26 July 2007

Ian Hawke  
Acting Chair, Joint Committee on Higher Education  
JCHE Review of the National Governance Protocols  
Loc. 130  
Department of Education, Science and Training  
GPO Box 9880  
Canberra ACT 2601

Dear Mr Hawke,

I am responding on behalf of the Chancellor, Vice-Chancellor and members of the Council of the University of New England, to the request for submissions on the review of the National Governance Protocols. They are grateful for the opportunity to provide responses to the consultation questions and look forward to the outcomes of the review.

In general, UNE supports the sentiment and comments provided by Universities Australia in response to the review consultation questions. The National Governance Protocols and subsequent amendment to legislation, policies and procedures have undoubtedly facilitated improvements in governance and management structures and practices while maintaining flexibility.

There are several specific consultation questions that have elicited varying responses and these are presented below.

3.2.4 Is there a need for the protocols to provide additional requirements or guidance on the skill mix required for an effective governing body?

The current NGPs have resulted in the legislating of skill mixes on governing bodies. The Chancellor does not believe that the current requirements provide a proper skills and experience mix which would be appropriate for the governing body and applicable to all member of the governing body. Other members generally consider that the current requirements are appropriate and any further prescription of skills unnecessary. However, a comment has been received concerning the need for consideration to be given to including a requirement that there be an appropriate gender balance on governing bodies and their committees.

3.2.5 Should representatives of staff and students be included on consultative rather than governing bodies?

A comment preceding this question in the discussion paper states that “governing bodies need to be large enough to benefit from a diversity of viewpoints”. Diversity of viewpoints also arises from the representation of the stakeholders of the University, including members of the general community, represented by the Chancellor, the Ministerial appointees and additional external appointees, and members of the University community, represented by the Vice-Chancellor, Chair of Academic Board, elected staff and students. The current NGPs require that there are
more external than internal members, providing a reasonable balance in discussions of issues affecting the University. Some members consider that the removal of staff and students from the governing body would diminish the ability of the governing body to understand the University, the potential impact of the governing body’s decisions and thereby the efficacy of the Council in governing. Other members believe that the staff and students add little value to discussion and decision-making and should not be on the governing body because they generally lack the level of skills and experience required under the Corporations Act for members of a governing body. The Chancellor believes that a maximum number of 22 members is unwieldy and that unfortunate conflicts of interest arise whenever the governing body discusses academic, management, strategic directions or industrial relations reforms.

3.2.8 Should the Protocols cover the relationships between the governing body and key management roles in the institution?

In general, it was considered that individual higher education providers should maintain the flexibility to establish their own broad boundaries between governance and management roles. However, a comment has also been received supporting a definition within the protocols of the separate functions of the governing body and key management roles, with strategic leadership more clearly delineated from management.

3.5.2 Should the Protocols include further guidance for governing bodies on the regular review of their own performance, such as reporting the outcome?

There was some support for reporting the outcome of performance reviews of governing bodies. The Chancellor considers that further guidance would assist in a deeper and more meaningful review of the governing body’s performance and force this review throughout the management and academic structure.

Yours sincerely,

Helen Arthursen
Secretary to Council