

TRANSCRIPT

LEGISLATIVE ASSEMBLY ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Enhancing Victorian University Governance

Melbourne – Thursday 14 May 2026

MEMBERS

Alison Marchant – Chair

Kim O’Keeffe – Deputy Chair

Roma Britnell

Anthony Cianflone

John Mullahy

Nicole Werner

Dylan Wight

WITNESSES

Sarah Roberts, Secretary, Victorian Division, and

Professor Joo-Cheong Tham, Assistant Secretary Victoria Division, National Tertiary Education Union.

The CHAIR: I begin today by acknowledging the Wurundjeri Woi-wurrung people of the Kulin nations, the traditional custodians of the land on which we meet today. I pay my respects to their elders past, present and future and extend my respect to all Aboriginal and Torres Strait Islander people here today.

I advise that this session is being broadcast live on the Parliament's website. Rebroadcast of the hearing is only permitted in accordance with the Legislative Assembly standing order 234.

I would like to start by welcoming you to the public hearings of the Legislative Assembly Economy and Infrastructure Committee's Inquiry into Enhancing Victorian University Governance. All mobile telephones should now be turned to silent.

All evidence given today is being recorded by Hansard and broadcast live on the Parliament's website. While all evidence taken by the committee is protected by parliamentary privilege, comments repeated outside of this hearing, including on social media, may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts and other documents provided to the committee during the hearing will be published on the committee's website.

Thank you, both of you, for joining us today. We really appreciate your time. If you could just start with introducing yourselves, your role and organisation. Then we are going to jump straight into questions, because we have only got a short amount of time with you. Over to you.

Sarah ROBERTS: Thank you. Sarah Roberts and I am the Division Secretary of the National Tertiary Education Union in Victoria. Thank you for having us.

Joo-Cheong THAM: Thank you for having us. My name is Joo-Cheong Tham. I am the Victorian Assistant Secretary for academic staff for the National Tertiary Education Union.

The CHAIR: Perfect. Thank you very much. Thank you for coming along today. You are the first in our hearing, so no pressure, but you will be able to really give us a bit of a setting the scene, I think, so I really appreciate that. We will go along the committee members and ask various questions. I might start with you, Kim, our Deputy Chair.

Kim O'KEEFFE: Good morning. Kim O'Keeffe, Member for Shepparton. I welcome you this morning. What does the NTEU see as the single biggest issue in Victorian university governance? Probably a big question.

Joo-Cheong THAM: I think our starting point that we set out in the submission and I think is quite extensively documented now by the accord panel, by the various Senate inquiries, as well as the Expert Council on University Governance, is that there is a crisis of university governance across the country. I think that is really underlined by the fact that a survey that the University Chancellors Council ran of all the chancellors who were asked the question: do you feel there is a crisis of university governance? An astounding 87 per cent said yes. We think that is the kind of foundational fact upon which the inquiry should proceed. We are here as a union with a strong affirmative agenda. We see it as really crucial to repair the social licence of universities – not just for our members, not just for the workers of the sector, not just for institutions, but really for the broader community.

The CHAIR: Sarah, did you have anything to add?

Sarah ROBERTS: I think in terms of the general issues that Joo-Cheong set out, that is the key reason why we are here, that is the reason why we put our submission forward and I think ultimately the reason why this inquiry has been called. So that is, I think, the scoping that we need to have in going forward today.

The CHAIR: Thank you. John.

John MULLAHY: You set out many different issues in your submission, but what is the biggest one that we could tackle that would actually fix this crisis as you have set out?

Joo-Cheong THAM: I think the way we think about it is we have put forth a comprehensive suite that is based on a number of key principles. And I think the central principle – and I will come to specifically what we

see as a primary measure – is really about staff and student voices. I think that is really at the heart of this inquiry, too, and it has been affirmed by the Premier. And I think for us, we see it as an integrated suite. But if we had to choose one measure of particular importance, it is really amendment of the Victorian university statutes to increase the minimum number of staff members from one to three and student members from one to two.

The CHAIR: Thanks. Anthony.

Anthony CIANFLONE: Thank you, Chair. And thank you for your submission – very comprehensive – and your opening statement as well, which I think best crystallises why we are all here in many respects as well. Just picking up on your point there, which really goes to Victorian legislation and looking at ways to improve student voice and staff voice as well, how could the Victorian government change the existing legislation to better make provision for those voices being embedded at the leadership level across all of our universities and within the respective pieces of legislation for our universities?

Joo-Cheong THAM: It is a very good question. In terms of my response to Mr Mullahy, I think in our minds, the eight public universities are established by Victorian statutes, and those statutes set down the minimum number one currently, which we think is way too low. The way we think about it, the legislative amendment to actually give effect to what we have just said as the primary measure, is actually a simple amendment changing the number from one to three and one to two. So that is, I think, one very straightforward way the Victorian Parliament could actually move towards repairing the social licence of Victorian universities.

Anthony CIANFLONE: Yes. And just on that as well, I saw just now that page 38 of your submission actually compares Victorian universities to other universities across the country, and it shows that we have the lowest representation, one and one, of staff and students on each board. Could you elaborate on what has happened across the other states? Why do other states have higher representation? Has that been legislated across other states, or is it by choice to have greater representation?

Joo-Cheong THAM: Yes – I think it is a combination of both. And also, I think in Victoria – and this is part of our submission too, and really from, I think, pages 39 to 41, where you basically saw this regressive reduction. So I think it is what other states have been doing and what we have been doing, if you like, in a regressive way – yes.

Anthony CIANFLONE: Thank you, Chair.

The CHAIR: Thank you. Roma.

Roma BRITNELL: What do you think is the biggest challenge standing in the way of change?

Joo-Cheong THAM: I think what we have seen, and this is all on the public record – federal education minister Jason Clare gave a speech I think last year where he said something to the effect that, ‘You’ve got to be living under a shell if you don’t think there is a crisis of governance.’ And I think he pointedly spoke directly to the leadership to say, ‘Don’t be defensive, okay? Let’s acknowledge the problem and let’s move forward together.’

Roma BRITNELL: So the problem is not being acknowledged yet, even with all the publicity. Do you think there is still a denial culture going on?

Sarah ROBERTS: Well, I mean, I would say that, in our conversations and what we have seen through the media, not just in Victoria but across the country – Joo-Cheong has mentioned that 87 per cent of chancellors recognise that there is a problem in university governance, or a crisis in university governance, but when you ask them specifically ‘Is the crisis here?’ the answer is generally ‘No. Nothing to see here. We’ve got our house in order and we’re doing all of these really good things in respect of university governance. The problem is elsewhere.’ But I am not sure that that culture or that sort of position really is backed up by fact when you do have that kind of scrutiny on university governance, both in Victoria and across the country.

Roma BRITNELL: By increasing the student and staff voices you see that would change that culture completely because they would be listened to and because there would be more volume.

Sarah ROBERTS: It certainly would shift the dynamics in the room. We have been saying, when we have been meeting with the university chancellors, that for university student representatives and staff representatives or people with representative positions sitting on university councils one is a very lonely number, and having more voices of a similar kind in the room can definitely shift the dial in terms of opening the eyes of council members to other perspectives and perhaps considering more carefully the risks that are put on the table. I am thinking now about one of the recommendations that we are putting in our proposal here to the committee, which is to have student and staff representatives or nominees on some of the committees of council. I am particularly thinking about the audit and risk committees, which all university councils have. We have been saying, and we will say it here, that if student and staff representatives had access, particularly to those committees, some of the instances of wage theft that we have seen could have actually been highlighted earlier. So the red flags could have gone up earlier, and it would have assisted with university risk management and hopefully preventative measures in respect of those things, rather than seeing the pretty parlous state in respect of wage theft that we have seen across universities in Victoria.

Joo-Cheong THAM: Can I supplement what Sarah is saying. In response to your question, Ms Britnell, I think that defensiveness and self-satisfaction are the main hurdles in terms of genuine reform.

Roma BRITNELL: Self-satisfaction?

Joo-Cheong THAM: Correct. At the same time, I think we want to really very clearly acknowledge that there is a shift happening. We have had discussions now with most of the Victorian universities about our submission, and we have had particularly constructive discussions with Swinburne, La Trobe, Deakin, RMIT and Federation University. I think we want to specifically acknowledge the leadership of Swinburne University and La Trobe University in terms of actively engaging with the NTEU and also implementing what are areas of common alignment. In terms of the shift, La Trobe University has effectively implemented what we are calling for across the sector. I think Swinburne University is going through a process of a very structured active consideration of the NTEU recommendations. In our mind, I think – it is really, to be quite frank, the impetus provided by this inquiry – what we are actually seeing in various universities a very profoundly positive shift in paradigm of how to deal with university governance.

Roma BRITNELL: Thank you.

Kim O'KEEFFE: Can I just ask, on top of that: is there evidence that really shows that increased student and staff representation results in better governance? Because sometimes that can be questioned a bit as well. What you are saying is supporting what you are saying. But is there further evidence around that that this is the right direction?

Joo-Cheong THAM: We want to see a staff and student voice through a multilayered system, but most importantly, of course, at the highest levels of governance. We are not presenting to you a magic bullet because there is no magic bullet. We want to see advisory forums. We would like to see a staff and student voice with committees of the university councils and so on and so forth. Let me answer the question in a different way: I think there is now ample evidence that marginalisation of a staff and student voice tends towards bad governance, so we need to turn it around.

Kim O'KEEFFE: Following that, why has it decreased over the last 50 years? There has been that reverse, hasn't there?

Joo-Cheong THAM: Yes.

Kim O'KEEFFE: Less numbers over time. Now we are trying to go back in the other direction, because it is not working, clearly.

Joo-Cheong THAM: Yes. I think those are really important questions. I think one can answer them in terms of the legislation that we have mapped out about the decrease, but I think what we are seeing is really a shift in the culture of the universities. I think this is well documented in terms of the expert council, where I think the words they use are that there is primacy given to the views of management to the neglect of differing views. That, they have said, tends towards groupthink. It also tends towards prioritising particular considerations which are legitimate or relevant short-term financial and operational considerations, but to the neglect of other considerations which are equally and profoundly important – questions of academic integrity, academic quality

and social licence. I think that is why, in answer to your question, voice and mission come together. The mission of universities is a public mission in terms of education and research. In order to achieve that mission, you need strong student and staff voices.

Kim O'KEEFFE: Thank you.

The CHAIR: Thanks. Dylan.

Dylan WIGHT: Thanks, Chair. Thanks very much for the submission, it is really comprehensive. You have obviously got the joint reform proposal here as well, on top of that, which is calling for legislative change from the Victorian government. Can you maybe just provide the committee a couple of examples as to why the status quo is not working? Some examples of a breakdown and failure of governance across the sector in the last little bit.

Joo-Cheong THAM: Do you want to speak to the payment and wage theft?

Sarah ROBERTS: Yes. It has been quite a number of years that wage theft has been brought to light across the university sector. We would say that that is a marker of a governance fail across the sector, and in particular in universities where we have seen I think it is up to \$132 million now having been recouped in stolen wages from university employees, in particular casual employees. The way that we have seen university governance work has been that there has been a decentralisation of decision-making and implementation of decisions to what we call the coalface, to the departmental and school level around employment and engagement of casual employees in particular, such that faculties and departments are given a funding envelope and then expected effectively to fit that funding envelope howsoever they can. So there has been an incentive to cut costs, for want of a better term, which has meant engaging casual employees to do work based on a piece-rate arrangement, for instance.

I would say that the methods by which universities have chosen to effectively underpay casual staff in particular have been myriad over the years. It has been a failure that, when brought to university councils' attention, the feedback that we have received is that it has been a total surprise and shock at the university council level, which to me indicates a very significant failure, both in terms of compliance, risk management and interrogation of what is actually going on on the ground, so to speak. That speaks to a big disconnect between the governance structure, the management structure and the implementation of decisions that are made at the highest level. To us, that is the biggest instance, I suppose, or the biggest thing to point to that shows that there is a governance fail.

Roma BRITNELL: Has the governance failure resulted in educational outcomes not being obtained? The teachers who are there normally, or on a constant basis, who have got the outcomes of the courses in their mind, and the jobs that will come from that – has that culture shifted from that outcome being a purpose of the university governance?

Joo-Cheong THAM: Yes.

Sarah ROBERTS: Look, I think that all staff still intend to do their best for students. That is often what you see for casual employees in particular – that they will prioritise doing the work for the student so that the student gets the appropriate feedback, that they get the appropriate outcome on their assignment and that they are there to talk to the student about concerns that they have got and so on. But the problem that we are seeing is that because these people are engaged casually for a specific rate of pay for the amount of work that they are supposedly doing, a lot of that work goes unpaid. I would say that the consistency across the permanent staff and the insecure staff in terms of student outcomes and student focus is still there. You know, the intention is still there to do the best work for the students in the students' interests, but it just goes unpaid.

Roma BRITNELL: Would you have the ability to do the planning, though, and the foresight of course changes that would take place, because you would not have the feedback as a –

Sarah ROBERTS: Yes.

Joo-Cheong THAM: That is a really important question, I think, for us – as we laid out in our submission, wage theft is underpinned by an insecure workforce model, yes? This is plain from the annual reports of all the

universities. The point you made too is a cogent one. I mean, people are doing their best, but if you do not know whether you are going to be teaching the course in the next semester, how do you plan? So there is clear connection between job security, academic stewardship and academic quality, yes? People are doing their best, so I do not want to deprecate that. But they are looking for income security. That is why I think for us, we are calling for workforce issues to be clearly recognised as governance issues. There has been a lot of resistance across the sector to see it that way, whereas I think this is clear. The Fair Work Ombudsman has made the case. The Victorian government submission has clearly recognised that workforce issues are governance issues, and for us, I think the fact that there is an insecure workforce model needs to be overhauled. We have specifically called for universities to basically adopt the principle that continuing employment be the preferred mode of employment, and that is backed up by basically setting targets for continuing employment that they work towards two-year, three-year and five-year terms. And I think we see this as important in terms of universities as exemplary employers – I think that is what the accord panel calls them. But we see it as also important in terms of academic standards and quality, as well as holistic risk management.

The CHAIR: Thank you. Can I just ask, around transparency? It seems to me that sometimes reports and your own submission talk around publishing, for example, minutes from meetings. Can you talk to me a little bit about how you think that could be improved in transparency around governance?

Joo-Cheong THAM: So I think many submissions to this inquiry have highlighted the inadequate transparency and accountability. For us, that is also a shared concern. In terms of transparency, firstly transparency in terms of the council's decision-making. So that is principle 4 of the Expert Council on University Governance. We are basically calling for the publications of agendas and outcomes of meetings. That really mirrors what was an agreed priority of the education ministers. We also say that there should be more information with material decisions. There should be some context and commentary about why major decisions are made. Now, importantly, we are also calling that there be annual reports on both the objectives and the performance of the university and the vice-chancellor in terms of transparency and accountability. Then lastly, and these concerns are reinforced by the *Four Corners* episode recently on campus chaos, I think we need to see much greater transparency in terms of the use of consultancies.

The CHAIR: Why do you think there has been a reluctance to do that work that you have identified that would improve transparency?

Joo-Cheong THAM: Yes, it is a very good question. I suppose this is a question more for universities as to why they – one can only speculate. But I do think when you have a situation where particular people think that they are the ones who have all the knowledge, and they are the people who are expert in making the decisions and others do not have to be listened to – I am exaggerating the tendency, but when you have that situation – transparency is not a priority because in your circle, in your groupthink, you assume you have all the information you need and accountability is inward looking rather than outward looking.

The CHAIR: Would there be commercial-in-confidence type situations?

Joo-Cheong THAM: Yes, and we acknowledge this. In our recommendation on transparency, we say when you provide context for outcomes, publish with consideration to confidentiality requirements. So we acknowledge that. But I think the strong presumption, and it is a strong presumption that the expert council made as part of the Senate inquiry, is that it is a presumption of transparency.

Sarah ROBERTS: Can I just make a further point on transparency as well, which is to say that another thing that we are calling for is transparency around executive remuneration, such that there be a published remuneration report, which is kind of analogous to public company reporting standards, for the same reasons that Joo-Cheong set out.

Joo-Cheong THAM: Yes. That is another agreed priority of education ministers, in terms of remuneration reports.

The CHAIR: Thank you. Kim?

Kim O'KEEFFE: I might just change the theme a little bit. I have got a very large Indigenous community, and I am just really interested to see how the NTEU judges that the Victorian universities are empowering

Indigenous students and staff, and by what metrics do you judge success in the realm? You have put that in your recommendation.

Joo-Cheong THAM: Yes, look, that is a really good question. I think we have, you know, three main components to our joint reform proposal, the first being the increase in the staff and student membership, and the third being what we call minimum implementation requirements for the expert council principles. But the second, importantly, is about First Nations university governance mechanisms, right? I should just add that these proposals were developed in consultation with Rueben Berg, who was then the co-chair of the First Peoples' Assembly of Victoria, as well as Zoe Upton, who is another member of the First Peoples' Assembly. I think that the issues that you speak to, Deputy Chair, are really front of mind, particularly in terms of the implementation of the *Marrung* strategy, which is outcomes-based intervention. At the governance level, I mean, for these outcomes we want to see governance structures that are outcomes focused and outcomes based. Based on that consultation, what we thought would be strong mechanisms to drive to get to those outcomes in terms both of transparency and accountability were, firstly, sort of a statewide mechanism, what we have called the Victorian Indigenous Higher Education Council, which will be designed in consultation with Gellung Warl, with a commission that is jointly appointed by the government and Gellung Warl to basically provide oversight of the implementation of the *Marrung* strategy based on all those outcomes you mentioned at a statewide level. Then at the institutional level what we are calling for is an advisory forum for Indigenous staff and students that is independently led by those staff and students. And again, I think it is about the governance being given the transparency and accountability to achieve meaningful outcomes for both staff and students of First Nations background.

The CHAIR: Thank you. John.

John MULLAHY: From what I am hearing, it sounds like it is the corporatisation of the university sector over the last 50 years that has certainly led us to this position. You have said there are a couple of decent examples that are going through the process of your recommendations and sort of implementing them now, but obviously we need to do something from a legislative point of view. Are there other jurisdictions around Australia that have already gone through this process that we should look to emulate, or are there some good parts that we should pick from different jurisdictions and bring them here to Victoria?

Joo-Cheong THAM: I am sorry, I am going to sound very parochial. Just having been a migrant to this country and only lived in this state, I am going to have to say that Victoria is going to take a lead on this. I just really want to affirm this: the movement we are seeing at particular universities is because of active dialogue with the NTEU, and I say Swinburne and La Trobe in particular show the way forward. At Swinburne – I know I am repeating myself – they are going through a structured process where these recommendations, as I understand it, are going to be forming baseline options in terms of governance. So I think it is then providing the supportive regulatory and legislative framework to basically bring that forward and actually lift, you know, and once I think if we see there is a critical mass in terms of Victorian universities moving in that direction I think it will – in my parochial perspective, right? – set a precedent in terms of the rest of the country.

John MULLAHY: It is all well and good for people to want and hope and all of that sort of thing, but do you think we should go further, by implementing legislation that brings all universities up to a certain standard, probably higher than it going through a slower process?

Joo-Cheong THAM: I think we are, as a union, supportive of the federal government's plan to basically embed the Expert Council on University Governance principles into the TEQSA regime. And in fact our recommendations are basically meant to be integrated into the TEQSA framework, right? So as a union, we would like to see that being promptly implemented, but even within that I think – and this is the point we made in our submission – there is clearly a shared responsibility at the Commonwealth level and state level, the fact being of course all the public universities are set up by state statutes, right? So I think it has just got to work in conjunction in that way.

The CHAIR: Thanks. Anthony.

Anthony CIANFLONE: Thank you. I want to just talk a little bit about the joint reform proposal around recommendation 3. Maybe if you could provide some further details just around that recommendation that would authorise the Victorian Auditor-General's office, VAGO, to assess the effectiveness of governance processes. What type of assessments would you say would be most beneficial? And just picking up on the

Chair's question around transparency and integrity I guess, how would VAGO being authorised to come in assist in that regard as well?

Joo-Cheong THAM: Look, it is a very good question. Again, it goes to us seeking to have a shared responsibility with the Commonwealth and state, but we want to have an integrated system rather than one that works against each other. It is within the TEQSA framework, so TEQSA will still be responsible in terms of whether universities have actually complied in a substantive way with various requirements. Then the Victorian Auditor-General's office's role is basically to ensure that there are processes actually geared towards those outcomes. To be much more specific, because that still sounds a bit abstract, coming back to the Swinburne example, they are going through a structured process and saying, 'We are going through every single principle, and clearly within the mix are the NTEU recommendations. We have got a committee set up to basically do this, they are going to report by a certain timeline and they are going to have outcomes.' I would have thought that those kinds of procedural aspects come within the purview of the Victorian Auditor-General's office.

Anthony CIANFLONE: Could you provide some details? Because the submission also talks about the minister being able to declare implementation requirements as well. Could you talk through a timeline of how that could be implemented and what types of declarations of implementations could be directed to universities?

Joo-Cheong THAM: Yes. Again, we want to work within a consistent national framework established by the expert council on university governance, and what we are calling for in terms of the minister is basically for them to say that in Victoria these principles need to be implemented in this particular way. What we are saying is that these should be presumptive standards. What I mean by that is that the strong starting point must be that universities are required to implement it, but if they have compelling reasons not to, okay, they can front up and explain why they should not do it. Okay? That is basically trying to combine a strong framework but also respect for institutional autonomy. Now, in terms of timeline, I think these at a level of expectations could be done pretty quickly. All the universities have committed to the expert council university governance principles, so that is the starting point. But then we have got to give flesh to the bone.

The CHAIR: As a bit of background, we have seen a lot of media reports around universities, around wage theft, around complaints of governance, and it is fairly publicly known that some universities have some pretty serious issues that they are grappling with. You said just before the shock of hearing about wage theft, how it is inward-looking and that there is sometimes a bit of not understanding what is happening on the ground. I am not sure whether you can answer this or whether it is appropriate for you to answer this, but how would, for example, complaints filter up to a council or a VC or a chancellor if there are complaints from staff or students around maybe not just governance, but around safety at a university, or wages? Can you just talk maybe about your experience or your knowledge around the complaints system?

Sarah ROBERTS: Well, this comes back to one of the key issues that I suppose is part of the ecosystem of the governance issues in Victoria, which is that the business model of universities is built on an insecure workforce model. We have got around 45 per cent of all employees in universities employed insecurely – casual or fixed term – which, if you think about it, means that if you are employed insecurely, and particularly if you are a casual employee, you are dependent on getting your next contract. You have got a semester-to-semester contract, which means that things like safety issues, underpayments, concerns about academic integrity, concerns about governance issues and management styles – any kinds of concerns – are much less likely to be raised, because those people do not want to be seen as being problematic and put at risk their capacity to get re-engaged. That is very acute for casual employees. We hear that anecdotally, but it is also evidentiary – we have an evidentiary basis for that now, knowing that this crisis in wage theft has occurred in universities. I would say that if there is a crisis in wage theft, then there is a crisis in communication about what is going on on the ground too. Unless that responsibility is taken on at the highest level of universities, we are going to continue to see that. The two things are intermingled; the insecure employment is interlinked with the failure to communicate concerns and complaints.

Joo-Cheong THAM: Exactly to your point, Chair, under principle 7, 'Sustainable', I think we recognise this is a real big issue, and basically that underpins the recommendations under principle 7, where we say committees of governing bodies should include an elected staff member so that those concerns can be raised. Then, in addition to that, with council committees you should get non-voting expertise where appropriate from representatives of student organisations, representatives of the university as well as the chair of the academic board. Then, thirdly – this really comes from the expert council principles – there needs to be a very clear and

robust process where audit and risk concerns by staff and staff representatives can be enabled to allow the kinds of concerns on the ground to actually reach where they need to reach.

Roma BRITNELL: I think you might be answering my concern there, because I absolutely acknowledge the insecure workforce puts another layer of not being brave enough to raise an issue. Even with secure employment, if there is a culture of not being able to put your point forward because there are dominant personalities not interested in listening, what are the processes? Are there examples outside of universities in different organisations that can be adopted so that the processes are put in place, not quashed or discouraged, so that people are able to express their concerns before it gets to crisis, like we have seen with the wage thefts? Are there other examples outside universities that can be adopted that we can look at that then can perhaps be put through from a governance perspective? I do not know about legislating it.

Joo-Cheong THAM: I think those are really important issues. I think the way we see it is that all this needs to work within a very strongly supportive culture – these mechanisms. That is why part of our submission and this goes to the point made by, Mr Mullahy and Mr Cianflone about corporatisation is basically providing an affirmative vision forward about how things can look differently in the university, where these mechanisms work, not just on paper but that actually work in practice. That is why in our submission we say that university governance should be based on collaborative governance, and collaborative governance in our mind basically rests on two axes, where staff and students are seen as basically central to the university community, and that university leadership needs to work in partnership with staff and students. That is why, again, I am coming back to some of the examples we have seen through our discussions, at La Trobe and Swinburne, where we basically see leadership taking the view that, ‘Look, we need to change. We need to shift tack, have the mechanisms in place, but leadership from the top.’

The CHAIR: Can I just go to that for a minute. Just for my own understanding, a staff or a student appointment to the council – how is that determined? Is it a vote?

Joo-Cheong THAM: Yes.

The CHAIR: So a vote. They usually have a one-year term?

Joo-Cheong THAM: For students typically, but for staff it varies.

The CHAIR: It could be one, two.

Joo-Cheong THAM: In many places it would be two.

The CHAIR: At that level – I am assuming for all council members – how is their term reviewed? If there are any issues with that staff representative or a council member, can they be removed?

Joo-Cheong THAM: Yes. The staff and student members are subject to the same obligations as any other council members, including the removal processes.

The CHAIR: If they believe there is a conflict or something has happened, they can be removed from that.

Joo-Cheong THAM: Correct. I think the conflict issue is an important one to raise. The expert council has found – and we strongly agree, of course. Our position is that all council members should be treated as full and equal members, and that includes being subject to the same conflict rules. What we have seen in the evidence from the expert council is that basically in many cases staff and student members have been presumed to be conflicted and therefore excluded from meetings and also council.

The CHAIR: That is what I was trying to get at.

Joo-Cheong THAM: That, for us, is profoundly wrong.

The CHAIR: Right. And there would be examples where – I am trying to get the right word for this, but they are more vulnerable than other council members?

Joo-Cheong THAM: Certainly. And this is from the National Union of Students submission. Clearly with students there is a power imbalance and so on and so forth.

The CHAIR: Yes. And then so how in your mind are other council members – we obviously have a ministerial appointment, but how would other council members be appointed or found? Is it an open, transparent sort of application process?

Joo-Cheong THAM: Yes. So what we call for – and I think there is the need for transparency here, and really particularly in terms of the skills and diversity matrix that is being used by the council. I mean, we have a very interesting position with the university councils. They have the ability to appoint themselves – not the entire membership, but at least significant parts of it. But we are calling for greater transparency in terms of what criteria are you using to ensure there is proper, sufficient expertise and diverse perspectives that you need for your council? Presently, as far as we can tell from the public record, only one university, Deakin University, has published its skills and diversity matrix. So I think that is definitely something that is an easy remedy, and I think it is not just the matrix but the assessments of the councils against the matrix.

The CHAIR: And you are saying that that is not very open? That is very opaque, that we do not have an understanding of how that process is –

Joo-Cheong THAM: No, no. I will not take up the time, but it is laid out in our submission in terms of there is a table there, and I will come back to it perhaps, where it basically sets out the arrangements in terms of the different order of the eight universities. And like I said, only Deakin publishes its matrix and none of them publish their annual assessments of the matrix against the composition.

The CHAIR: I am really sorry; I am mindful of time. We could have continued this conversation, I think, a bit longer. But if there is anything that sort of has sparked some further information that you would like to provide to us today you are more than welcome to write back to the committee. But thank you for your time today. It really is a great start to this inquiry and our hearing, so thank you very much.

Joo-Cheong THAM: Can I end just for 10 seconds? I think for us the joint reform proposal is unprecedented in two ways: one is that it is unprecedented in that it is a submission by the National Tertiary Education Union, the National Union of Students and the Council of Australian Postgraduate Associations. But it is also unprecedented in terms of the broad civil society support it has through the declaration of university staff and student voice. So I just want to end it there.

The CHAIR: Yes. Thank you very much for making that point. Thank you for your time today. We will now end the broadcast.

Witnesses withdrew.