University of Canberra

COUNCIL MEETING No. 130

held on Friday 6 November 2009 at 9.00 am

PRESENT:	Professor I Moses (Chancellor) Mr G Barrett Mr T Calma Professor G Cho AM Ms M Eversons Ms R Follett AO Ms M Gillespie Professor S Parker (Vice-Chancellor) Mr B Prosser Ms M Reilly Dr S Ryan Ms S Schoonwater Ms M Storti Mr Greg Jones (Secretary)	
APOLOGIES:	Mr R Goyne Mr G Wakeford	
IN ATTENDANCE:	Mr A Bailey Ms I Davis Mr M Easdown Dr D Hamilton	Professor C Kayrooz Professor F Shannon Ms S Thomas Mr P Hill (A&G Unit)

The meeting was held in closed session from 9.00 - 9.10 am for the discussion of confidential items.

Opening and Apologies

The apologies listed above were received.

Confirmation of the Agenda

The agenda was confirmed as presented.

Declaration of Interests

No new declarations of interest were received.

Item 1: Confirmation of Confidential Minutes of Meeting No. 129

The minute for this item is recorded in the confidential minutes.

Resolution C130/1

Council approved the confidential minutes of Meeting No. 129 as an accurate record of proceedings.

Item 2: Matters arising from the Minutes

2.1 Step 40 Initiatives

The minute for this item is recorded in the confidential minutes.

2.2 Enterprise Bargaining

The minute for this item is recorded in the confidential minutes.

2.3 Buildings and Facilities Naming Policy

The minute for this item is recorded in the confidential minutes.

Item 3: Centre for Customs and Excise Studies Pty Ltd - Appointment

The minute for this item is recorded in the confidential minutes.

Resolution C130/2

Council appointed Dr Maree Sainsbury to the board of the Centre for Customs and Excise Studies Pty Ltd as the University's nominee for a period of three years, or to her resignation from the University, whichever falls first.

Item 4: Chancellor's Opening Comments

Professor Moses reported that the Chancellors' Council met at the University on 10 November 2009. Chancellors received a presentation from the Vice-Chancellor on the University's reform and restructuring program and discussed the role of Council in supporting the program.

Other agenda items discussed at the meeting were: the security of international students; the National Governance Protocols; the use of Freedom of Information legislation to reveal the remuneration of senior executives; the provision of remuneration for Council members and the performance evaluation and professional development of Council and members.

Chancellors also received a presentation from Mr Bill Burmester, Deputy Secretary of DEEWR, and Fiona Buffinton, Group Manager of Higher Education, DEEWR and discussed the federal Government's reform program for tertiary education.

Performance Development of Council

Council discussed the performance development needs of members and noted that this would be a topic for discussion at the Planning Meeting to be held on 11 February 2010. Members were requested to submit ideas to the Chancellor. (See also Item 10, below.)

Item 5: Confirmation of Minutes of Meeting No. 129

Resolution C130/3

Council approved the minutes of Meeting No. 129 as an accurate record of proceedings.

Item 6: Matters arising from the Minutes

6.1 Australian Mathematics Trust

Professor Parker reported that he had attended a meeting of the board of the Australian Mathematics Trust (AMT) held on 5 November 2009 and that the AMT had not received government funding to conduct the Australian Mathematics Competition and the two Mathematics Olympiads it runs. Professor Parker noted the AMT was in a sound financial position but expressed concern that the AMT had not been able to attract funding for the events and that it did not reflect well on the organisation.

Item 7: Vice-Chancellor's Report

The Vice-Chancellor reported on the following matters.

Grants and Applications

The University had been awarded a Capital Development Pool grant to establish the *Innovative Sustainable Practical Interactive Research in Education Centre*.

The University, in partnership with the ACT Department of Education, had submitted an expression of interest to the Ministerial Council for Education, Early Childhood Development and Youth Affairs to establish a new Australian Institute for Teaching and School Leadership on campus.

The University had received four grants from the Australian Research Council for 2010. Professor Parker commented that of nine unsuccessful grant applications, seven had received an 'E' rating. Council noted the steps the University was taking steps to improve the quality of grant applications and that the capacity for success as a researcher was being emphasised in the recruitment of new academic staff.

2010 Student Applications

International student acceptances for Semester 1, 2010 had increased by 89%. First preferences from domestic students had increased by 5.8 %, with the overall increase in preferences received by the University being 7.5%. Load planning exercises were underway in response to the anticipated increase in student numbers.

Review of Payroll Tax

A review of payroll tax had shown that the rate paid in the ACT was the highest in Australia and that the ACT Government received substantially more payroll tax from tertiary education institutions than it returned. The information would be provided to government and used to argue that the proportion returned to tertiary institutions should be increased.

Citation Rankings

The University had been ranked 700 out of 1500 universities worldwide using normalised average citations of research outputs as a performance index. Across Australian universities, the same index ranked the University as 27th out of 36 which was comparable to the University's performance on other measures.

Centre for National and Social Economic Modelling

An outstanding candidate for the position of Director of the Centre for National and Social Economic Modelling had been interviewed and was expected to accept an offer for the position.

Australian Financial Review Higher Education Conference 2009

Professor Parker would address the Australian Financial Review Higher Education Conference to be held on 9 November 2009.

Resolution C130/4

Council received and noted the report from the Vice-Chancellor.

Item 8: Draft Interim Compact and Report from Step 40 Group

Professor Parker commented that an interim compact would be formed with the Commonwealth Government in 2010 and that it would be based on the University's mission and aspirations.

The following points were noted in discussion.

- The relationship with the Canberra Institute of Technology (CIT) should be expressed as a partnership for the purposes of the document.
- UC3A was a working title for the proposed 'University of Canberra for the Third Age'. Trade mark protections would need to be investigated to see what titles were permitted to be used.
- The compact would provide the overall strategy and aspirations to be pursued by the University and would be supported by business and other plans as required over time. Detailed plans and costings were not required at this time.
- Scoping of the due diligence required in relation to CIT had commenced. The task was complex as CIT was currently structured as a government department and any change to its current status would have significant financial and management impacts.
- The University had established targets across a number of equity and access categories for students.

Resolution C130/5

Council approved the statement on the University's Mission for inclusion in the Interim Agreement for Mission-Based Compacts as presented in the agenda paper.

Item 9: Financial Report for Year to Date and other Budget and Financial Matters

9.1 Financial Report to Date

Mr Prosser commented that the financial outcome for the year after normalisation should be a small deficit and that the financial position of the University should improve over the next few years.

Mr Easdown provided Council with a report on the financial position of the University. The main points were as follows.

- The end of year financial position would be close to forecast with a surplus achieved when one-off and abnormal items were included. A small deficit would be seen when grants and abnormals were taken into consideration.
- Action was underway to re-evaluate the Asia Institute of Management's ability to service its debt to the University.
- A small cash-flow deficit was currently forecast but may improve toward the end of the year.
- It may be necessary to borrow money in the short term to make the up-front payments required for the Microsimulation Centre which were paid in advance of the receipt of the grant payments from the Department of Education, Employment and Workplace Relations.
- Faculties budgets showed some variances but were close to targets.

In response to a question concerning expenditure on capital items, Mr Easdown advised that the full budget for capital works had not been spent in 2009 and that the University was experiencing capacity issues which were being addressed by the University Architect. Priority maintenance and occupational health and safety issues were being addressed.

Resolution C130/6

Council received and noted the report from the Chief Financial Officer on budget and financial matters.

9.2 Budget 2010

Mr Easdown provided members with an overview of the University's 2010 budget. The main points were as follows.

- The budget was the first in a triennium in which student numbers and capacity were being lifted to make the University more sustainable and better positioned for the more competitive environment to be introduced from 2012.
- Financial constraints would still be evident in 2010 and difficulties experienced as Commonwealth funding would not be received for the additional student load taken on.
- Some cost savings from outsourcing would begin to be seen in 2010.
- The 2010 budget would address the University's maintenance backlog.
- A small surplus (approximately 3.5%) would have been achieved in 2009 had funding been received for the additional load taught. The gradual removal of student load caps should return the budget to surplus.
- The 2010 budget sought to deliver a small surplus, or possibly break-even result, and in the years thereafter a 3-4% surplus should be achievable.
- A contingency fund had been established to allow for slippage.

The following points were noted in discussion.

- Student load planning had been undertaken in response to the anticipated increase in student numbers in 2010. Further planning would be carried out when additional data was received from the Universities Admission Centre. The contingency fund would act as a buffer against any volatility in student numbers.
- The University's Strategic Initiative Fund for 2010 was overbid and an assessment of applications received would be made on 6 November 2009.
- The increase in student load was improving the University's financial position and viability. Consideration would be given to how to best grow the University and whether student numbers should be plateaued for the University of Canberra with further growth occurring in a subsidiary organisation.
- Activity based costing would be introduced in 2010 with full-cost allocation used in the Faculties to improve budgeting and decision making.
- The resources applied to academic support would be lifted by 4% in 2010.

Council requested that explanations be provided for the terminology used in the budget papers and information provided on the items included in budget categories.

Resolution C130/7

Council:
1. received and noted the report on the 2010 budget;
2. requested that explanations be provided for the terminology used in the budget papers and information on the items included in budget categories.

Item 10: Council – Performance Evaluation

Professor Moses reported that she had met with Professor Mark Evans, Director of the Australian and New Zealand School of Governance (ANZSOG), and that ANZSOG had agreed to conduct a performance evaluation of Council (as outlined in the tabled paper) prior to the Planning Day to be held on 11 February 2010.

Council expressed concern about maintaining the confidentiality of the performance evaluation if it was undertaken by an organisation within the University. The Chancellor was requested to raise this issue with ANZSOG and for appropriate steps to be taken to ensure that the confidentiality of the process and report were maintained.

Resolution C130/8

Council agreed to the performance evaluation as proposed by the Australian and New Zealand School of Governance.

Item 11: Reports, Minutes and Recommendations from Council Committees

Council received a tabled paper providing the minutes of the Finance Committee meeting held on 30 October 2009.

Resolution C130/9

Council:
1. received and noted the minutes of the Environment and Works Committee meeting held on 16 October 2009;
2. received and noted the minutes of the Legislation Committee meeting held on 19 October 2009; and
3. received and noted the minutes of the Finance Committee meeting held on 30 October 2009.

Item 12: Course Fees

Council noted that the reduction in price for certain courses was driven by market considerations and some miscategorisation of courses by discipline when originally priced.

Resolution C130/10

Council agreed:
1. that the fees for the Masters courses noted be set at the amounts noted:

M Health 135JA	$16,000
M Nursing 221AB	$16,000
MA (Sports Studies) (Research) 897AA	$16,000
M Physiotherapy 886AA	$21,000
M Pharmacy 887AA	$21,000
M Sports Science 896AA	$21,000

2. that the revised fees apply for and from the 2010 academic year.

Item 13: University Statutes and Rules

13.1 Academic Board Statute

Mr Jones advised that the Legislation Committee had requested that provisions currently held in statute be included in rules with the 'parent' statute authorising the making of rules. The inclusion of provisions in rules made the amendment of provisions easier and permitted the University to respond more quickly to changed circumstances and needs. Council noted that the use of rules would not make the process for amending them less rigorous or transparent.

Mr Barrett raised concerns regarding the changing of electoral procedures and abstained from voting on this issue. (This matter is further discussed at Item 13.2, below.)

Resolution C130/11

Council:
1. exercised its powers under section 40 of the *University of Canberra Act 1989* (ACT) and made the *University of Canberra (Academic Board) Amendment Statute 2009*; and
2. exercised its powers under section 40 of the *University of Canberra Act 1989* (ACT) and made the *University of Canberra Election of Staff, Student and Professorial Members of Academic Board Statute 2009*; and

3. authorised the Secretary, on behalf of the Chancellor, to transmit the above-named Statutes to the Executive of the Australian Capital Territory for approval and notification.

13.2 Academic Board – Election of Member Rules

Mr Barrett commented that the removal of the requirement for the Returning Officer to offer candidates the opportunity to appoint scrutineers could undermine confidence in the electoral process and recommended that this requirement be retained. Council agreed that the provisions relating to scrutineers should be retained in the electoral rules for Academic Board and Council.

Resolution C130/12

Council, subject to the inclusion of a rule requiring the Returning Officer to offer candidates the opportunity to nominate a scrutineer while ballots are checked and counted:

1. approved the *University of Canberra Election of Student Members of Academic Board Rules 2009*, as Rules made under section 11 of the *Academic Board Statute 1990;* and
2. approved the *University of Canberra Election of Academic Staff Members of Academic Board Rules 2009*, as Rules made under section 11 of the *Academic Board Statute 1990;* and
3. approved the *University of Canberra Election of Professorial Members of Academic Board Rules 2009*, as Rules made under section 11 of the *Academic Board Statute 1990*.

13.3 Council – Election of Member Statute and Rules

Resolution C130/13

Council, subject to the inclusion of a rule requiring the Returning Officer to offer candidates the opportunity to nominate a scrutineer while ballots are checked and counted:

1. exercised its powers under section 40 of the *University of Canberra Act 1989* (ACT) and made the *University of Canberra Election of Staff and Student Members of Council Statute 2009*; and
2. authorised the Secretary, on behalf of the Chancellor, to transmit the above-named Statute to the Executive of the Australian Capital Territory for approval and notification; and
3. approved the *University of Canberra Election of Staff Members of Council Rules 2009*, as Rules made under section 6 of the *University of Canberra Election of Staff and Student Members of Council Statute 2009*, to take effect from the date of notification of the *University of Canberra Election of Staff and Student Members of Council Statute 2009;* and
4. approved the *University of Canberra Election of Student Members of Council Rules 2009*, as Rules made under section 6 of the *University of Canberra Election of Staff and Student Members of Council Statute 2009*, to take effect from the date of notification of the *University of Canberra Election of Staff and Student Members of Council Statute 2009*.

13.4 Statutes Interpretation Statute

Resolution C130/14

Council:

1. exercised its powers under section 40 of the *University of Canberra Act 1989* (ACT) and made the *University of Canberra Statutes Interpretation Statute 2009*; and
2. authorised the Secretary, on behalf of the Chancellor, to transmit the above-named Statute to the Executive of the Australian Capital Territory for approval and notification.

13.5 Student Conduct Rules

Mr Jones advised that the *Student Conduct Rules 2007* had been reviewed by a University working group to indentify whether it was appropriate for the Rules to include a provision for

problematic behaviour arising from the mental health problems experienced by some students. Mr Jones reported that the working group had advised against this approach but in the process of review had identified a small number of amendments to the Rules, which were incorporated within the revised 2009 Rules.

Council noted that the University was currently drafting a Mental Health Policy for students and that it would addresses issues such as behaviour and conduct within student residences.

Resolution C130/15

Council approved the *University of Canberra Student Conduct Rules 2009*, as Rules made under section 4 of the *Student Conduct Statute 1992*.

Item 14: Council Meeting Dates 2010

Council noted that meeting dates for the Finance Committee were being coordinated with the production of financial reports and may be changed for this purpose.

Council requested that the Student Census dates be included with the information provided when considering meeting dates.

Resolution C130/16

Council approved the following meeting dates for 2010.

Date	**Commencing Time**
11 February	*Council strategic planning day & dinner*
12 February	9.00 am – 3.00 pm
12 March	9.00 am
9 April	9.00 am
14 May	9.00 am
25 June	9.00 am
6 August	9.00 am
8 October	9.00 am
5 November	9.00 am
3 December	9.00 am

The meeting was closed at 12.30 pm.