26 July 2007

Chair
JCHE Review of the National Governance Protocols
Loc. 130
Department of Education, Science and Training
GPO Box 9880
CANBERRA ACT 2601

Dear Sir,

The Council of the University of Ballarat has considered the Issues Paper relating to the Review of the National Governance Protocols and provides the following comments for consideration by the Review Committee:

1. The implementation of the National Governance Protocols on 2 June 2004 has assisted the Council with improving its governance practices and with setting higher and more robust standards with which to oversee the operations of the University. The Council is in agreement with the October 2006 statement from the Minister, the Hon. Julie Bishop, that the National Governance Protocols do indeed “provide an incentive for universities to significantly improve their governance.” This has occurred at the University of Ballarat and is evidenced inter alia in the outcomes of the recent, external review of the Council by Dr Meredith Doig.

2. The current review of the National Governance Protocols needs to strike a balance such that any new and enhanced version of the Protocols should be sufficiently flexible to be responsive to the characteristics and operational contexts of specific universities. For example, in the case of the University of Ballarat, it is one of only two multi-sector institutions in Australia catering for students at high school level, TAFE and higher education and receiving funding from both the State and Commonwealth. Because of this, any legislative transfer of responsibilities for universities from the States to the Commonwealth is likely to prove extremely cumbersome and problematic for the governance of the University of Ballarat. Accordingly, any revision to the Protocols needs to take account of each university’s enabling legislation, its own policies and procedures, as well as State and Commonwealth legislation and funding sources. The more prescriptive and compliance-driven the Protocols become the less likely it is that they will assist with the adoption of good governance practices.

3. The benefit of the current set of National Governance Protocols is that, while being parsimonious, they are, nevertheless, sufficiently comprehensive in most respects to assist and to guide institutions in the adoption of good governance practices and, in the words of the Minister, to continue to bring about “a change of culture within university governing bodies.”
4. The Council of the University of Ballarat is of the view that it may be possible and desirable to reduce the size of its governing body so that, in the words of the Minister, it is "large enough to benefit from a diversity of viewpoints, while small enough to facilitate effective decision making." This is a matter which the current Council is to consider at its upcoming, annual retreat. However, it should be noted that the current Protocols, which specify a maximum of 22 members a minimum of 10 members, do provide sufficient guidance and latitude for the University in determining its membership size. [It is most unfortunate that the Issues Paper in seeking to give clarity to membership matters itself confuses the issue surrounding student and staff members by referring to these as "representatives of staff and students"].

5. On the issue of remuneration of Council members, this has been considered by the Council of the University of Ballarat which has taken into account the current view of the State Minister in Victoria and the opinion expressed by the Hon. Julie Bishop, namely, that "if universities need to pay governing body members to attract people with the necessary skills and commitment, then this is something all universities should consider." Accordingly, the Council has determined to remunerate its members in accordance with the guidelines established by the State Minister in Victoria, the Hon. Jacinta Allan.

6. Specific reference in the Issues Paper is made to the absence of mention in the Protocols to the operation of an Audit Committee and, accordingly, reference in the Protocols to the establishment of an Audit and Risk Committee of the governing body would be a helpful addition and a further contribution to good governance practice. The Council of the University of Ballarat has, for some time, had an Audit and Risk Committee as one of its sub-committees.

7. The expectation that effective governance will involve continuous improvement processes has already been adopted by the Council of the University of Ballarat through a range of processes including annual self-assessment procedures, external review processes, ongoing development opportunities for the Council, etc. It is adjudged that it is important to include the principle of continual improvement for governing bodies in the National Governance Protocols.

The Council of the University of Ballarat appreciates the opportunity to participate in this review of the National Governance Protocols and would be willing to provide any further information should it be required.

Yours sincerely,

[Signature]

John O. McClure
Acting Chancellor
University of Ballarat