



The University of Sydney

Senate meeting and Colloquium minutes summary, 7 October 2003

At the meeting and Colloquium on 7 October 2003:

- ☆ 1. **Addition or deletion of confidential items**
- 2. **Senate and general business (*items for action*)**
 - 2.1 **Order of business**
 - ☆ 2.2 **Starring**

Resolution 416/03
Senate resolved as recommended with respect to all unstarred items, and deferred for consideration at the next ordinary meeting the following starred items: 2.5 and 9.2.
 - 2.3 **Leave of absence**

Resolution 417/03
Senate granted leave of absence for this meeting to Dr Gavan Butler, Professor Margaret Harris and Ms Valerie Pratt, and noted an apology for absence from the Hon John Aquilina, as requested.
 - ☆ 2.4 **Minutes of the previous Senate meeting, 1 September 2003**

Resolution 418/03
Senate confirmed the minutes of the Senate meeting held on 1 September 2003 as a true and correct record, subject to minor amendments.
 - ☆ 2.5 **Business arising out of the minutes not dealt with elsewhere in the agenda**

Resolution 419/03
Senate resolved to defer this starred item for consideration at the November meeting.
 - 2.6 **Bequests, donations, non-government grants and gifts-in-kind, August 2003**

Resolution 420/03
Senate accepted with gratitude the various bequests, donations, non-government grants and gifts-in-kind received in August 2003.
 - ☆ 2.7 **2004 Senate meeting dates**

Resolution 421/03
Senate resolved that the meeting schedule for 2004 be as follows:

Time: 5.00pm
Venue: Senate Room

Friday 20 - Saturday 21 February 2004 (*Senate meeting/Retreat*)
Monday, 1 March 2004
Monday, 5 April 2004
Monday, 3 May 2004
Monday, 7 June 2004
Monday, 5 July 2004
Monday, 2 August 2004
Monday, 6 September 2004
Tuesday, 5 October 2004
Monday, 1 November 2004
Monday, 6 December 2004

☆ 3. **Report of the Vice-Chancellor and Principal**

3.1 **Update for Senate's information**

3.1.1 **Australian University Games**

Resolution 422/03

Senate noted the report.

3.1.2 **Sydney University Flames**

Resolution 423/03

Senate noted the report.

3.1.3 **An International University**

Resolution 424/03

Senate noted the report.

3.2 **Deanship of the Conservatorium of Music – Selection Committee**

Resolution 425/03

Senate appointed the following selection committee for the Deanship of the Conservatorium of Music:

Ex-officio

Vice-Chancellor and Principal (Professor Gavin Brown)

Chair of the Academic Board (Professor Judyth Sachs)

Pro-Vice-Chancellor (Humanities and Social Sciences) (Professor June Sinclair)

Members appointed by Senate

Three members (plus two reserves) nominated by the Faculty:

Associate Professor Goetz Richter, Chair- Strings

Mr Mark Walton, Senior Lecturer

Dr Kathryn Marsh, Senior Lecturer

(Reserves: Dr Michael Halliwell, Senior Lecturer,

Dr Dianne Collins, Senior Lecturer)

Two members, external to the University, to be nominated by the Vice-Chancellor:

Dame Janet Ritterman, Director of the Royal College of Music, London

Mr Roger Wilkins, Director-General, NSW Ministry for the Arts.

3.3 Ad Eundem Gradum

(Amendments approved by Senate on 3 November 2003 are shown in bold)

Resolution 426/03

Senate:

- (i) admitted Professor Paul James Crittenden to the degree of Master of Arts *ad eundem gradum*, and
- (ii) referred the suggestion that degrees *ad eundem gradum* be available to senior members of the **general** staff to the Advisory Committee for the Selection of Candidates for Honorary Awards for its consideration.

3.4 Commonwealth Reforms

Resolution 427/03

Senate noted report.

3.5 Enterprise Bargaining Update

Resolution 428/03

Senate noted the Vice-Chancellor's update on enterprise bargaining.

3.6 Review of AGSM

Resolution 429/03

Senate noted the report that the first meeting of the AGSM Review Committee had been held on 25 September 2003.

3.7 AGSM Magazine

Resolution 430/03

Senate noted the report that copies of the latest issue of the AGSM Magazine been placed in the Fellows' Room (*copy*) and joined the Vice-Chancellor in acknowledging AGSM's excellent performance in the latest rankings surveys.

3.8 Evaluation of Outcomes Assessment and Reporting in NSW Government Schools

Resolution 431/03

Senate noted the report on Professor Eltis' Report *Time to Teach – Time to Learn*, a major evaluation of outcomes assessment and reporting in NSW Government schools.

3.9 Senior Management Forum

Resolution 432/03

Senate noted the report on the annual Vice-Chancellor's Senior Management Forum held from 29 to 30 September 2003 at Terrigal.

3.10 Sydney University Flames

Resolution 433/03

Senate noted the report that the 'Sydney Flames' were now called 'Sydney University Flames'.

3.11 Staff Achievements

Resolution 434/03

Senate noted the report and congratulated Professor Ken Eltis on becoming a Fellow of the Australian Council for Education Leaders; Professor Max Bennett and his colleagues on the award by The Ramaciotti Foundations of a \$1 million grant to the Mind and Brain Research Institute for the purchase of an animal micro-PET scanner; the University's Warren Centre for Advanced Engineering on winning the prestigious Bradfield Award from Engineers Australia for its ongoing project to encourage sustainable transport and urban developments; and Ms Ann Ferran from Sydney College of the Arts on receiving one of three Inaugural Australian Council of University Art and Design Schools Distinguished Teaching Awards.

3.12 Media reports

Resolution 435/03

Senate noted the report providing some recent examples of the wide range of media coverage for the University of Sydney.

3.13 International

Resolution 436/03

Senate noted the report on international visiting delegations and VIPs to the University of Sydney in September 2003; and new international enrolments in full degree programs at the University and Study Abroad numbers in semester 2, 2003.

3.14 Development and External Affairs

3.14.1 September Events

Resolution 437/03

Senate noted the report on the conferral of the honorary degree of Doctor of Music on Sir Charles Mackerras and the Alumni Associate Forum.

3.14.2 Planned Events for 2003/04

Resolution 438/03

Senate noted the report on planned events for 2003/04.

☆ 4. Report of the Academic Board, 10 September 2003 (*items for action*)

4.1 Amendment of the Resolutions of the Senate

4.1.1 Graduate School of Government

4.1.1 Constitution of the Graduate School of Government

4.1.2 Degrees, Diplomas and Certificates in the Graduate School of Government

Resolution 439/03

Senate adopted:

- (i) the Resolutions of the Senate relating to the constitution of the Graduate School of Government; and
 - (ii) the Resolutions of the Senate relating to Degrees, Diplomas and Certificates in the Graduate School of Government,
- with immediate effect, as set out in the shaded box in the report presented.

4.1.2 Faculties, Colleges, College Boards, Boards of Studies, Departments, Schools and Committees: academic governance

Resolution 440/03

Senate amended the Resolutions of the Senate “Faculties, Colleges, College Boards, Boards of Studies, Departments, Schools and Committees: academic governance” relating to the election of students to faculties as set out in the shaded box in the report presented.

4.1.3 New or amended courses

4.1.3.1 Faculty of Education and Social Work

4.1.3.1.1 Master of Policy Studies, Graduate Diploma in Policy Studies, and Graduate Certificate in Policy Studies

4.1.3.1.2 Master of Education (International Education)

Resolution 441/03

Senate approved:

- (i) the proposal from the Faculty of Education and Social Work for the introduction of the new courses, the Master of Policy Studies, Graduate Diploma in Policy Studies, and Graduate Certificate in Policy Studies;
- (ii) the proposal from the Faculty of Education and Social Work for the introduction of the new subject area, International Education, in the Master of Education;
- (iii) the amendment of the Resolutions of the Senate relating to the Degree, Diplomas and Certificates in the Faculty of Education and Social Work; and
- (iv) the adoption of the Resolutions of the Senate relating to Master of Policy Studies, Graduate Diploma in Policy Studies, and Graduate Certificate in Policy Studies, made pursuant to the University of Sydney (Coursework) Rule 2000,

with effect from 1 January 2004, as set out in the shaded box in the report presented.

4.1.3.2 Faculty of Health Sciences

4.1.3.2.1 Master of Health Science (Sexual Health), Graduate Diploma in Health Science (Sexual Health) and Graduate Certificate in Health Science (Sexual Health)

4.1.3.2.2 Master of Orthoptics

4.1.3.2.3 Bachelor of Applied Science (Exercise, Sport Science & Nutrition); and Bachelor of Applied Science (Exercise and Sport Science)/Bachelor of Science (Nutrition) with the Faculty of Science

4.1.3.2.4 Bachelor of Behavioural Health Science, and Bachelor of Behavioural Health Science (Honours)

Resolution 442/03

Senate approved:

- (i) the proposal from the Faculty of Health Sciences for the introduction of the new courses, the Master of Health Science (Sexual Health), Graduate Diploma in Health Science (Sexual Health), and Graduate Certificate in Health Science (Sexual Health);
- (ii) the proposal from the Faculty of Health Sciences for the introduction of the new course, the Master of Orthoptics;

- (iii) the proposal from the Faculty of Health Sciences for the introduction of the new degree of Bachelor of Applied Science (Exercise, Sport Science and Nutrition);
- (iv) the proposal from the Faculty of Health Sciences and the Faculty of Science for the introduction of the new combined course, the Bachelor of Applied Science (Exercise and Sport Science)/Bachelor of Science (Nutrition);
- (v) the revised course structure of the Bachelor of Behavioural Health Sciences and the Bachelor of Behavioural Health Sciences (Honours);
- (vi) the amendment of the Resolutions of the Senate relating to the Degree, Diplomas and Certificates in the Faculty of Health Sciences;
- (vii) the adoption of the new Resolutions of the Senate relating to the Master of Health Science (Sexual Health), Graduate Diploma in Health Science (Sexual Health), and Graduate Certificate in Health Science (Sexual Health);
- (viii) the amendment of the Resolutions of the Senate relating to master's degrees in the Faculty of Health Sciences;
- (ix) the amendment of the Resolutions of the Senate relating to the Bachelor of Applied Science in the Faculty of Health Sciences;
- (x) the amendment of the Resolutions of the Senate relating to the Bachelor of Science in the Faculty of Science;
- (xi) the amendment of the Resolutions of the Senate relating to the Bachelor of Behavioural Health Sciences and the Bachelor of Behavioural Health Sciences (Honours),
with effect from 1 January 2004, as set out in the shaded box in the report presented.

4.1.3.3 Faculty of Science

4.1.3.3.1 Doctor of Clinical Neuropsychology/ Doctor of Philosophy and Doctor of Clinical Neuropsychology/ Master of Science

Resolution 443/03

Senate approved:

- (i) the proposal from the Faculty of Science for the introduction of the new courses, the Doctor of Clinical Neuropsychology/Doctor of Philosophy, and Doctor of Clinical Neuropsychology/Master of Science;
- (ii) the amendment of the Resolutions of the Senate relating to the Degree, Diplomas and Certificates in the Faculty of Science; and
- (iii) the adoption of the Resolutions of the Senate relating to these courses,
with effect from 1 January 2004, as set out in the shaded box in the report presented.

4.1.3.4 Faculty of Veterinary Science

4.1.3.4.1 Bachelor of Science (Veterinary), and Bachelor of Veterinary Science

Resolution 444/03

Senate:

- (i) noted that the Academic Board approved the revised course structure of the Bachelor of Science (Veterinary) and Bachelor of Veterinary Science;
- (ii) approved the rescission of the Resolutions of the Senate relating to the Bachelor of Science (Veterinary) and the Bachelor of Veterinary Science; and
- (iii) noted the adoption of the revised Resolutions of the Senate relating to the Bachelor of Science (Veterinary) and the Bachelor of Veterinary Science, made pursuant to the University of Sydney (Coursework) Rule 2000,

with effect from 1 January 2004, as set out in the shaded box in the report presented.

4.1.3.5 Sydney College of the Arts

4.1.3.5.1 Bachelor of Visual Arts

Resolution 445/03

Senate

- (i) noted that the Academic Board approved the revised course structure of the Bachelor of Visual Arts; and
- (ii) amended the Resolutions of the Senate relating to Bachelor of Visual Arts,

with effect from 1 January 2004, as set out in the shaded box in the report presented.

☆ 5A. Notices of motion, and questions

5A.1 Sydney University Women's Soccer Club

Resolution 446/03

Senate warmly congratulated the Sydney University Women's Soccer Club on winning the state league championship, noting that this was only the second year that the University team had competed at this high level.

5A.2 World record

Resolution 447/03

Senate congratulated the 12 members of the Faculty of Veterinary Science who on September 14 washed 848 dogs in eight hours at Sydney Olympic Park, thus comfortably eclipsing the previous world record of 71.

5A.3 Senate meetings

Resolution 448/03

Senate noted the question and the responses of the Vice-Chancellor and the Chancellor.

5B. Senate business (*items for noting*)

5B.1 Functions attended by the Chancellor and Fellows of Senate in the previous month

Resolution 449/03

Senate noted the report on functions attended by the Chancellor and Fellows of Senate in the previous month.

5B.2 Honorary awards

Resolution 450/03

Senate noted the report on those who had accepted Senate's invitation to receive an honorary degree/honorary fellowship in 2004.

5B.3 Next meeting

Resolution 451/03

Senate noted that the next meeting would be held on 3 November 2003, and that it would be preceded by an afternoon tea for:

- representatives of the Sydney University Boat Club who were successful in the recent World Rowing Championships, and the Club's President and Coach.
- Sydney University Australian Rules Football Club 1st grade winners in the Sydney Football Association grand finals held on 20 September 2003, and the Club's President and Coach. The Club also won reserve grade and were 2nd grade runners up.

6. Report of the Finance Committee, 18 September 2003 (*items for noting*)

Resolution 452/03

Senate noted the report on the following items:

6.1 Campus 2010 Funding Strategy Update including Standard & Poor's Credit Rating

6.2 Vice-Chancellor's Report - Update on current issues

6.3 2004 Strategic Budget Planning Document – Preliminary Overview

6.4 Summary of Monthly Works Report for the period ending 31 August 2003

6.5 Campus 2010 and 'Building for the Future' Design Competition

6.6 CFO's Report

6.6.1 Financial Management Report

6.6.2 Report on Operational Performance Improvement

6.6.3 Financial Reporting Project Update

6.7 Investment Committee

6.8 Financial Contributions to Student Organisations

6.9 2002 Annual Reports for Foundations/Centres/Student Associations

- Chemical Engineering Foundation
- Cumberland Student Guild
- Electrical and Information Engineering Foundation
- Orange Student Association
- Save Sight Institute

7. Report of the Academic Board, 10 September 2003 (*items for noting*)

Resolution 453/03

Senate noted the report on the following items:

7.1 Report of the Chair

7.1.1 New and amended courses

7.1.2 Timeframe for completion of emendations

7.1.3 Information and Communication Technology in Teaching and Learning at the University of Sydney

7.1.4 Continuation Review of the Australian Graduate School of Management (AGSM)

7.1.5 Membership of the Australian Graduate School of Management (AGSM) Academic Board

8. Draft Report of the Audit and Risk Management Committee, 25 September 2003 (*items for noting*)

Resolution 454/03

Senate noted the draft report on the following items:

8.1 Main Issues Arising from Meeting Held Thursday 25 September 2003

8.1.1 Auditor-General's Management Letter 2003 - Implementation

8.1.2 Insurance renewal/Selection of Broker

8.1.3 OH&S – Results of the Independent Audit

8.1.4 Internal Audit & Review –Status Report

9. General items (*items for noting*)

9.1 Graduation ceremonies (October/November 2003)

Resolution 455/03

Senate noted the report on graduation ceremonies in October and November 2003.

☆ **9.2 Report on Fees and Charges incurred by Students (2003)**

Resolution 456/03

Senate resolved to defer this starred item for consideration at the November meeting.

☆ **10. Confidential items**

► **11. Governance**

11.1 Report of the Senate Committee

11.2 Organisations' submissions received

11.3 Optional and background reading

(Amendments approved by Senate on 3 November 2003 are shown in bold)

Resolution 462/03:

Senate resolved as follows in relation to the Report to Senate:

(1) in relation to the *Preamble*, to adopt existing sections 1 – 6 and 8 – 9, and to amend section 7 of the report presented, as follows (*deletions struck through*):

1. The Nelson Review has made proposals for new governance protocols for Australian Universities ("the May Protocols"). It has made access to a new \$404 million fund conditional on their compliance (as well as with more controversial workplace relations protocols). The Higher Education Support Bill 1973 and Higher Education Support (Transitional Provisions and

- consequential Amendments) Bill 2003 have, using ANU as a template, provided additional detail of what is intended. While some aspects of ANU's proposed changes are what may be said to be ANU specific, others are generic. Attachment 1 explains the detail. In contrast to the workplace conditions, the Minister has signalled a willingness to take on board sensible comment.
2. As with workplace protocols, these governance protocols so far as Sydney University is concerned, should not be tied to funding, more especially in light of our own reforms. That said, clearly the university sector, including this university, must exercise proper responsibility for the funds we receive and in that sense be accountable.
 3. Prompted by the Government's threatened intervention in governance, the university sector has been reviewing the issues those protocols generate. Such review started with the Vice-Chancellors and AVCC. This left Chancellors in a position where either they opted out altogether, despite the centrality of governance within their responsibilities, or attempted, with proper input from their Councils, to ensure these threatened changes were properly thought out and progressed at both a national and individual Council level. That led to the Adelaide Conference of chancellors on 8 August 2003 of which Senate has been kept aware. It has proceeded in parallel with AVCC's consideration of these matters. It was made clear by the Chancellor that while he was able to communicate Senate's support of some aspects and changes to the protocols, on others he was not in a position to reflect any view of Senate till it completed its consideration including this committee's report and our October colloquium.
 4. Unsurprisingly, there are significant areas where congruence is lacking between the May protocols and what the university sector is likely to press for. The May protocols suffer from the disadvantage of blind adoption of the Victorian legislation in parts and a predilection for one size fits all. This is despite recognition in the Nelson reforms that universities cannot all do the same things and expect funding for doing so. Moreover, Nelson also links protocol initiatives in workplace relations to funding in a particularly objectionable way. There is also serious confusion in the May protocols about a council member's proper responsibility, reflected in a regime that is excessively onerous and intrusive. Sensible elements of the protocols have in many respects already been adopted by this University in 2001. What remains for consideration are issues of some difficulty and complexity with which it is important our Senate engage. Otherwise the vacuum may be filled without our having the opportunity to influence the outcome, to the extent we are able. The risk of a double dissolution, with the Bills going through in their present form, with only such changes as are negotiated, means that one cannot safely adopt a "wait and see" approach, relying on Senate veto.
 5. The university sector's response so far has an equally distinct set of characteristics. Certainly, there is an emphasis on the need for governance arrangements to reflect the differing needs of individual institutions. But at the same time that response is inevitably influenced by current experience as well as the necessity of consultation with the range of stakeholder interests represented on governing bodies.
 6. There may be no readily agreed alternative construct for university governing bodies. Review which fully reconciles legitimate stakeholder interests and the concerns pressed by government needs to be attentive to the interests both of particular stakeholder groups and of the institution. Those interests are not always identical. There can be occasional tensions among and between the various stakeholder interests. With goodwill and good communication they should be readily resolved. Our current level of representation and structure does however reflect a balance between those interests. That still leaves a range of ambiguities and imperfections which

- one can never wholly remove, though there can be incremental improvement which we should be wise enough to grasp.
7. All of us, ~~and the interests we represent~~, do accept that the transcending concern is the institution itself. Universities are among the oldest continuing institutions in Western civilisation. That does not represent any suspension of Darwinian theory. Rather it is a powerful indication that universities have, over a very long period of time, been able and willing to adapt in order to survive. It has not always been easy and universities have waxed and waned down the centuries. But survive they have through an ability to realise when circumstances have required change.
 8. Thus the members of our governing body in contemplating the need for contemporary governance arrangements must ensure that the protocols permit the institution to be resilient. We need a capacity to reinvent operating models and strategies as circumstances change. Present change is not about handling a one time crisis or a temporary setback. It is about a perception, as early as possible, of trends in the environment in which we operate, both in terms of community attitudes and government responses, which call for things to be done differently. That said, some such trends should be resisted; for example the present obsession with preventative regulatory measures at the price of the creative role which universities must play, assisted by their councils. Optimisation and the maintenance of momentum, though necessary, are no guarantors of success over the longer term. Getting better may not be good enough. The more important need is in essence to be different and adaptive to what our community requires of us to-day. There is no place for denial, nostalgia or arrogance. What truly works and sustains university values in their essential aspects must prevail over ideology if we are to thrive and contribute to our community.
 9. Senates and councils have to be equipped and resourced to handle the profound changes that are embedded in the Nelson proposed changes, under the conditions of current turbulent times, with conflicting demands on finite community resources. In designing governance protocols or refining those currently in operation, we have to ensure that sectional interest issues are subordinate to the overriding need for universities to have governing bodies capable of handling the challenges ahead. At the same time, we need to maintain the cohesion of the university, valuing the capacity to contribute of our stakeholders; students, staff and alumni.
- (2) in relation to *Matters considered*, to adopt existing sections 10 – 12 as follows:
10. Senate has already reached agreement on a number of matters where the proposed governance protocols should be altered. There is no need to revisit these. For record purposes only, we enclose the Chancellor's Memorandum of 3 June 2003 updated to 8 August 2003 (attachment 2), setting out those matters that were agreed as well as identifying those matters requiring further consideration. It is the latter category of matters that are here dealt with, to the extent that we feel able to make a recommendation to the Senate or otherwise draw to Senate's attention matters which may affect its consideration.
 11. For convenience, we shall use the paragraph lettering that corresponds to the updated memorandum. In making these observations, we have given close consideration to the representations we have received. These are contained in the optional reading material for Fellows comprising the following:
 - (a) submission by NTEU dated 2 September 2003;
 - (b) submission by Kenneth Pratt, President of SUPRA dated 2 September 2003;
 - (c) submission of Standing Committee of Convocation by its President Dr Michael Thomas dated 3 September 2003;
 - (d) submission by Dr Fitzsimons dated 4 September 2003.

12. Other bodies who were invited to make submissions, namely the CPSU and SRC chose not to do so on this occasion. What now follows are the specific items for consideration.
- (3) in relation to *Item (e) – removal of a member of the governing body for breach of duty*, to adopt existing sections 13 – 15 as follows, noting that Dr R Fitzsimons and Ms M Watts had asked that their abstention from voting be recorded:
13. The current Commonwealth Protocols provide for automatic vacation of office in the event of breach of duty or obligation, no matter how trivial.
 14. The ANU statutory version is fully described in the attached memorandum dealing with the *Higher Education Support Bill 2003* and the *Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003*, to which item 41 is specifically relevant. It too suffers from the vice that no matter how trivial the breach, a member of the Council automatically vacates office if in the Council's *mere opinion* he or she has breached his or her duties. These duties and obligations (see s18 of ANU legislation summarised in attachment 1) mirror corporate law, making no allowance for the voluntary character of service on a university council. It is not even the objective fact of breach that matters but Council's subjective opinion, which may or may not be correct, especially with no safeguard for obtaining external advice. The other provision for automatic vacation of office is by reference to Part 2D.6 of the *Corporations Act 2001* and that is more reasonable. The latter is perfectly standard. It ensures that people who are convicted of serious offences of various kinds or are disqualified by a court, are not to continue in office as directors; one would not expect them to continue in office as members of the governing council of a university either.
 15. We propose that the governing body, but only by a two-thirds majority and after obtaining independent, expert external advice, have the power to remove a member of that body from office if the member breaches the relevant duties, but that it not be automatic. Whether the power is exercised or not is a matter for that governing body to consider fairly in light of the relevant circumstances. One would expect with a serious breach that the power would be likely to be exercised, but not so with a less serious breach, particularly if inadvertent. By making this not automatic but simply a power of the governing body by a two-thirds majority, exercised with proper external advice, there are reasonable safeguards.
- (4) in relation to *Item (g) – a majority of external independent members*, to adopt existing sections 16 – 21 as follows:
16. The Commonwealth Protocols require a majority of external independent members, but contain no definition of the qualification "external independent". That stipulation needs to be considered. If adopted, it would not be unreasonable to treat as outside that qualification members who are enrolled as a student or employed by the University, these both being representative categories of Member who, under the revised Protocols, still clearly represent a particular group, though owing paramount duty to the University. Certainly the Commonwealth would treat members in that category as not being within the qualification.
 17. There is an additional category, namely those who are appointed to represent alumni. Dr Thomas in his submission states:
"It has long been recognised that all are graduates and lifelong members of the University but only a very few play a direct role in the everyday business of the University e.g. as staff. The vast majority have limited contact, though a significant number play an important voluntary role on bodies such as Foundations. It would seem logical and realistic that for governance the graduates should be

- considered “external”. Internal must surely be defined as staff and students. To the extent the definition went beyond this would be confusing, illogical and restrictive.”
18. The Federal Government may well dispute that proposition. Certainly it would be unwise for the University to adopt such a requirement of external independent majority if it could not comply, as indeed it could not, with our present system of elected alumni. We believe, in any event, that such a requirement so framed is unnecessary. What is necessary is that we retain the ability to attract to our governing body, as well as its committees, the expertise as well as commitment, that we need.
 19. Minister Nelson’s department has we understand, so far taken a different view and would consider all those elected to represent a particular group to be not “external independent”. The ANU legislation does not attempt a definition of these terms. Rather it provides, de facto, for a majority of persons who are not elected or selected to represent a particular group but are nominated by the Nominations Committee; the latter does not even recommend them to the Council but appoints them. We would not accept our governing body being bypassed in this manner.
 20. Our committee consider it is a matter for Senate to determine first, whether the Nominating Committee process leading to appointment by Senate, and with no requirement for concurrence by the Chancellor, is appropriate. Under (m) below we indicate the basis on which this Committee would support that process. The second question for Senate is whether it would wish to define “external independent” in the manner proposed or otherwise, recognising that the Federal Government has strong views about this. Moreover, our Senate can only appoint three out of 22, with by contrast 11 elected Fellows of Senate whereas ANU will be able to appoint by selection 8 out of 18 while UTS will be able to appoint by selection 7 out of 18. Third, there is a question whether alumni who are appointed by election should be treated as “external independent”. On selected versus elected, Senate needs to take into account the strong views we have had from Convocation on the desirability of elections as well as the considerations in our preamble above and the need to be able to appoint those with the skills needed at the time. This can partly be achieved where specialist skills are required by intelligent cooption to our committees. However our peak body if it is to both contribute to the cohesion of the university while lifting its sights to the international bench-marking emphasized by our Vice-Chancellor does need to consider even international appointments of the kind Melbourne University achieved with Professor Alec Broers, the President of Cambridge University. The latter did not attend all board meetings but commented on board papers and attended the annual retreat. Similar considerations might justify an appointment from within our Region. We need to ask ourselves whether we have sufficient flexibility to do this under our current arrangements.
 21. The approach which we favour is that State Ministerial appointments should formalise that they are made on the nomination of Senate, or at the least with the Minister having a very limited discretion to reject Senate’s nomination; compare the ANU legislation. That of course depends on the State Government concurring in that principle. It is already provided for with one of the four Ministerial appointments.
- (5) in relation to *Items (h) and (j) – size of governing body and presence of Parliamentarians*, to adopt existing section 22 and amended section 23 (*deletions struck through, additions underlined*) as follows, noting that The Hon Henry Tsang had declared an interest and did not vote, and that Ms T Anthony had asked that her abstention be recorded:
22. Current thinking in the university sector (Chancellors from Adelaide meeting as well as AVCC) and our own thinking is that the size of governing bodies

- should be set at a maximum of 22 members. This would leave our present composition intact if we so chose, in terms of maximum numbers. We would presently comply with the Protocol requirement that there should be at least two members having financial expertise and at least one member with commercial expertise (who may but need not be included in the two members).
23. As to Parliamentarians, we consider that this is ultimately a matter for the State Government whether it agrees with the Commonwealth that there be no Parliamentarians on University Councils. Whilst Sydney University has taken no position on this matter, ~~certainly if there were to~~ should there be any change to the regime agreed by the State as regards State Parliamentarians, whose contribution we greatly value, we would most definitely wish to have the capacity to co-opt to our Senate a Parliamentarian or Parliamentarians chosen by our Senate in consultation with the Government.
- (6) in relation to *Item (m) – appointments to Council be by the Government ing Body not the Government or the Nominating Committee, role of Nominating Committee and criteria for appointment*, to adopt amended section 24, existing sections 25 – 26, and amended section 27 as follows (*deletions struck through, additions underlined*):
24. The Committee was absolutely clear that appointments facilitated by a Nominating Committee elected by Senate must be made by Senate as the governing body who retains a discretion to reach a different view from that of the Nominating Committee. Thus the Nominating Committee operates essentially as a search committee, with members of Senate free to make suggestions to the Committee and with the Committee reporting properly to Senate. We would not expect this to be controversial.
25. The Chancellor, as well as the rest of the Committee, agrees that the Chancellor need not concur in the nomination by the Nominating Committee of a prospective member for appointment by the Governing Body nor in the appointment by that Governing Body. What is important is that the choice is, and is seen to be in the interests of good governance.
26. The Committee would therefore recommend that, as part of our regular review by an external and independent person like the Honourable JT Ludeke, QC, that person should not only review how Senate has performed but should review Senate's performance of the Protocols including this one. That need not be a part of the Commonwealth Protocols as such but would form part of our own Protocols, reflecting the fact that one size here may not fit all.
27. Linked to this matter is the criterion that "Members that are appointed to the Governing Body shall be selected on the basis of contributing to the effective working of the Governing Body by having needed skills, knowledge and experience, an appreciation of the values of a university, its independence and academic freedom and the capacity to appreciate what the university's external community needs from that university and its core activities of teaching and research". We consider that this properly states the criteria for appointment. The particular choice will be affected by the needs of the Governing Body at the time.
- (7) in relation to *Maximum terms*, to amend sections 28 – 33 in accordance with the following principles:
- (i) that Senate should adopt binding rules for maximum terms of its members save for the Vice-Chancellor, Chair of the Academic Board and elected Fellows;
 - (ii) that the total term of office for Fellows subject to (i) above be no longer than two consecutive terms, but with the provision for a dispensation in a special case supported by a two-thirds majority of Senate;

- (iii) that appointments to Senate **facilitated by** the nominating committee of Senate shall be for a term not exceeding four years.
- (8) in relation to *Other matters*, to section 34 to be separated into section 34, relating to members of Senate, and section 35, relating to the election of Chancellor, as follows (*deletions struck through*):
 - 34. There are a number of matters raised by Dr Fitzsimons which include, for example, a case for increasing the size of Senate above 22 and increasing the number of alumni represented. We do not consider that either of these recommendations should be adopted. There is no likelihood that current government thinking, or accepted norms of good governance would favour not a reduction to 18 but an increase above 22. The Dearing report, with its allowance of up to 25, is unlikely to survive the current UK consideration of higher education including the review by Mr Lambert. Moreover, balance between groups represented is important, as also the desirability recognised in the May protocols, of co-opting needed skills.
 - 35. Nor do we favour the election by the University body at large of the Chancellor. ~~One difficulty with elections generally, is the relatively small turnout.~~ In the case of the Chancellor even taking into account the unique historical system of personal voting that prevails with Oxford's lifetime appointment, the likelihood is that some at least of those approached, who might otherwise be eminently suitable, would decline to stand in an election of that sort, as distinct from an election by the governing body of Senate.

12. Background and optional reading: Finance Committee meeting, 18 September 2003 – Minutes and papers

13. Background and optional reading: Audit and Risk Management Committee meeting, 25 September 2003 – Draft Minutes

14. Any other business

14.1 Internationalisation

14.2 Dr Stan Goulston AO

Resolution 463/03

Senate resolved to acknowledge the work of Dr Stan Goulston AO in bringing poetry to medical students.

14.3 Role of Chancellor