



Australian
National
University

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CRICOS Provider No. 00120C

The Hon. Christopher Pyne MP
Minister for Education and Training
Parliament House
CANBERRA ACT 2600

Dear Minister,

As you are aware, Emeritus Professor Sally Walker submitted her report on her review of the *Australian National University Act 1991* and governance arrangements in December 2014. The ANU Council also received the report, in confidence, and has considered its recommendations. The Council is particularly pleased that the report recognises that there is much about the governance of ANU that is exemplary, and that its recommendations are intended to ensure that already good governance arrangements are made even better. I am therefore able to formally advise you that the Council welcomes the report's recommendations, and accepts all of them, with only the minor qualifications detailed in the attachment.

The Council supports the Government's intention to re-enact the *Australian National University Act 1991* in modernised form. To this end, officers from the University have been working with officers in the Department of Education and Training to put forward proposals for the new Act, both to implement the recommendations of Professor Walker, and to make some further changes that the University considers necessary to update the legislation and make it a standard-bearer for the sector.

I am pleased, accordingly, to enclose a mark-up of the current *Australian National University Act 1991*, which is intended to inform the Office of Parliamentary Counsel in its drafting of the Bill. This contains both drafting instructions and, in some instances specific suggested legislative provisions (where the University considers the language to be used as particularly important).

Of particular importance in the proposals is a draft preamble to the new Act. The inclusion of a preamble was a recommendation of Professor Walker, and is a feature of the enabling legislation of several other Australian universities. The Council considers that the inclusion of a defining opening statement in the new Act would provide both historical context and a description of the University's role as an important and enduring national institution, and we hope that you find our suggested language attractive.

The University has already commenced the process of implementing the review's recommendations which do not require legislative reform, and we expect this process to be complete within twelve months.

The University appreciates the Government's desire to further modernise our enabling legislation and governance arrangements, and we look forward to working with the Government to ensure that the new Act positions the University well for the coming decades.

Yours sincerely

GARETH EVANS



Walker Review Recommendations – Summary of Council’s Response

Professor Sally Walker in her review of the *Australian National University Act 1991* and governance arrangements, made 29 formal recommendations in her report. The report also makes a further 13 suggestions for consideration by the ANU Council on matters which Professor Walker did not feel strongly enough about to make a formal recommendation.

The Council has considered the report and welcomes its recommendations, with only minor qualifications, which are detailed below. The Council is also actively considering all of the suggestions of Professor Walker, and will seek to implement all of the suggestions which are considered appropriate for the University.

Qualifications

Recommendation 4

It is recommended that the relevant Australian Government portfolios should consider whether section 44 of the ANU Act, which deals with borrowing limits, is of continuing relevance.

Response: Council has resolved that it does not wish to pursue any change to the current arrangements contained in the Act regarding borrowing limits. The current arrangements allow the University to borrow money, subject to the limits determined by the Finance Minister.

Recommendation 7

It is recommended that:

- *the ANU Council should be constituted as follows:*
 - *two official members - the Chancellor and Vice-Chancellor.*
 - *at least three and up to six members appointed by the Council – the number to be determined by Council and specified in a Rule. At least one of the Council appointed members must be external to the University, that is, not a current member of staff or student. The Nominations Committee would make recommendations to Council regarding who should be the external Council appointed member(s). If Council were to decide that there should be staff or student members, they must be appointed or elected ad personam with the exception of the Chair of the Academic Board who may be appointed by virtue of her or his office.*
 - *at least three and up to six external members appointed by the Minister. The number of members appointed by the Minister would be determined by Council and specified in a Rule, but the number must be equal to or greater than the number of Council appointed members. The Nominations Committee would be required to put forward the names of people who the Committee considers would be appropriate for appointment (or re-appointment) by the Minister, specifying the reasons for the suggestion. The Nominations Committee would be required to put forward at least one more name than the number of vacancies. The Minister would be required to*

consider the Nominations Committee’s suggestions, but would not be bound to appoint one of those suggested. The Minister would be required to give reasons for the appointment of a particular person.

Response: Council has accepted these recommendations in all respects, except it remains of the view that its current composition, skill mix and representation coverage has served it well and ensures high standards of governance. Given this, it is the preference of the Council that the Act fix the number of Ministerial appointed and Council appointed members at 6, rather than the range of 3 to 6 as recommended. In addition, Council is still debating the relative merits of including the Chair of the Academic Board, as a member of Council.

Recommendation 18

It is recommended that the ANU take a leadership role in the sector by working with other Australian universities to consider jointly sponsoring the development of a program by an appropriate provider targeted at the professional development needs of members of university governing bodies and governance committees, with modules of the program being offered each year.

Response: Council considered this recommendation, but has recognised that there are already existing professional development opportunities in place, available through the LH Martin Institute, and therefore considers pursuit of this recommendation as being unnecessary.