed by taking one or more of the following actions:
  - Disclosing the conflict.
  - Implementing information barriers.
  - Resourcing changes.
  - Deciding not to proceed with the proposal or project.
  - Consulting senior leaders (e.g. Nous Group sector leads) for advice and potential implications for other clients/projects.

As soon as a conflict of interest has been identified, it undergoes internal review and assessment so that the following is clearly determined:

- The specific details surrounding the nature of the conflict of interest.
- How the client and, if applicable, other affected client(s), Nous Group, our employee(s) and/or subcontractor(s) may be impacted, or not impacted.
- Whether it is an actual or perceived conflict of interest.

**a) *The relationship between Nous Data Insights/UniForum and Nous Consultancy (including the fact that UniForum potentially provides clients with analysis that would lead them to seek services of Nous Consultancy).***

Response:

Nous Group International Pty Ltd (**NGI**) is the parent company of Nous Group.

NGI owns, directly or indirectly, all Nous Group companies and businesses.

This includes:

- **Nous Consultancy** - our international consultancy business, including Nous Group Pty Ltd in Australia; and
- **Nous Data Insights** - our data solutions business for the higher education sector, including Nous Data Insights (ANZ) Pty Ltd in Australia.

We note that Nous Group Pty Ltd (**Nous Consultancy**) and Nous Data Insights (ANZ) Pty Ltd (**NDI**) operate as independent legal entities.

To participate in the UniForum program in Australia, a university will enter a contract with NDI.

In delivering the UniForum program, NDI upholds the highest professional standards, including an unwavering commitment to data protection and always working in our client's best interests. All staff undertaking NDI work are subject to confidentiality restrictions and are informed of NDI's contractual obligations to UniForum members in relation to data protection, information sharing, and accurate independent reporting of results.

Relevantly, we note that:

- Under the UniForum program, a university may share its UniForum results with third parties (such as Nous Consulting) for the purpose of supporting business improvement initiatives. The shared UniForum results comprise comparative data on a de-identified and aggregated basis, which does not identify other universities or their personnel.
- All third-party requests for UniForum results are submitted by the relevant university, reviewed by NDI to ensure they meet responsible use requirements, and approved by that university. Each third party and the relevant university are required to enter into an agreement, under which the third party agrees (amongst other things) to maintain the confidentiality of the shared UniForum results and to only use the shared UniForum results for the specific business improvement initiative specified in the agreement (**Third Party Access Agreement**).
- Like other third parties, Nous Consulting has entered into Third Party Access Agreements where a university has requested and approved Nous Consulting having access to its UniForum results for a Nous Consulting project.
- Unless a university requests and approves Nous Consultancy having access to that university's UniForum results for a Nous Consulting project, Nous Consultancy will not have access to that university's UniForum results.

We note that UniForum results provide universities with data to help inform business decisions. This is one (of many inputs and factors) that a university will consider when making business decisions.

Ultimately, universities will determine what work is required to inform, deliver, and make those business decisions and how that work will be resourced (whether internally or externally). If a university decides to engage external consulting support for that work, universities will decide which consulting firm to engage for that work (and what factors influence that choice) in accordance with each university's procurement processes.

***b) Nous Consultancy working for multiple different universities – many of whom view themselves as competitors.***

Response:

In our experience, the university sector (globally) works in a distinctly collaborative manner: it is one of its defining features.

As mission-based, government owned, entities, universities do not operate in a pure competitive landscape.

For example:

- Universities engage in substantial sharing of knowledge and practice. It is not uncommon for a university to review one of its functions by asking colleagues from other universities in similar roles to conduct the review.
- It is not uncommon for academics to have greater affiliation with their discipline colleagues in other universities than they have with their employing institution.
- Universities are interested in peer benchmarks in various forms, and there are many conferences in the sector characterised by extensive knowledge sharing and benchmarking across the sector (e.g. AUIDF).

That said, we acknowledge:

- there are some universities that view each other more competitively.
- there may be issues where universities see themselves in a more competitive context (e.g. international student recruitment or competitive research bids).

When this is the case, the potential for conflict of interest is heightened and requires more careful management.

Notwithstanding the above, for each client opportunity or project, we assess for potential conflicts of interest in accordance with our COI Policy (described above).

**c) *Nous Consultancy working for both the Department of Education and for the public universities that the Department oversees.***

Response:

For each opportunity or project that Nous Consulting works on, including for the Australian Government Department of Education (**Department**) and any university, we assess for potential conflicts of interest in accordance with our COI Policy (described above).

**2. *At the Senate Hearing, Tim Orton described how Nous staff involved in Nous' University Accords work were not involved in work for universities "at that time", and he said Nous were "careful" about this.***

**a) *Could you please describe in detail what specific steps Nous took to manage conflicts of interest related to their work on the University Accords?***

Response:

Nous Consulting was engaged by the Department under the Deed of Standing Offer for the Supply of Research and Evaluation Services (**RES Panel**) on three submissions review projects in relation to the Australian Universities Accord:

- Analysis of submissions on the priorities for the Australian Universities Accord Review Panel (**Accord Panel**) to consider under their terms of reference;
- Analysis of submissions to the Australian Universities Accord Discussion Paper (ESE23/7072); and
- Analysis of submissions in response to the Australian Universities Accord Interim Report (ESE23/101825),

**(Submission Review Projects).**

Nous Consulting was also engaged by the Department under the RES Panel to co-design services with the Department to inform the Accord Panel's consideration of issues relating to the

governance and stewardship of Australia's tertiary education system (**Governance and Stewardship Project**). This was one (of a number) of workstreams that involved commissioning third parties to undertake research and analysis to support the work of the Accord Panel.

In this response, we have interpreted Nous Consulting's work on the University Accords to encompass both the Submission Review Projects and the Governance and Stewardship Project (which are referred to as the **Accord Projects**).

For each Submission Review Project:

- our scope of services was to undertake a quantitative and qualitative analysis of the submissions received on the priorities for the Australian Universities Accord, to the Australian Universities Accord Discussion Paper and to the Interim Report, in order to identify and summarise key issues and to analyse trends based on stakeholder type; and
- our analysis and findings were structured in response to the documentation on which the Accord Panel was seeking comment – all of which pertained to the 'Key Areas for Review' in the terms of reference:
  - Meeting Australia's knowledge and skills needs, now and in the future.
  - Access and opportunity.
  - Investment and affordability.
  - Governance, accountability and community.
  - The connection between the vocational education and training (VET) and the higher education systems.
  - Quality and sustainability.
  - Delivering new knowledge, innovation and capability.

In accordance with the Department's instructions, this was undertaken in an objective and factual manner. We note that key issues and themes were identified according to their relevance to the Australian Universities Accord's terms of reference, the Discussion Paper and Interim Report (respectively) and the frequency of mentions in the submissions. This was a fully transparent process for the Department. Further, the submissions were published by the Department and Nous Consulting's role did not require (or permit) us to comment on the merits of any submission. These factors limited any conflict of interest or potential bias.

Under the Governance and Stewardship Project, our scope of services involved:

- researching reforms to the governance of the higher education sector in Australia to inform advice about the potential role for a tertiary education commission;
- developing a set of principles for governance and system stewardship relevant to the tertiary education sector and consistent with the Accord Panel's vision for the tertiary sector (encompassing higher education and vocational education and training); and
- building upon these principles to:
  - develop options for the governance and design of a potential tertiary education commission, including the distribution of responsibilities between the commission and the Department;
  - consider the relationship of a potential commission to the broader architecture for governance, funding and regulation of the sector; and
  - describe the structure and functions for each of the proposed options for a commission.

In undertaking the Governance and Stewardship Project, we worked closely with the Department to respond to the direction of, and questions from, the Accord Panel.

Since Nous Consulting's advice was based on best-practice in governance and organisational design, as well as system stewardship theory, and because our approach to the work was fully transparent, the scope for any conflicts of interest or bias was negligible.

With respect to the personnel engaged for each Accord Project, Nous Consulting's team, in each case, included 1-2 consultants who had experience in the tertiary education sector. This was important to understanding the context for our work, and was one reason why Nous Consulting was selected in the competitive processes for each project.

In relation to conflicts of interest generally, for each client opportunity or project, we assess for potential conflicts of interest in accordance with our COI Policy (described above).

At the Hearing, we acknowledge that Nous Consulting said that the team members involved in the Accord Projects were not involved in work with universities at that time. We wish to clarify the record and advise that members of the Nous Consulting teams worked with universities at the time of the Accord Projects.

**b) Did Nous alert the Department of Education to any possible potential or perceived conflict of interest relevant to Nous working on the University Accords? Which conflicts specifically did Nous alert the Department of Education to?**

Response:

As noted in our response to question 2(a):

- Nous Consulting's teams on the Accord Projects comprised consultants who had experience in the tertiary education sector and the Department was aware of our teams' experience.
- in relation to:
  - each Submission Review Project - in accordance with the Department's instructions, Nous Consulting's work on the Accord Projects was undertaken in an objective and factual manner. We note that key issues and themes were identified according to their relevance to the Australian Universities Accord's terms of reference, the Discussion Paper and Interim Report (respectively) and the frequency of mentions in the submissions. Further, the submissions were published by the Department and Nous Consulting's role did not require (or permit) us to comment on the merits of any submission.
  - the Governance and Stewardship Project - we worked under the direction of, and closely with, the Department and the Accord Panel. As noted above, our role was to articulate (and build upon) the Accord Panel's vision for the tertiary education sector.
- on each Accord Project, our processes were fully transparent to the Department. The factors above limited any conflict of interest or potential bias.

**c) Had Nous staff involved in the University Accords project previously worked for universities? Have any of them subsequently worked for universities?**

Response:

The members of the Nous Consulting teams who worked on the Accord Projects are experts in the education sector.

The Nous Consulting teams across the Accord Projects included team members who had previously worked at a university and/or on projects for universities whilst at Nous Consulting.

In accordance with our COI Policy, each project for a university client is assessed for potential conflicts of interest.

**d) *What steps did Nous take to ensure that confidential information gained from prior work for universities did not inform its subsequent work for the DoE on the University Accords?***

Response:

In the ordinary course of our business:

- Nous Consulting is subject to confidentiality obligations with its clients (including under the relevant client contract).
- All Nous Consulting staff are subject to confidentiality obligations under their employment contracts.
- Where requested by a client for a project, Nous Consulting staff will enter direct confidentiality undertakings with that client in relation to that project.

Nous Consulting and its staff are aware of, and treat seriously, these confidentiality obligations.

As noted in our response to question 2(a), Nous Consulting's teams on the Accord Projects comprised consultants who had experience in the higher education sector, which was necessary to undertake our work. The Department was aware of our teams' experience, and this was a reason why Nous Consulting was engaged for the Accord Projects.

Importantly, no client confidential information from that prior experience informed Nous Consulting's work on the Accord Projects.

**e) *What steps have Nous taken to ensure that confidential information gained through its University Accords work has not been and will not be used to inform its subsequent work for universities?***

Response:

The submissions that Nous Consulting reviewed as part of the Submission Review Projects are publicly available.

The 'Stewardship of the Tertiary Education Sector' report that Nous Consulting prepared for the Department is also publicly available.

Nous Consulting is subject to confidentiality obligations to the Department in relation to the Accord Projects.

Nous Consulting and its staff are aware of, and treat seriously, these confidentiality obligations.

To safeguard client confidentiality, Nous Consulting restricts access to client files, treats client confidential information with discretion, and does not discuss client confidential matters openly. We comply with our confidentiality obligations – not just because we are required to by our clients, but because it is important to Nous Consulting's own integrity, credibility and standing.

**f) *What steps did Nous take to ensure that staff working on the Accords were not conflicted by their knowledge of the interests of Nous Groups' current and potential university clients?***

Response:

As noted in our response to question 2(a):

- Nous Consulting's teams on the Accord Projects comprised consultants who had experience in the higher education sector and the Department was aware of our teams' experience.
- in relation to:
  - each Submission Review Project - in accordance with the Department's instructions, Nous Consulting's work on the Accord Projects was undertaken in an objective and factual manner. We note that key issues and themes were identified according to their relevance to the Australian Universities Accord's terms of reference, the Discussion Paper and Interim Report (respectively) and the frequency of mentions in the submissions. Further, the submissions were published by the Department and Nous Consulting's role did not require (or permit) us to comment on the merits of any submission.
  - the Governance and Stewardship Project - we worked under the direction of, and closely with, the Department and the Accord Panel. As noted above, our role was to articulate (and build upon) the Accord Panel's vision for the tertiary sector.
- on each Accord Project, our processes were fully transparent to the Department. The factors above limited any conflict of interest or potential bias.

**g) *What steps did Nous take to ensure that its own financial interests in the future state of university governance (including its interest in the regulation of universities use of external consultants) did not influence its work on the University Accords?***

Response:

As noted above, the Submission Review Projects involved identifying and summarising key issues, and analysing trends, from submissions that were provided to, and subsequently published by, the Department. Nous Consulting's role did not extend to providing advice on the position that the Accord Panel should adopt with respect to university governance and regulation.

Similarly, the Governance and Stewardship Project did not involve providing specific advice on university governance or regulation. Rather, the project concerned governance of the entire system and how roles would be delineated between the Department and a potential new tertiary education commission.

**h) *Does the document 'Getting Ahead of the Curve' provided to ANU in April 2024 draw in any way on:***

**i. *information gained from Nous' previous work for other universities?***

Response:

The Nous Consulting team that prepared the 'Getting Ahead of the Curve' report to Australian National University (ANU) in April 2024 (ANU Report) comprised consultants who had experience in the higher education sector.

This experience was developed over many years through their work with universities and other stakeholders in the higher education sector, whilst at Nous Group (and elsewhere).

ANU was aware of the experience of the Nous Consulting team, which was a reason why Nous Consulting was appointed.

However, no client confidential information from Nous Consulting's previous work for other universities was used in preparing the ANU Report.

As noted in our response to question 2(d), in the ordinary course of our business:

- Nous Consulting is subject to confidentiality obligations with its clients (including under the relevant client contract).
- All Nous Consulting staff are subject to confidentiality obligations under their employment contracts.
- Where requested by a client for a project, Nous Consulting staff will enter direct confidentiality undertakings with that client in relation to that project.

Nous Consulting and its staff are aware of, and treat seriously, these confidentiality obligations.

**ii. *information gained from Nous' work on the University Accords?***

Response:

No confidential information from Nous Consulting's work on the Accord Projects was used in preparing the ANU Report.

Yours sincerely,

Timothy Orton  
Chief Executive Officer and Managing Principal  
Nous Group