Australian Government
Tertiary Education Quality and Standards Agency

TEQSA

Statement of Reasons

Decision to impose conditions on the registration of the Australian National University

1. Decision

1.1 Pursuant to section 32(1) of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (**TEQSA Act**), the Tertiary Education Quality and Standards Agency (**TEQSA**) imposes the following conditions on the registration of the Australian National University (**ANU**) as a higher education provider:

Condition 1 – Governance and Council Strengthening Program

Nomination of Suitably Qualified Independent Expert(s)

1. Within 30 days of the imposition of this condition, the ANU must nominate to TEQSA:

    1.1. a suitably qualified independent expert; or

    1.2. a panel of suitably qualified independent experts

    (together, the **Independent Expert(s)**)

    to undertake a 'Governance and Council Strengthening Program' with the ANU and its Council (**the Governance and Council Strengthening Program**).

2. The Independent Expert(s) for the Governance and Council Strengthening Program must be approved by a Director (or more senior officer) of TEQSA.

3. If a Director (or more senior officer) of TEQSA does not approve the Independent Expert(s) nominated by the ANU, the ANU must nominate another Independent Expert(s) to TEQSA within 21 days of receiving such notification.

Engagement of Suitably Qualified Independent Expert(s)

4. Within 21 days of a Director (or more senior officer) of TEQSA notifying the ANU that TEQSA has approved the Independent Expert(s), the ANU must engage the Independent Expert(s) to deliver the Governance and Council Strengthening Program.

Terms of Reference for the Governance and Council Strengthening Program

5. Within 90 days of the ANU's engagement of the Independent Expert(s), the ANU must submit to TEQSA a terms of reference for the Governance and Council Strengthening Program which it has developed in collaboration with the ANU Council and the Independent Expert(s).

6. The terms of reference must anticipate the Governance and Council Strengthening Program being delivered over 24 months.

7. The terms of reference for the Governance and Council Strengthening Program must be approved by a Director (or more senior officer) of TEQSA.

    Note: If a Director (or more senior officer) of TEQSA does not approve the terms of reference for the Governance and Council Strengthening Program, TEQSA will provide reasons and recommendations for amendment.

8. If a Director (or more senior officer) of TEQSA does not approve the terms of reference for the Governance and Council Strengthening Program submitted by the ANU, the ANU must provide to TEQSA a revised terms of reference for the Governance and Council Strengthening Program within 28

days of receiving such notification. The revised terms of reference must be informed by the advice provided by the Director (or more senior officer) of TEQSA.

Deliverables for the Governance and Council Strengthening Program

9. The terms of reference for the Governance and Council Strengthening Program must include the following deliverables:

    9.1. Developing a Financial Sustainability Plan, which:

        a. is informed by the recent report titled 'Australian National University Financial Management' by the Australian National Audit Office (ANAO)

        b. is informed by consideration of activities to support the ANU in achieving financial sustainability, including, regarding ANU's academic and other units:

            i. the establishment of financial controls, accountabilities and reporting mechanisms as part of a management and performance reporting framework

            ii. as necessary, reviews and updates to delegations to ensure effective budget controls.

        c. is aligned with the ANU's Strategy, 'ANU by 2030'

        d. sets out how the ANU will ensure its future financial sustainability.

    9.2. Developing an Academic Plan or Academic Strategy which, along with ANU's Financial Sustainability Plan, is aligned with the ANU's Strategy, 'ANU by 2030'.

    9.3. Undertaking a review and update of the ANU's Risk Management Framework.

    9.4. Undertaking a review and update of the ANU's Strategic Risk Register including explicit consideration of reputational risk, governance risks and organisational culture.

    9.5. Undertaking a program of assurance activities regarding the implementation, monitoring, and management of controls for delegations by the ANU Council and its Committees.

    9.6. Undertaking a review and update of Council and Council Committee charters and statutes, including consideration of:

        a. the extent to which the *Australian National University (Governance) Statute 2024* clearly sets out the roles and responsibilities of the Council, Chancellor, Pro-Chancellor and Vice-Chancellor, the way these roles interact with one another and whether the roles and responsibilities are consistent with contemporary standards of governance

        b. the extent to which the Standing Orders of the ANU Council and Council Committees are appropriate in facilitating the Council's effective performance of its functions

        c. the appropriate composition of the Finance and Audit and Risk Committees

        d. whether the Audit and Risk Committee should be entirely comprised of independent members

        e. how the ANU can improve opportunities for both elected and appointed Council members to participate in Council committees

        f. the extent to which the Guidelines for the Nominations Committee should provide for inclusion of the Chancellor, appointed members, elected members, and independent members

        g. how the ANU can provide clearer expectations for the culture and conduct of Council, with reference to:

            i. appropriate norms of behaviour, debate and decision making; practices to facilitate full participation of all council members; and confidentiality arrangements to support effective governance and decision making

ii. the priorities and principles proposed by the Expert Council on University Governance

iii. whether these expectations should be documented in the Council Charter or separate document

iv. whether Council should use these expectations for the purposes of reflecting on Council meetings, and more structured periodic reviews

v. whether agreement to follow these expectations should be a precondition to any member joining the Council or Council sub-committees.

9.7. Developing an Organisational Stakeholder Engagement Plan, following an exercise of stakeholder mapping, that enables the ANU Council to have assurance that the ANU meaningfully consults stakeholders on future proposals involving major financial or organisational change.

9.8. Developing a Council Engagement and Consultation Framework, which ensures ongoing consultation and engagement between the Council and ANU staff and students as well as staff and student unions, the ANU Governance Project Working Group, and any other key representative groups. The framework must identify:

a. consultation mechanisms to support greater transparency by sharing information about Council activities and meetings to the extent it is feasible to do so

b. how the Council will share information and consult about key issues, strategies, changes and responses being considered and planned by Council

c. ways the ANU Council can receive feedback and input from stakeholders to inform its decision-making.

9.9. Completing a review of how the ANU Council can ensure it maintains focus on strategic discussion to support effective governance and direction setting through:

a. ensuring that sufficient time in Council meetings is allocated to strategic, forward-looking discussions that inform ANU's direction, and

b. establishing a structured program of strategy discussions within the ANU Council's meeting schedule that ensure the ANU Council's strategic discussions are:

i. informed by relevant evidence and reporting; and

ii. supported by a forward agenda of key strategic issues to be considered over time.

Delivery of the Governance and Council Strengthening Program

10. Within 24 months of a Director (or more senior officer) of TEQSA notifying the ANU that the terms of reference for the Governance and Council Strengthening Program have been approved, the ANU must complete the Governance and Council Strengthening Program of works to improve its governance and Council operations.

11. In delivering the Governance and Council Strengthening Program, the ANU must:

11.1. Facilitate attendance by the Independent Expert(s) at the majority of ANU Council meetings for at least 12 months from the date that TEQSA approves the appointment of the Independent Expert(s).

11.2. Schedule opportunities within meetings and separate meetings as needed to review and reflect on Council functioning and ongoing improvement, including feedback shared by the Independent Expert(s).

11.3. Facilitate attendance by the Independent Expert(s) at Committee meetings, as deemed appropriate by the Independent Expert(s).

11.4. Provide progress reports to TEQSA at 6 monthly-intervals over the 24 months of the Governance and Council Strengthening Program. The progress reports must:

a. be jointly signed off by the Chancellor and Independent Expert(s)

b. set out ANU's progress against the actions detailed in the Governance and Council Strengthening Program

c. set out any identified challenges to timely delivery of the program, specific actions to address the challenges, and the timeline for each action

d. set out an explanation of any deliverables completed at the time of reporting.

12. On written request of the ANU to TEQSA, a Director (or more senior officer) of TEQSA may extend the timeframes for completion of any of the requirements imposed by this condition.

13. This condition will cease to be in effect upon completion of all the above actions.

Condition 2 – Ensuring integrity at the University

1. Within 270 days of the imposition of this condition, the ANU must:

1.1. Undertake a review and update its declaration of interest policy, registers, procedures and relevant controls for Council, ANU executives and staff, with reference to giving the ANU assurance of effective management of conflicts whether they:

a. arise from personal, financial or other interests; or family, business, personal or other relationships;

b. are real or apparent.

1.2. With support of a person with relevant expertise that is independent of the ANU, establish training for the ANU Executive Committee and the ANU Council on integrity; covering lawful and ethical conduct, fraud, corruption, public interest disclosures and the management of conflicts of interest (**Integrity Training**).

1.3. Establish processes for delivery of the Integrity Training to the ANU Executive Committee and all members of the ANU Council annually.

1.4. Incorporate into the ANU's work in response to the *Nixon Review about gender and culture matters at ANU former College of Health and Medicine*, a program of work to support a 'speak up' culture that ensures staff and students feel safe reporting wrongdoing, raising concerns, and contributing feedback without fear of reprisal.

1.5. Establish processes for the ANU to have assurance that all members of Council and the ANU Executive Committee comply with declaration of interest and conflict of interest policies and procedures.

1.6. Publish the private interest declarations of the ANU Executive Committee on the ANU website and ensure that all declarations are updated at least annually.

1.7. Establish processes for the ANU to have assurance that:

a. all university management, academic and professional staff have made private interest declarations and that these are properly stored, managed and accessible.

b. arrangements have been made between the appropriate manager and staff member to manage the conflict, and the arrangements are recorded with the declarations.

1.8. Develop or update guidelines on managing conflicts of interest.

1.9. Ensure the ANU Council has assurance (including through appropriate evidence) that the ANU has complied with this condition.

2. Within 270 days of the imposition of this condition, the ANU is to provide evidence to TEQSA that it has undertaken the activities set out in this condition.

3. On written request of the ANU to TEQSA, a Director (or more senior officer) of TEQSA may extend the timeframes for completion of any of the requirements imposed by this condition.

4. This condition will cease to be in effect upon completion of all the above actions.

Condition 3 – Induction and training of Council Members

1. The ANU must, within 270 days of the imposition of this condition:

    1.1. Ensure each new ANU Council member completes a comprehensive and timely induction that meets their needs, accounting for their experience and knowledge. This induction must include, but not be limited to, information about the ANU's legislative and governance framework as it applies to the work of the ANU Council.

    1.2. Ensure ANU Council members are undertaking annual training which covers the role of Council, the responsibilities and expectations of Council members and appropriate behaviours for Council members and their obligations under the *Public Governance, Performance and Accountability Act 2013* (**PGPA Act**).

    1.3. Deliver and embed within ANU's policies and procedures, an ongoing development program for all ANU Council members to ensure their knowledge and understanding to perform their role is sufficient and up to date, including in relation to:

        a. relevant developments in higher education; and

        b. changes in governance expectations and regulatory requirements.

    1.4. Ensure annually the ANU Council is provided with reports and records demonstrating compliance with this condition.

2. On written request of the ANU to TEQSA, a Director (or more senior officer) of TEQSA may extend the timeframes for completion of any of the requirements imposed by this condition.

3. This condition will cease to be in effect after 3 years from the date of imposition of the condition.

Condition 4 – Information flows to the Council

1. Within 270 days of the imposition of this condition, the ANU must:

    1.1. undertake a review of its processes for the provision of all relevant information to Council. The review must include, but not be limited to, correspondence to and from members of the ANU Council on behalf of the ANU or Council, reports of work delegated to members to be undertaken on behalf of Council, reports and advice from Council Committees especially related to issues or risks.

    1.2. ensure that relevant practices, processes, capabilities and assurance mechanisms are in place so that the Council has timely and sufficient information for effective oversight and discussions.

    1.3. establish and apply minimum requirements for the provision of information to support Council agenda items that require a decision. These should include, but not be limited to, minimum requirements for lead times for access to information before meetings, adequate background information and analysis, presentation of options, assessment and mitigation of risks and rationale to support recommendations.

    1.4. review and improve its standards and processes for keeping records of Council and Council Committee discussions and deliberations. This review should focus on the ANU Council and Council Committee agenda papers, meeting minutes, and formal correspondence and presentations to the ANU Council or its members.

    1.5. provide the ANU Council with records demonstrating compliance with this condition.

2. On written request of the ANU to TEQSA, a Director (or more senior officer) of TEQSA may extend the timeframes for completion of any of the requirements imposed by this condition.

3. This condition will cease to be in effect upon completion of all the above actions.

1.2 The reasons for the decision are set out below. In summary, TEQSA finds that the ANU has failed to meet certain standards for governance and accountability, as

contained in the *Higher Education Standards Framework (Threshold Standards) 2021* (Cth) (**Threshold Standards**). As a result of those findings, and notwithstanding the submissions received from the ANU in response to the draft Statement of Reasons arising from the Compliance Assessment, which are outlined below, TEQSA has decided that it is necessary to impose conditions on ANU's registration in order to ensure that ANU's governance practices meet the requirements of the Threshold Standards, and the risk of future non-compliance is mitigated.

2. Overview of ANU governance structure

2.1 The ANU was established in 1946 and is currently the only university in Australia that is established under Commonwealth legislation, namely the *Australian National University Act 1991* (Cth) (**the ANU Act**). Pursuant to its formation under Commonwealth legislation, the ANU is recognised as Australia's national university.

2.2 The ANU's governance structure consists of:[1]

(a) the ANU Council, chaired by the Chancellor, responsible for oversight of the university's purpose, financial sustainability, legal obligations, risk frameworks, and overall delivery of outcomes;

(b) the academic board, responsible for maintaining academic excellence, and managing academic matters of the ANU; and

(c) the university executive, led by the Vice-Chancellor, responsible for the day-to-day operational management of the university.

2.3 This decision focuses on the ANU Council, being the entity that is responsible for the oversight and overall management of the University. The Council is required to act in all matters in the way that will best promote the interests of the university.[2]

2.4 The ANU Council is comprised of a total of 15 members. In addition to the Chancellor and Vice-Chancellor, the ANU Council is comprised of:[3]

(a) one elected person who is either a dean or the head of a research school;

(b) one elected member of the academic staff of the Institute of Advanced Studies;

(c) one elected member of the academic staff of The Faculties;

(d) one elected member of the general staff of the University;

(e) one elected postgraduate student of the University;

(f) one elected undergraduate student of the University; and

(g) seven members appointed by the Minister on the recommendation of the Nominations Committee of the ANU Council.

[1] Report, Australian National University Financial Management - Australian National University, Australian National Audit Office (**ANAO Report**), paragraph 1.3.
[2] The ANU Act, s 9.
[3] The ANU Act, s10.

3. Background to Renew ANU

3.1 TEQSA considers that it is necessary to briefly outline the circumstances that led to the ANU Council's decision to commence a financial savings program, given the relevance of those matters to this decision.

3.2 In February 2018, the ANU Council, concerned by recent growth in student numbers, made the decision to cap the university's student enrolments. Later that year, the Council agreed to undertake measures to implement the agreed cap in student enrolments. The decision was supported by financial modelling, which anticipated reductions to the university's underlying operating result. Implementation of that plan began in 2019, with a financial surplus occurring that year.

3.3 In 2020, total university revenue declined, due to the combined effect of reductions in government grants, lower investment income and lower student fee revenue. In relation to fee revenue, student numbers were lower than aimed for under the agreed cap, attributable to a reduction in student numbers due to the COVID-19 pandemic. Reductions in investment income were also attributable to the pandemic.[4]

3.4 Between 2021 and 2024 (for the 2022 to 2025 budgets), ANU forecasts were consistently incorrect as they related to international student numbers.[5] Despite the lower than anticipated fee revenue and a temporary reduction in spending in 2021, the university's expenditure began increasing again from 2022, for a variety of reasons which are not necessary to address in this decision.[6]

3.5 In August 2024, presumably concerned by the university's recent financial performance, the Council agreed that the university needed to achieve $250 million per year in savings, based on a $202 million projected deficit in 2024. Savings were proposed to be made as follows:

(a) $100 million per year savings on staffing expenditure, including restructuring the university's academic colleges; and

(b) $150 million per year savings from non-salary expenses.

3.6 This savings process was referred to as '**Renew ANU**.'[7]

3.7 Implementation of Renew ANU commenced from October 2024. Shortly after the commencement of Renew ANU, multiple Council members expressed discontent with the program. Renew ANU also attracted a significant level of concern within the ANU community, particularly its students and staff.

[4] ANAO Report, Part 3.
[5] ANAO Report, Paragraph 3.19.
[6] ANAO Report, Paragraph 3.21.
[7] ANAO Report, Part 4.

3.8 On 21 March 2025, the ANU Executive Leadership received an open letter expressing concern about the rushed and opaque nature of the budget cuts being undertaken through Renew ANU. The letter was signed by 434 staff members.

3.9 On 29 May 2025, the ANU Executive Leadership received a second open letter signed by 530 academic staff expressing the view that the forced redundancies and centralisation of staff would do lasting damage to the university, with its reputation already undermined. It was noted that a total of 460 full-time equivalent positions had already been lost, with a further 175 jobs cut through a voluntary separation scheme.

3.10 In July 2025, there was a motion made at an ANU Council meeting to pause Renew ANU, although the motion did not proceed to a vote.[8]

4. Commencement of Compliance Assessment

4.1 Due to the volume of correspondence between TEQSA and ANU in respect of the compliance assessment, it is not possible for TEQSA to set out the entirety of the interactions between the ANU and TEQSA in relation to the compliance assessment. TEQSA confirms that it has taken into account relevant information provided by the ANU in the course of its assessment into the ANU's compliance with the Threshold Standards, with a brief summary of some of that correspondence set out below.

4.2 In 2025, TEQSA became concerned about the ANU Council's culture and oversight of the university's financial position. TEQSA advised that it held concerns about ANU's compliance with the Threshold Standards, in particular ANU's compliance with the obligations in Part 6 of the Threshold Standards, being the standards for governance and accountability.

4.3 On 30 June 2025, TEQSA sent a Notice of Compliance Assessment (**NoCA**) to the ANU. The NoCA advised as follows:

(a) TEQSA had commenced a compliance assessment in respect of the ANU under section 59 of the TEQSA Act;

(b) the decision to commence a compliance assessment was based on concerns about potential risks to ANU's compliance with the Threshold Standards, particularly standards 6.1.2a, 6.1.3a, 6.1.3e, 6.1.4, 6.2.1a, 6.2.1a, 6.2.1d, 6.2.1e and 6.2.1j;

(c) TEQSA had concerns regarding ANU's governance and cultural issues within ANU's Council and Executive Leadership; and

(d) TEQSA had concerns regarding the ANU Council's oversight of the university's financial position.

4.4 The NoCA requested that ANU provide a self-assurance report demonstrating how ANU was assuring itself and its Council that it continued to meet the Threshold Standards, by reference to the concerns identified by TEQSA in the notice.

4.5 On 19 August 2025, ANU provided a self-assurance report to TEQSA. Relevantly, the self-assurance report set out:

[8] ANAO Report, Paragraph 4.25.

(a) that the ANU Council fulfilled its obligations and maintained control of the University with support from various committees, including the Audit, Finance and Risk Committee (**AFRC**), the Campus Planning Committee (**CPC**), the Investment Committee and the Safety and Wellbeing Committee (**SWC**). Each committee provided a minimum of one report to the Council each year, as well as summaries of their meetings.

(b) whilst the majority of the Executive Leadership Team were relatively new to their positions, they brought extensive experience to their roles from both within, and external to, ANU and the higher education sector;

(c) the Council's approach to the management of conflict of interests;

(d) Council had been aware of recurring underlying operating deficits since 2020 and had monitored the University's financial position and implemented mitigation strategies since that time. The financial situation had been complicated by various circumstances, including but not limited to, a reduced student headcount, environmental events, COVID-19 and initiatives to support vulnerable students.

(e) in relation to Standard 6.1.3a:

  (i) Council had established various committees to perform specific responsibilities and report to Council. A review into the ANU's committees had demonstrated significant duplication between those committees, prompting a refresh of committee charters;

  (ii) audits were completed each year in accordance with a Rolling Internal Audit Work Plan;

  (iii) independent external nominations to the Council were at the recommendation of ANU's Nominations Committee; and

  (iv) Council evaluated its own performance every two years. There was also an expectation that the Australian National Audit Office (**ANAO**) would undertake a performance audit of the university.

(f) in relation to Standard 6.2.1b:

  (i) overall financial management was a responsibility of the Council. The Chief Financial Officer was responsible for providing a presentation on financial issues at each Council meeting, with the AFRC being responsible for providing financial advice and statements to the Council; and

  (ii) ANU's financial statements were audited each year by the ANAO, with no material adjustments being requested by ANAO at any time within the last five years.

(g) in relation to Standard 6.2.1e:

  (i) risks were managed under an existing risk management framework, risk management policy and the subsequent systems of risk management that were in place pursuant to that framework and policy;

  (ii) the ARFC was responsible for providing risk assurance and advice to the Council on risks;

  (iii) risk registers were a key mechanism utilised by the ANU in its risk management practices; and

  (iv) ANU had appointed a Chief Risk Officer to provide strategic guidance and promote excellence in risk management.

4.6 On 19 December 2025, MinterEllison wrote to TEQSA on behalf of the ANU advising that errors in the self-assurance report had been identified and that an amended report would be provided.

4.7 On 26 February 2026, ANU provided TEQSA with a supplement to its self-assurance report. Relevantly, that supplement advised:

(a) the supplement had been provided to, and reviewed by the ANU Council prior to being provided to TEQSA;

(b) the ANAO had commenced work on an information report examining the ANU's financial management, as it related to Renew ANU. It was anticipated that report would be finalised shortly and following receipt of that report, the ANU would be able to provide further information upon request regarding its financial position;

(c) to the extent that the self-assurance report referred to a $1b philanthropic campaign, that statement was not supported by any documentation which had been identified by the ANU. It was acknowledged that any use of money raised through a philanthropic campaign could not have been applied to reduce a budget shortfall;

(d) an update on actions undertaken in response to a review led by Professor Nixon (**Nixon Review**) had been provided to TEQSA on 19 December 2025;

(e) the Council obtained advice from a range of advisors and consultants and utilised that advice in making its decisions. Relevant advisors were identified as CMAX Advisory, the Nous Group, BoardsGlobal and Professor Andrew Norton (Monash University);

(f) in relation to [redacted], the matter had been referred to a Special Governance Committee established by the university. The Special Governance Committee had also appointed Dr Vivienne Thom to conduct an enquiry under the *Public Interest Disclosure Act 2013* (Cth).

4.8 In addition to the NoCA and ANU's self-assurance responses, the ANU and TEQSA have engaged in various correspondence and interactions regarding TEQSA's compliance assessment, including as follows:

(a) on 19 August 2025, TEQSA sent a request for information in relation to concerns about the ANU's governance practices and proposed that ANU appoint a third party to attend Council meetings;

(b) on 1 September 2025, TEQSA advised ANU that it had appointed Lynelle Briggs as an independent expert to provide a report to inform the compliance assessment (**the Briggs Report**). ANU subsequently responded to TEQSA's requests for documents, information and made personnel available for interviews in order to facilitate the preparation of Ms Briggs' report;

(c) on 3 September 2025, ANU responded to the request for information dated 19 August 2025;

(d) on 1 October 2025, there was a meeting between TEQSA's Chief Executive Officer and the ANU's Interim Vice-Chancellor regarding decisions made by the ANU in respect of promotions;

(e) [redacted]

[redacted]

(f) on 30 March 2026, the ANU and TEQSA engaged in email correspondence regarding an email received at the ANU from elected representatives raising concerns about the manner in which a Council meeting was conducted on 18 February 2026;

(g) on 15 April 2026, the ANU provided TEQSA with a copy of the report authored by Dr Thom (**the Thom Report**);

(h) on 16 April 2026, TEQSA issued a request for information to the ANU requesting records relating to the Howell Report;

(i) on 17 April 2026, TEQSA sent an email to the ANU, asking the ANU to provide information relating to the approach for the recruitment of a new Chancellor;

(j) on 20 April 2026, the ANU provided TEQSA with a copy of a report by Stephen Howell, Effective Governance, dated 10 April 2026, who was engaged on behalf of the ANU to assess its governance practices (**the Howell Report**);

(k) on 24 April 2026, TEQSA and the ANU entered into a voluntary undertaking regarding the process for recruiting its next Chancellor;

(l) on 24 April 2026, TEQSA sent a request for information to the ANU;

(m) on 7 May 2026, MinterEllison, on behalf of the ANU, provided an academic management plan;

(n) on 8 May 2026, ANU responded to the 24 April 2026 request;

(o) on 22 May 2026, MinterEllison, on behalf of the ANU, provided an additional response to the 24 April 2026 request.

5. The ANU's response to the draft Statement of Reasons arising from the Compliance Assessment

5.1 On 14 July 2026, TEQSA sent a draft Statement of Reasons and Notice of Proposed Decision to the ANU and invited a response.

5.2 On 21 August 2026, the ANU provided TEQSA with its response to the draft Statement of Reasons and Notice of Proposed Decision and offered a voluntary undertaking, which it proposed to enter into with TEQSA in place of TEQSA making the proposed decision. In its response, the ANU made submissions in relation to TEQSA's proposed decision, which are summarised below.

The ANU's first submission

5.3 Firstly, whilst the ANU accepted the factual findings from the independent reviews on which TEQSA relied, it did not accept that these factual findings amounted to breaches of the Threshold Standards. Rather, the ANU took the view that TEQSA should:

(a) characterise the findings as 'lapses' in compliance; and

(b) be satisfied that the actions taken by ANU to date, together with the offered voluntary undertaking, are appropriate to mitigate the risk of future non-compliance.

5.4 The ANU provided the following examples to support the submission that it took appropriate steps to address lapses in compliance promptly:

(a) concerns about the conduct of certain former members of Council

The ANU Council established the Special Governance Committee, which engaged Dr Thom to lead an investigation into matters of concern raised during a hearing of the Senate Education and Employment Legislation Committee on 12 August 2025. ANU engaged with TEQSA during the investigation process, and the ANU Council is overseeing implementation of a management action plan addressing the Thom Report's recommendations.

(b) concerns about the conduct of former members of the ANU Executive

ANU engaged external legal assistance to conduct preliminary inquiries, issued show cause notices to the relevant individuals, made mandatory referrals to an external body and obtained legal advice on issues arising in relation to these matters. It has also engaged an external expert to conduct an independent investigation to inform legal advice to Council on one of these matters.

(c) concerns about the integrity of particular academic promotions

ANU engaged an external expert to conduct an independent review and prepare a report addressing the circumstances that led to the concerns about academic promotions as well as ANU's practices on academic appointments and conflict of interest management. The report indicated that ANU's policies and procedures align with benchmarked sector universities but identified some areas for improvement. ANU's Academic Board is overseeing the implementation of a management action plan addressing the report's recommendations.

(d) [redacted]

(e) concerns about the integrity of student awards

ANU obtained external expert advice on risks to the integrity of student awards in the event that [redacted] The advice indicated that the overall risk to the integrity of student awards arising from [redacted] is low.

(f) concerns about the accuracy of assurance reporting to the ANU Council and TEQSA

In December 2025, ANU informed TEQSA that it had identified issues with the self-assurance report provided to TEQSA on 19 August 2025. ANU subsequently provided TEQSA with additional context and supplementary information in February 2026.

(g) concerns about the adequacy of reporting to the ANU Council

After identifying that an issue raised in TEQSA's NoCA had not been addressed in its self-assurance report, ANU engaged an external expert to prepare a report and referred the issue to the Special Governance Committee for further consideration. [redacted]

5.5 Further, the ANU submitted that collectively, the examples demonstrated the ANU's capacity and commitment to identify and monitor for lapses in compliance and take prompt and appropriate corrective action in response. Particularly, the ANU submitted that:

(a) in various instances, the ANU itself identified potential lapses in compliance and notified its Council and TEQSA accordingly. Where TEQSA identified the concerns first, the ANU responded promptly and appropriately to address the concerns;

(b) while some of the lapses in compliance were serious, none of the concerns identified by way of example ultimately revealed broader or systemic lapses;

(c) it had sought independent external legal advice where it considered necessary, in respect of all the potential lapses in compliance the ANU had raised by way of example;

(d) the ANU appointed external experts to undertake independent reviews and/or make findings and recommendations in relation to matters requiring deep expertise and/or experience; and

(e) the ANU accepted the recommendations of those independent experts where required to remediate and rectify lapses in compliance and avoid a recurrence. The ANU also prepared action plans to implement the recommendations, and has or is implementing those recommendations, subject to governance oversight.

5.6 On 28 August 2026, the ANU provided further correspondence to TEQSA. In this correspondence, it:

(a) referred to a conversation between TEQSA officials and the ANU in relation to potential regulatory outcomes and a 'proposal' to consider offering an alternate voluntary undertaking.

(b) emphasised ANU's view that any reform or strengthening of ANU's governance should emanate from, rather than being imposed on, the ANU;

(c) expressed the view that the actions to strengthen ANU's governance should occur on a more expedited timetable than the conditions require;

(d) suggests that the imposition of the conditions could have a 'chilling effect' on the ability of the ANU to attract candidates for Council or other bodies of the calibre required.

5.7 TEQSA does not accept the ANU's characterisation of the conversation regarding an alternate voluntary undertaking as a 'proposal'. In a discussion with the ANU's Chancellor on 26 August 2026, TEQSA's CEO:

(a) understood the ANU's primary position to be that its voluntary undertaking, offered on 21 August 2026, should be accepted in full.

(b) noted that the TEQSA Commission might not be minded to accept the proposed voluntary undertaking insofar as it addressed matters which the draft reasons contemplated were necessary to address with conditions.

(c) queried whether the ANU would be minded to offer an alternate voluntary undertaking (that dealt solely with strengthening the composition and operation

of the Nominations Committee; recruitment of members to Council; and recruitment of the Vice-Chancellor) for the Commission's consideration.

(d) noted that this conversation seeking to clarify the ANU's views was not an indication of the Commission's decision and that full and careful consideration would be given to the ANU's response.

5.8 In its correspondence dated 28 August 2026, the ANU outlined that it would not offer such an alternate voluntary undertaking. Given the ANU did not offer an alternative voluntary undertaking, TEQSA has not considered this matter any further.

5.9 TEQSA has otherwise considered the submissions put forward by the ANU and has addressed those submissions in paragraphs 9.1 – 9.8 below.

The ANU's second submission

5.10 Secondly, the ANU submitted that TEQSA should not impose the proposed conditions and should instead accept the voluntary undertaking offered by the ANU on the basis that:

(a) the voluntary undertaking offered by the ANU appropriately addressed the same concerns which underpinned TEQSA's reasons for seeking to impose the proposed conditions;

(b) ANU suggested there are 'real doubts' as to whether TEQSA has the power to impose the proposed conditions, such that it would be inappropriate for TEQSA to attempt to exercise that power. The ANU provided two copies of external legal advice it had obtained on the scope of TEQSA's power to impose conditions under section 32 of the TEQSA Act, which form the basis for the ANU's concerns on this issue;

(c) the ANU considered there was a very real practical risk that a decision to impose the proposed conditions would be subject to judicial review by the Federal Court of Australia, if a third party sought to challenge the decision;

(d) imposing conditions rather than accepting the voluntary undertaking offered by the ANU would be inconsistent with the basic principles for regulation in the TEQSA Act, noting (amongst other things) the ANU's continued engagement and cooperation with TEQSA to strengthen its governance, including by reference to the ANU's commitments recorded in the offered voluntary undertaking. In relation to the basic principles for regulation, the ANU submitted:

(i) as to the principle of regulatory necessity, the voluntary undertaking offered by the ANU addressed TEQSA's concerns and was calibrated to achieve precisely the same regulatory outcome as the proposed conditions. The ANU submitted that in these circumstances, it cannot be said that the proposed conditions burden the ANU any more than is reasonably necessary;

(ii) as to the principle of reflecting risk, imposing the proposed conditions would not reflect the actual level of regulatory risk that ANU poses to the higher education sector, noting:

(A) the ANU has expressed its commitment to significantly strengthening its governance (as exemplified by the commitments made in the voluntary undertaking offered by the ANU, which addressed the concerns raised by TEQSA);

(B) the ANU Council's membership had been subject to recent and significant changes, and as a result, many of the individuals who

engaged in conduct which raised concerns for TEQSA pose no continuing risk; and

(C) the ANU has demonstrated a deep capacity and commitment to identifying and monitoring for lapses in compliance, and taking prompt and appropriate corrective action in response (as summarised in paragraph 5.4 above).

(iii) as to the principle of proportionate regulation, an approach that encourages cooperation between the ANU and TEQSA while achieving the same regulatory outcomes as would be achieved by imposing the proposed conditions, was more proportionate and effective than imposing the proposed conditions.

5.11 With respect to the submissions summarised at paragraph 5.10(b) and (c) above, TEQSA is satisfied that it has the power to impose the conditions outlined in this decision. TEQSA otherwise does not consider the risk of third parties potentially seeking judicial review to be a compelling reason not to impose the proposed conditions.

5.12 TEQSA has otherwise considered the submissions summarised at paragraphs 5.10(a) and (d) above, and has addressed those submissions in paragraphs 9.1 – 9.8 below.

The ANU's third submission

5.13 Thirdly, the ANU submitted that, as TEQSA had not proposed to make a finding that ANU did not meet fit and proper person requirements, TEQSA's final decision should acknowledge that:

(a) the conduct of individual Council members gave rise to TEQSA's serious concerns about compliance with governance requirements at the ANU;

(b) this did not mean all members of Council, as formerly constituted, failed to discharge their individual obligations appropriately, diligently and (at times) with courage; and

(c) failures by individual Council members gave rise to TEQSA's concerns about the conduct of Council *as formerly constituted*.

5.14 Further, the ANU submitted that, given the significant recent changes in the membership of ANU's Council and the process for selecting and inducting new Council members as set out in a previous voluntary undertaking offered by ANU, TEQSA should have no concerns about the ANU Council's fitness and propriety as currently constituted, or as it will be constituted once new members are appointed. Accordingly, ANU submitted that it is appropriate for TEQSA's final decision to explicitly indicate that TEQSA is satisfied that the ANU Council, as presently constituted, meets the fit and proper person requirements of the TEQSA Act and will continue to do so. The ANU also suggested that if TEQSA accepts that submission, its final decision should refer to any adverse findings about Council in the past tense, rather than the present tense.

5.15 In addition to these matters, in its further correspondence of 28 August 2026, the ANU also submitted that if TEQSA were to impose conditions of the kind proposed on the University, it would be a matter that all current members of Council (and key holders of executive positions), as well as certain former members of Council, would need to disclose in future declarations concerning their fitness and propriety. The ANU submitted that this could have unfair adverse consequences for officers and employees that have discharged their obligations and duties with professionalism, integrity and (at times) great courage.

5.16 TEQSA has reflected on the drafting of the Statement of Reasons and adjusted the tense to better reflect where adverse findings relate to historical events. However, these changes have not been made on the basis that TEQSA fully accepts the third submission raised by the ANU. Rather the changes have been made to reflect where TEQSA has made findings about whether the ANU met, rather than currently meets, the Threshold Standards.

5.17 Further, TEQSA has not made any findings regarding the fitness and propriety of current or future members of the ANU Council, as it does not consider it necessary to do so for the purposes of this decision. TEQSA otherwise notes that the imposition of conditions on the University's registration is not determinative of the fitness and propriety of current members of Council (nor of key holders of executive positions), and that this is only one of the matters that TEQSA *may* have regard to in determining whether a person is a fit and proper person for the purposes of the TEQSA Act pursuant to the *Tertiary Education Quality and Standards Agency Fit and Proper Person Determination 2018*. In that context, TEQSA does not accept that the imposition of the conditions involves unfair adverse consequences for ANU Council members.

5.18 Otherwise, TEQSA has considered the submissions put forward by the ANU and addressed those submissions in paragraphs 9.1 – 9.8 below.

The ANU's fourth submission

5.19 Finally, the ANU submitted that it should be given a further opportunity to make submissions to TEQSA about any information TEQSA intends to publish. The ANU submitted that doing so would allow the ANU to comply with its privacy obligations and the risk of harm to members of its community.

5.20 TEQSA has addressed this submission in separate correspondence which outlines the information proposed to be published.

5.21 The paragraphs that follow set out TEQSA's findings in relation to the compliance assessment, and explain the reasons for its decision to impose conditions on the registration of the ANU. Whilst this decision represents the conclusion of the compliance assessment, TEQSA will continue to consider ANU's compliance with the Threshold Standards as part of its ordinary functions, as well as monitor compliance with the conditions that are imposed on the ANU's registration as a result of this decision.

6. Evidence considered

6.1 The material considered in arriving at this decision to impose conditions is provided at **Annexure A**.

6.2 As part of its compliance assessment, TEQSA has relied upon file notes from interviews carried out by Ms Briggs in making the below factual findings and has included a copy of these records as part of this decision.

6.3 In relation to the Briggs Report, TEQSA has not relied upon the opinions expressed in that report and as such, has not included the Briggs Report at **Annexure A**.

7. Failures to meet the Threshold Standards

7.1 Following its compliance assessment, TEQSA finds that the ANU has failed to comply with the Threshold Standards. As a result of this failure and in order to manage the risk of future non-compliance with the Threshold Standards, TEQSA is satisfied that it is necessary to impose conditions on the ANU's registration as a higher education provider.

7.2 TEQSA finds that failures to meet the following standards within the Threshold Standards have occurred:

> **Standard 6.1.1:** There is a formally constituted governing body, which includes independent members, that exercises competent governance oversight of and is accountable for all of the higher education provider's operations in or from Australia, including accountability for the award of higher education qualifications, for continuing to meet the requirements of the Higher Education Standards Framework and for the provider's representation of itself.
>
> **Standard 6.1.3** The governing body attends to governance functions and processes diligently and effectively, including:
>
> a. obtaining and using such information and advice, including independent advice and academic advice, as is necessary for informed and competent decision making and direction setting.
>
> **Standard 6.2.1:** The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:
>
> a. the governing body and the entity comply with the requirements of the legislation under which the provider is established, recognised or incorporated, any other legislative requirements and the entity's constitution or equivalent.
>
> b. the provider's future directions in higher education have been determined, realistic performance targets have been established, progress against targets is monitored and action is taken to correct underperformance.
>
> …
>
> e. risks to higher education operations have been identified and material risks are being managed and mitigated effectively.

7.3 Whilst the NoCA indicated that TEQSA was assessing the ANU's compliance against additional standards beyond the standards identified above, TEQSA does not make any findings in relation to the remaining requirements of the Threshold Standards.

7.4 The reasons for the findings are set out below.

8. Reasons for findings of failure to meet Threshold Standards

8.1 TEQSA's factual findings and findings in relation to the failures to meet the Threshold Standards that follow from those factual findings are set out below. TEQSA has made factual findings in the following areas, each of which it deems relevant to its consideration of compliance with the Threshold Standards:

(a) the culture and practices of the ANU Council;

(b) the ANU Council's compliance with relevant confidentiality obligations;

(c) the level of oversight exercised by the ANU Council over the Vice-Chancellor;

(d) the ANU Council's oversight of risks to the integrity of its operations;

(e) Council's record-keeping practices;

(f) training provided to ANU Council members;

(g) strategic planning by the ANU Council;

(h) financial and non-financial risk management practices of the ANU Council; and

(i) informed decision making by the ANU Council.

8.2 TEQSA's factual findings in relation to each of these areas, and its associated findings relating to the Threshold Standards, are set out below.

Culture and practices of the ANU Council

8.3 As identified in the NoCA, TEQSA's decision to commence a compliance assessment into the ANU was at least in part influenced by its concerns regarding the culture of the ANU Council. Based on media reporting and information coming out of the ANU, there were suggestions that there were issues regarding whether the culture of the ANU Council was interfering with its ability to exercise competent governance oversight.

8.4 Relevant to an assessment of the culture of the ANU Council is evidence that there was a breakdown in trust and respect between ANU Council members. The Thom Report engaged with these issues in detail and is relevant to TEQSA's findings in relation to the culture of the Council. Three examples from the Thom Report relevant to TEQSA's compliance assessment are summarised below.

Example 1

8.5 [redacted]

8.6 [redacted] It considers that this incident demonstrates a lack of trust and respect between these particular Council members. TEQSA acknowledges that a single incidence of behaviour such as this would not be sufficient to make overarching findings in relation to the culture of the Council, and as such, notes that this is only one example of conduct considered by TEQSA in making its findings regarding this issue.

Example 2

8.7 [redacted]

9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 [redacted]
14 [redacted]

Example 3

8.8 [redacted]

8.9 [redacted]

8.10 [redacted]

8.11 In conducting her investigation, Dr Thom conducted interviews with members of the ANU Council. In addition to the above examples, the comments made to Dr Thom during the course of those investigations are relevant to TEQSA's consideration of the culture of the ANU Council. Quotes from these interviews that are relevant to TEQSA's assessment are as follows:

(a) [redacted]

(b) [redacted]

(c) [redacted]

15 [redacted]
16
17
18

(d) [redacted]

(e) [redacted]

(f) [redacted]

8.12 TEQSA makes no findings in relation to the accuracy of the matters asserted to in the above quotes, on the basis that it is not necessary to do so for the purposes of this decision. TEQSA accepts that the quotes as recorded by Dr Thom in her report accurately capture the substance of the comments made to her during the interview which she conducted. TEQSA is satisfied that the quotes themselves are indicative of the extent to which there has been a lack of trust and respect experienced by and between the members of the ANU Council.

8.13 TEQSA has also considered the content of an email sent on behalf of several members of the ANU Council to the then Chancellor on 18 March 2026. In their email those members raised concerns about the conduct of ANU Council members at the meeting of the ANU Council on 18 February 2026, their disappointment that the then Chancellor did not intervene and the impact this had on the ANU Council's ability to discuss issues. The email stated as follows:

> "…[the interim Vice Chancellor (IVC)] was not provided an opportunity to respond to queries raised at the Council meeting. We believe this was inappropriate and inconsistent with fair process…
>
> We raise these matters because the issues that the Council meeting focused on meant that Council was unable to focus on broader issues. Furthermore, the tone and conduct of the meeting was not the standard that Council should be adopting… We were highly disturbed by the behaviour exhibited at the Council meeting – it was adversarial, accusatory and showed a lack of respect to the IVC… We are disappointed that the Chair did not intervene to restore a constructive tone or guide the discussion back to broader issues."

8.14 This email appears to have dealt with the same incident as addressed in a 28 March 2026 article by The Saturday Paper (addressed below).

8.15 TEQSA is satisfied that this email demonstrates that multiple Council members were of the opinion that the manner in which the 18 February 2026 meeting was conducted

19 [redacted]
20
21

demonstrated a lack of trust and respect amongst the Council, to the extent that they found it necessary to raise these concerns with the then Chancellor. TEQSA considers that this lack of trust and respect reflects broader cultural issues amongst the ANU Council.

8.16 In relation to the content of The Saturday Paper article and the 18 March 2026 email, TEQSA acknowledges correspondence sent to it from the then Chancellor on 30 March 2026. That correspondence stated as follows:

> "…the characterisation of the discussion attributed to two sources in the article is disputed and is not consistent with the accounts of those present."
>
> she had spoken with Interim Vice-Chancellor, Professor Brown, who confirmed she was comfortable with the matter being handled within the ANU Council
>
> an external legal adviser who was at the meeting "did not consider the conduct to be inappropriate and viewed the discussion as robust and rigorous"

8.17 Having reviewed Council minutes, TEQSA notes minutes from the subsequent Council meeting on 19 March 2026 indicate that the Vice-Chancellor had expressed 'discomfort' with the manner and tone of the discussion of the 18 February 2026 meeting.

8.18 TEQSA makes no findings in relation to the extent to which the article published by The Saturday Paper is accurate in relation to the specific behaviours demonstrated at the Council meeting, on the basis that it is not necessary to do so. TEQSA is however satisfied that there were significant concerns held by multiple members of the ANU Council regarding the tone of that discussion and the behaviours demonstrated at that meeting, such that the meeting was not reflective of a strong culture, or conducted in a manner that would facilitate effective decision making. These concerns were reflected in the email from Council members and the later meeting minutes.

8.19 In TEQSA's view, the existence of trust and respect between members of a governing body is an essential component of any competent governing body. Clearly it is not necessary, or even preferable, for all governing body members to have the same views, or to agree on all issues. However, having trust and respect between members is what allows an appropriate level of rigour to be exercised in decision making, and provides members of the governing body with the confidence that they need to be able to express their viewpoints. TEQSA is satisfied that the operations and actions of the ANU Council the subject of this review are indicative of a poor culture, and that poor culture has adversely impacted the ANU Council's ability to appropriately fulfil its governance functions.

8.20 Further, TEQSA finds that the ANU Council has operated in a manner that has not enabled a sufficient level of discussion and debate as part of its decision-making processes, including in relation to matters of critical strategic significance to the overarching operations of the university, such as Renew ANU. TEQSA considers that this failure possibly arose as a result of the Council's culture, which has not facilitated an environment which encourages dissent and debate amongst members as part of its deliberative processes.

8.21 TEQSA's 'Guidance Note: Corporate Governance', identifies that a provider's governing body has a fundamental influence on the operations of a provider, and that shortcomings in governance expose a provider to significant risks. Potential shortcomings are identified to include a governing body:

> not being well enough informed, and not diligently making itself sufficiently informed, to identify and address likely risks to the provider's viability, sustainability and educational offerings

8.22 TEQSA has reviewed the minutes from ANU Council meetings and formed the view that Council minutes indicate a lack of debate and discussion around the decisions made by the ANU Council. Whilst it is acknowledged that the meeting minutes from a governing body may reasonably capture the substance of discussion held at a high level, the minutes from ANU Council meetings indicate a lack of debate and discussion. It is particularly concerning to TEQSA that there has been an apparent lack of discussion around significant decisions made by the ANU Council,[22] such as the decisions around Renew ANU.

8.23 For instance:

(a) at the Council meeting on 9 August 2024, the Council 'endorsed' the target to remove $250 million (subsequently referred to as 'Renew ANU') from the university's cost base and sought more information about how that target would be met. Council minutes do not indicate that there was any discussion regarding the basis upon which that figure had been reached, or consideration given to how that target would impact the university's staff, students, or overall operations. Given the significance of the Renew ANU program, TEQSA would have expected a higher level of critical debate and discussion to have occurred as part of that agenda item. It should have been reasonably foreseeable to any competent decision-making body that financial reform of this nature would be highly contentious within the ANU community, but there is a lack of evidence to suggest this was acknowledged or fully appreciated by ANU's Councillors.

(b) at the Council meeting on 3 July 2025, it was noted that several members had expressed concern about Renew ANU in light of recent correspondence from TEQSA. It was noted that there was a request for Renew ANU to be paused until a more detailed stage-gate review could occur. Despite apparent dissent to the ongoing program being raised by several members at that time, the Council did not proceed to a vote on whether or not the program should be paused. TEQSA considers it unsatisfactory that the discussion around Renew ANU did not progress to a vote at that time, given there were indications that there was a level of disagreement with the program amongst Councillors by that stage and there was a request for the program to be paused. It is not clear to TEQSA that dissenting views, such as the views of Council members that were reluctant to proceed with Renew ANU were appropriately considered and engaged with, in a manner befitting sound governance practices.

8.24 As noted above, Stephen Howell, Effective Governance, was engaged on behalf of the ANU to provide a report assessing its governance practices and finalised his report on 10 April 2026. The Howell Report concluded that:

> the governance processes and functioning of the ANU Council can be improved in many areas to reach compliance with contemporary Australian University governance.

8.25 The Howell Report noted that surveys to Council members identified concerns regarding the decision-making practices of the Council, including:

(a) that there was a lack of time devoted to discussing agenda items, and there was an approach of moving meetings along, with most items being endorsed;

(b) there were major divisions within the Council about the handling of change processes; and

(c) discussions were often not very open, and conclusions were not clear.[23]

[22] Or alternatively, there was a failure to capture that discussion in the meeting minutes.
[23] TEQSA notes that this division is largely not reflected in Council minutes.

8.26 In relation to a breakdown of trust and respect within the ANU Council, the Howell Report also identified:

(a) survey results demonstrating predominately poor or lower rating for an assessment of the extent to which Council engaged in constructive debate, its respect for majority viewpoints and its approach to dealing with conflicts between Council members[24]

(b) comments to the effect that:[25]

> "There clearly have been major divisions within the Council about the handling of major change processes. (Council Comment)"
>
> "There appears to be a major divide between elected and appointed members. The repeated resignation of elected members is a troubling sign. (Council Comment)"
>
> "Council does not act as one, some members want their dissent recorded and even known outside of council – boards should disagree in the room but commit outside. (Council Comment)"
>
> "…the breakdown of trust among council members is the main issue to address, which cannot be achieved over night. (Council Comment)"
>
> "There is a general absence of trust – my observation is that often Council members feel free to say what they really want to or raise all issues they consider important. (Council Comment)"
>
> "Some council members are leaking information to media and managing inherent conflicts between the role as a council member and other roles, such as union delegates. (Council Comment)"
>
> "I think internal members of council have a varied respect and understanding of the role of management…Our external members are all experienced and interact appropriately. (Council Comment)"
>
> "It's a very mixed Council and it's been a very difficult time…[the Council] overall is not very effective. (Management Comment)"

8.27 The Howell Report stated:[26]

> "Ultimately, it is up to each Council member and member of management to continuously ask themself how their individual behaviour in each meeting added to or detracted from the Council working as an effective group in the interests of the University. All Council members must understand that governance is a group process. Any one member may have strongly held views on specific matters – but it is how these views are presented and progressed in a group setting which is central for effective governance to be achieved by the group. Small groups often react negatively to one or two individuals where their behaviours are perceived by others in the group as being detrimental to the achievement of group goals – no matter how correct the view being put forward by these individuals."

8.28 These observations led to the following recommendation, which was recommended as an immediate priority (to be actioned within the next 3 months):[27]

> "[Recommendation 35] All Council members should regularly reflect on their actions and behaviours in relation to Council meetings and self-evaluate the extent to which their behaviours have added to or detracted from the efficient and collegiate functioning of Council."

8.29 A further recommendation was made that:[28]

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[24] Page 63.
[25] Page 46, 64.
[26] Page 64.
[27] Page 65.
[28] Page 18.

> In addition to individual development opportunities provided to Council members, Council should conduct an 'all of Council' training session on the role of Council, the role and expectations of Council members and appropriate behaviours for Council members."

8.30 The findings expressed within the Howell Report regarding the level of debate and discussion within Council meetings is consistent with TEQSA's review of materials provided by the ANU. In particular, the comments made by Councillors to Dr Thom as part of her investigation and the minutes from Council meetings which indicate a lack of meaningful discussion on key issues.

8.31 The ANAO undertook a review of the ANU's financial management and delivered a report on 4 June 2026 (**the ANAO Report**). TEQSA considers that a significant level of weight can be attached to the findings in this report to the extent that they relate to the financial practices of the ANU Council, given that the ANAO is well placed to assess these matters.

8.32 The ANAO found that Council records in respect of Renew ANU were not sufficiently detailed so as to provide evidence of the depth of discussion engaged in by Council members. The ANAO Report also noted that the ANAO was advised by Council members on 20 January 2026 and 9 February 2026 that in 2024 and 2025, debate was discouraged in Council meetings.[29] TEQSA considers that it is concerning that Council members had the perception that debate was discouraged over that period, as that perception likely impacted the quality of the university's governance, if members did not feel able to fully engage with the issues before them. It is also relevant that the perception was reportedly present at a critical time in the ANU's history, with a significant change program being undertaken.

8.33 Some of the materials obtained by TEQSA over the course of its compliance assessment linked this restricted debate to the ANU's 'Standing Orders of the ANU Council and Council Committees' (**the Standing Orders**). The Standing Orders were introduced on 27 March 2015, although, some Councillors were under the misapprehension that they were enacted more recently. Clause 25 of the Standing Orders provides that:

> 25. A member must not speak a second time on the same question, unless:
>
> 25.1. the member has a right of reply; or
>
> 25.2. the member wishes to explain any misrepresentation or misunderstanding apparently arising in connection with the motion; or
>
> 25.3. the Chair gives leave; or
>
> 25.4. the member's address has been interrupted on a point of order.
>
> For the purposes of this Standing Order, a member who has moved a substantive motion is deemed to have spoken on it, but a member seconding the motion is deemed not to have spoken on it.

8.34 As part of its compliance assessment, TEQSA engaged Ms Lynelle Briggs AO to provide an expert opinion on the operation of the ANU's Council. The Briggs Report was finalised in April 2026. Ms Briggs conducted interviews with current and former Council members, staff members and stakeholders as part of her process. Records from the interviews conducted by Ms Briggs identified the following regarding the interaction between the level of discussion and debate at Council meetings and the Standing Orders:

(a) that the Standing Orders operated to prevent people from speaking more than once on a topic and as such, curtailed a quality discussion (reported by senior ANU staff members);

[29] Paragraph 4.23.

(b) that there were strong concerns held by a former Council member about the level of strategic discussion and oversight that they observed over their time on the Council. They noted that there was limited discussion, with the Standing Orders operating to prevent members from saying more than one thing per agenda item (reported by the former Council member);

(c) the Standing Orders operated to restrict discussion on issues. It was also suggested that the Standing Order gave the Chancellor too much leeway to inhibit discussion and prevent matters being put to a vote (reported by a current Council member);

(d) meetings were run in an overly structured manner making it difficult to ask questions or engage in debate. It was also suggested that Standing Orders should be revised (reported by a current Council member);

(e) that Standing Orders only allowed members one comment or question per agenda item which stifled discussion and the ability to elicit further information. It was suggested that this practice operated to curtail the ability to ask questions (reported by a former Council member);

(f) that the Standing Orders were only used if there was a motion presented. Agenda items were presented in structured way, allowing everyone to have a say and a second turn to speak if they wanted to. This Council member disagreed that there was any attempt to stop members from speaking, or that they could only speak once per agenda item (reported by a former Council member); and

(g) that the Standing Orders were only intended to be used for formal debate and voting, and that the notion of only one comment or question per member may have been an approach to manage the meeting (reported by a former member of ANU Management).

8.35 From the comments made to Ms Briggs over the course of the interviews which she conducted, it is clear that Council members had differing interpretations and understandings of the Standing Orders, including the intention behind those orders and the date at which they were introduced. Whilst acknowledging these differing opinions, TEQSA is satisfied that from its review of the entirety of these witness interviews, that there was a significant view among Council members that there was restricted debate and discussion engaged in at Council meetings, and that the Standing Orders played a role in limiting discussion, regardless of whether or not this was the intention.

8.36 TEQSA is mindful not to place undue reliance upon media articles. However, it is noticeable that the concerns held by some Council members were also reflected in media articles, such as the following:

(a) on 3 December 2024, the Australian Financial Review reported that there was a culture of fear at the ANU, with staff too afraid to voice their opinions; and

(b) on 28 March 2026, The Saturday Paper reported that members of the Council had been yelling and pointing aggressively during a recent meeting. It was reported to the journalist that the Council was ‘effectively dysfunctional.

8.37 Acknowledging the limited weight to be attached to reports such as these, TEQSA is satisfied that they are reflective of significant cultural issues that have impacted the operations of the ANU Council.

8.38 TEQSA notes the ANU employee engagement survey ‘ANYOU’ in 2025 showed only 38% of respondents agreed with the statement “I can voice a contrary opinion without

fear of negative consequence" which is consistent with the reporting on 3 December 2024.[30]

8.39 In its self-assurance report, the ANU brought TEQSA's attention to a governance review report completed by BoardsGlobal dated 14 December 2022 (**the BoardsGlobal Report**). That review has been reviewed as part of this compliance assessment and TEQSA notes that BoardsGlobal Report concluded the following in relation to the operation of the Council:

> The Council is comprised of deeply skilled and experienced individuals, working effectively and collegiately, with strong levels of aspiration for ANU's enduring success.
>
> In the recent past the Council has made thoughtful decisions in a highly challenging environment, strengthened its engagement in strategy, renewed its culture to be more inclusive and collaborative, and provided excellent oversight and support for management through a global pandemic.
>
> The ANU Council demonstrates many of the characteristics of high-performing boards and Councils.

8.40 The BoardsGlobal Report made recommendations as to how the ANU could enhance the operation of its Council, specifically in relation to supporting the Council to operate at a more strategic level, increasing enquiry into proposals, operations and progress to support excellence (noting this requires the enhancement of information to the Council) and further strengthening relationships with senior management. It was also identified that there was a need for the Council to be more comfortable with dissent and differing views amongst its members.

8.41 TEQSA accepts that the BoardsGlobal Report did not identify significant concerns with respect to the culture of the ANU Council. However, noting the time that has passed since this review was completed, TEQSA finds that these conclusions should not be preferred over the volume of more contemporaneous evidence which has identified significant cultural issues within the operation of the ANU's Council. The sentiment reported by Council members for the purposes of expert assessments and investigations which TEQSA has relied on, overwhelmingly identifies a concerning level of dysfunction amongst the ANU Council. On this basis, TEQSA has formed the view that the ANU Council has not exercised competent governance oversight. While TEQSA is unable to pinpoint the exact time at which these cultural issues emerged, it considers that it is likely that there were pre-existing vulnerabilities present regarding the operation of the ANU's Council, and that the commencement of Renew ANU heightened these vulnerabilities, to the extent that significant issues with the Council's culture were able to develop.

8.42 Taking into account the evidence outlined above, TEQSA finds that the ANU has failed to meet Standard 6.1.1, being the requirement that:

> There is a formally constituted governing body, which includes independent members, that exercises competent governance oversight of and is accountable for all of the higher education provider's operations in or from Australia, including accountability for the award of higher education qualifications, for continuing to meet the requirements of the Higher Education Standards Framework and for the provider's representation of itself.

8.43 It is clear that the ANU had an appropriately constituted governing body, namely its Council, at all relevant times. However, TEQSA has formed the view that the ANU Council has not exercised competent governance oversight. TEQSA finds that the culture of the Council is not consistent with competent governance as it is a culture

[30] ANYOU 2025 survey – document '202600040' last accessed via the ANU disclosure log on 3 July 2026.

that did not promote an adequate level of discussion and debate and was lacking in trust and respect amongst Council members. TEQSA is satisfied that these issues have contributed to create a dysfunctional governing body, that has not been able to discharge its duties to the university and its stakeholders appropriately.

8.44 In relation to the findings about the lack of trust and respect amongst Council members, TEQSA considers that a culture of trust and respect between governing body members necessarily impacts upon the governing body's capability to deliver competent governance. Without that culture, the governing body is at risk of demonstrating behaviours and dynamics that do not facilitate decision making that is in the best interests of the university. This is consistent with the opinions expressed in the Howell Report to the effect that:[31]

> What all experienced Council members know, and what has now attracted the attention of corporate governance researchers, is that a governing body can have all the policies and procedures in place for good governance, but if the behaviours and dynamics in meetings are toxic, the outcomes will be poor Council performance, often contaminating organisational performance through poor decision making.

8.45 TEQSA acknowledges that there have recently been a number of resignations of ANU Council members, which has, and will continue to necessitate the appointment of new members to the Council. It is possible that this process may result in improvements to the culture of the Council. However, given that TEQSA has found that the ANU Council has engaged in practices that are not consistent with the Threshold Standards and the risk that these behaviours and dynamics will continue, even with new members, TEQSA is satisfied that it is necessary to impose conditions on the ANU's registration in order to mitigate the risk of ongoing failures to meet the Threshold Standards.

8.46 TEQSA also acknowledges that the ANU has recently received a number of independent reports, including the ANAO Report and the Howell Report, and that those reports contain recommendations as to how the ANU can strengthen its governance practices. TEQSA acknowledges that the ANU implementing these recommendations may mitigate the risk of future non-compliances with the Threshold Standards.

8.47 Based on the correspondence to TEQSA from the ANU dated 30 March 2026 and 27 April 2026, respectively, TEQSA understands that at the 19 March 2026 Council meeting, the Council agreed to implement strengthened meeting practices, including seeking external advice as part of the current Council self-assessment process to assist in managing expectations regarding conduct and discussions at meetings. TEQSA acknowledges that this is a positive indication regarding the future direction of the ANU Council, but does not consider that reliance upon such assurances is likely to achieve the level of governance improvements required in order to address its observations in relation to the behaviours of the Council to date. As such, TEQSA considers it appropriate to impose a condition on the ANU's registration that will enable it to be satisfied that the ANU will undertake the level of improvements necessary.

8.48 TEQSA's view is, due to the ANU's failure to meet Standard 6.1.1 of the Threshold Standards which requires it to have a competent governing body, it is necessary to impose the following conditions on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 1, being the condition to undertake a Governance and Council Strengthening Program; and

[31] Howell Report, section 3.14.

(b) Condition 3, being the condition to undertake induction and training of Council Members.

8.49 Regarding Condition 3, TEQSA considers the behaviours demonstrated by the ANU Council suggest that there has been a lack of awareness amongst Council members as to how a governing body should be expected to interact and make decisions. As discussed below, there is also evidence to suggest that Council members are not provided with appropriate training to equip them with the skills that they require to perform their roles. Therefore, TEQSA's view is that it is necessary to impose a condition on the ANU's registration which requires it to provide relevant training to its Council members. TEQSA considers that training will have the effect of improving the culture and effectiveness of the ANU Council, and without that training, there is a risk of ongoing non-compliance with Standard 6.1.1.

Confidentiality obligations of the ANU Council

8.50 TEQSA finds that members of the ANU Council (without identifying specific members), acted in a manner inconsistent with their confidentiality obligations, which impacted the Council's ability to exercise competent governance oversight.

8.51 Clause 12.4 of the ANU Council Charter provides that Council members are subject to the following confidentiality obligations:

> Prior to a meeting, a Council member may only discuss with fellow Council members or the University Secretary, any Council business marked or declared to be confidential. When appropriate such matters may also be discussed with members of the University Executive, other senior officers of the University.
>
> Council and Council Committee members will exercise discretion and judgement in the use and communication of Council business and members of Council should refer to the Chancellor, or the University Secretary when in doubt. If a particular member is alleged to have breached confidentiality that person may be the subject of action by the Council, for breach of one or more of their duties under section 25 – 29 of the PGPA Act.

8.52 Sections 25 to 29 of the *Public Governance, Performance and Accountability Act 2013* (Cth) (**PGPA Act**), provide that Commonwealth officials are subject to the following obligations, each of which may be relevant where an unauthorised disclosure of information obtained by Council members in the performance of their duties is made:

(a) the duty of care and diligence;

(b) the duty to act honestly, in good faith and for a proper purpose;

(c) the duty not to improperly use a position to gain or seek to gain a benefit or advantage, or to cause, or to seek or to cause detriment;

(d) the duty not to improperly use information to gain or seek to gain a benefit or advantage, or to cause, or to seek or to cause detriment; and

(e) the duty to disclose material interests.

8.53 TEQSA considers that the above obligations extend to a duty to maintain confidentiality in relation to the deliberations of the ANU Council and that to the extent that a member was unclear about their confidentiality obligations with respect to Council deliberations, they should have sought advice from the Chancellor or Secretary regarding the extent of their duties. There is no evidence to indicate that occurred.

8.54 TEQSA finds that the ANU Council (or individual members thereof) is likely to have been responsible for multiple confidentiality breaches. While it is not necessary (and

probably impossible) to identify the particular Council members responsible for those breaches, the collective failure to adhere to principles of confidentiality raise serious concerns about the ANU Council's compliance with the Threshold Standards, particularly standards 6.1.1 and 6.2.1

8.55 Between 2024 and 2026, media articles were published, and a media enquiry was raised with the ANU regarding confidential information being deliberated upon by the ANU Council. Examples of this include:

(a) on 20 December 2024, an article was published by the Australian Financial Review (**AFR**) titled 'ANU council members say Bell's second job was never mentioned'. This article included quotes said to be from Council members who asserted that the then Vice-Chancellor's retention of a paid relationship with Intel Corporation was not formally discussed by the ANU Council;

(b) on 4 July 2025, the then Chancellor notified the ANU Council of unauthorised disclosures of information from the ANU Council's 3 July 2026 meeting. On 8 July 2025 the Chancellor informed the ANU Council that her email from 4 July 2025 had also been disclosed to the media and pending the outcome of an investigation access to 'Convene' would be paused;

(c) on 28 March 2026, an article was published by The Saturday Paper titled 'Exclusive: Yelling and complaints at latest ANU Council meeting'. This sets out recollections of 2 sources with direct knowledge of and one person who was present for, an ANU Council meeting in February 2026;

(d) on 11 April 2026, an article was published by the Saturday Paper titled 'Exclusive: Former ANU VC accused of 'serious misconduct'. This set out further confidential information about the ANU Council's deliberations in February 2026 regarding allegations of serious misconduct against the then Vice-Chancellor; and

(e) on 2 May 2026, an article was published by the Saturday Paper titled 'Exclusive: Bishop seeks legal advice over acting VC'. This set out confidential information about the 24 April 2026 meeting of the ANU Council, where it was reported that the then Chancellor briefed the ANU Council about a possible breach of the *Freedom of Information Act* by the office of the vice-chancellor.

8.56 The above articles indicate that discussions, occurring within Council meetings which were captured by confidentiality obligations, were being disclosed to third party sources, including journalists. These breaches of confidentiality are not consistent with the obligations of each Council member and further eroded the trust amongst the members of the Council.

8.57 TEQSA understands that the ANU arranged for Deloitte Touche Tohmatsu to investigate the authority for disclosures being made to third parties (**the Deloitte Investigation**). TEQSA has not been provided with a copy of that report (on the basis of a claim of privilege), but understands based on correspondence provided to it that the Deloitte Investigation found that confidential information from the ANU Council had been leaked to the media, although the Deloitte Investigation was unable to determine the source of those leaks.[32]

8.58 Council minutes demonstrate that on 15 August 2025, the then Chancellor reminded the ANU Council of their confidentiality obligations. However, in early 2026, confidential information shared during Council meetings was again referenced in media articles, indicating that the reminder did not have its desired effect.

[32] Email between Council members dated 1 September 2025; Minutes of the 3 October 2025 Council meeting.

8.59 TEQSA finds that there is sufficient evidence available to it to conclude that certain members of the ANU Council (without making any findings in respect of which members), have not acted in accordance with their confidentiality obligations and that actions undertaken by the ANU to date to manage and mitigate these breaches have not been sufficient. TEQSA finds that without appropriate action to mitigate this, there is a clear risk that such disclosures will continue.

8.60 TEQSA further finds that these confidentiality breaches eroded trust amongst Council members and that this breakdown in trust has meant that the Council has been unable to operate in the manner required to make competent decisions through effective governance. Likewise, the widespread knowledge of these breaches amongst the ANU community and the broader public has had reputational impacts for the ANU Council, as well as the university more generally. TEQSA understands that although there were attempts to reduce the Council's access to documents in order to address these unauthorised disclosures, those actions had further adverse impacts upon the trust amongst Council members, increased tensions on the Council and ultimately meant that Council members did not have access to the information that they required in order to make competent decisions. In this manner, the actions that were undertaken to reduce the risk of unauthorised disclosures, ultimately impeded the Council's ability to exercise its functions.

8.61 Interviews conducted by Ms Briggs identified concerns regarding the leaks from ANU Council members, but also expressed concerns about the actions undertaken by the Council in an attempt to identify the source of the leaks and restrict the provision of information to members. Multiple members reported that the Deloitte Investigation focussed on the internal members of Council, rather than the entire Council, which was perceived as an unfair pre-judgement as to whom the leaks were being attributed. Although the truth of this statement has been unable to be ascertained by TEQSA in the course of its assessment, in any event, this perception led to a divide amongst Council members, with internal members feeling like they were not trusted by appointed Council members. That level of distrust and division is not conducive for good governance.

8.62 TEQSA makes the finding that the confidentiality breaches by the ANU Council are a failure to meet Standard 6.1.1 of the Threshold Standards, as they demonstrate that members of the ANU Council acted in a manner inconsistent with their statutory obligations, consequently impacting the quality of governance, such that they did not exercise competent governance.

8.63 TEQSA further finds that the confidentiality breaches are a failure to meet Standard 6.2.1(a) of the Threshold Standards which require that the entity and the governing body comply with legislative requirements. These confidentially breaches were contrary to the legislative obligations[33] of Council members and as such, constitute a failure to meet the standards.

8.64 TEQSA also finds that these confidentiality breaches are a failure to meet Standard 6.2.1(e) of the Threshold Standards which requires a governing body to assure itself that risks to higher education were identified, managed and mitigated effectively. These confidentiality breaches represented a clear risk to the ANU, particularly with respect to its reputation and the ability of its Council to engage in debate and discussions with the confidence that those discussions would remain confidential. The repeated, rather than isolated nature of the breaches, notwithstanding some attempts to manage those breaches demonstrates the Council was unable to appropriately manage or mitigate those risks. Further, the attempts to manage these incidents resulted in divides between Council members, and in Council having

[33] Including those set out at para 8.52.

restricted access to information, which also heightened risks to Council's ability to competently discharge its functions.

8.65 Given the extent of the confidentiality breaches demonstrated to date, and the risk that these will continue, TEQSA considers the evidence demonstrates that Council members require additional training and education to ensure that are aware of, and compliant with their obligations as Council members.

8.66 TEQSA's decision is that arising from the failure to meet Standards 6.1.1, 6.2.1(a) and 6.2.1(e) of the Threshold Standards, it is necessary to impose the following conditions on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 3, being the condition to undertake induction and training of Council Members.

Council oversight of the Vice-Chancellor

8.67 TEQSA makes the finding that the ANU Council has failed to exercise competent oversight of its Vice-Chancellor and that failure amounts to a failure to meet Standard 6.1.1.

8.68 In the NoCA, TEQSA advised the ANU that it held concerns about the leadership of the Council, including concerns arising from media reports regarding whether ANU Council members understood that its then Vice-Chancellor held a paid role with Intel Corporation whilst appointed to the position of Vice-Chancellor.

8.69 The ANU Vice-Chancellor is the principal academic officer and chief executive officer of the university, with responsibility for academic standards, management and administration of the university and the performance of any other functions, duties and powers otherwise determined by the Council.

8.70 The Council is responsible for providing general oversight of the ANU, and has the entire control and management of the university.[34] Those duties extend to the appointment of the Vice-Chancellor upon the conditions that the Council considers fit, as well as the power to terminate the Vice-Chancellor.[35] As a necessary extension of the Council's powers with respect to the Vice-Chancellor, it is reasonable to expect that the ANU Council would take steps to ensure that they are suitably informed with respect to matters that may affect the Vice-Chancellor's ability to perform their role. It is also reasonable to expect that Council would have oversight of the ongoing performance of the Vice-Chancellor, such that they can be satisfied that the person holding that position retains the confidence of the Council.

8.71 On 1 January 2024, the ANU Council appointed a new Vice-Chancellor. That appointment was made at the recommendation of the Selection Committee, following a selection process, with the Selection Committee providing updates on the process to the Council.[36] On 2 September 2023, there was a Special Meeting convened by the ANU Council to consider the appointment of the new Vice-Chancellor. Minutes from that meeting indicate that Council discussed the selection process undertaken, the preferred candidate and the terms and conditions of the appointment, prior to approving the appointment. The minutes do not indicate that there was any consideration of the approved candidate's existing paid roles, any consideration of whether any existing roles (paid or otherwise) presented a conflict of interest to their appointment as the new Vice-Chancellor, or contain any reference to these matters at all.

[34] ANU Act, s 8.
[35] ANU Act, s 34.
[36] Email from ANU Chancellor to ANU Council dated 18 August 2023.

8.72 The Council's register of disclosed interests dated January 2024 listed the new Vice-Chancellor's personal interests as including a position of 'Senior Fellow and Vice President of Intel Corporation'.[37] The register did not identify the nature of this role, such as whether it was a paid position, the amount of work undertaken by the then Vice-Chancellor within that role.

8.73 On 20 December 2024, the Australian Financial Review published an article which claimed that members of the Council had no recollection of an agreement for the then Vice-Chancellor to continue to work for Intel Corporation being mentioned to it.

8.74 On 10 January 2025, the then ANU Chancellor published a statement noting recent media articles regarding the then Vice-Chancellor's former role with Intel Corporation, noting that by that date, she had resigned her position. The statement claimed that the Vice-Chancellor's role with Intel Corporation was 'well known and celebrated,' and to have been appropriately disclosed and approved.

8.75 On 12 February 2025, TEQSA met with the ANU's then Chancellor and members of its Executive to discuss its concerns regarding the then Vice-Chancellor's former position with Intel Corporation. ANU representatives conveyed that:

(a) the ANU Council had delegated authority to its then Chancellor for:

(i) oversight of the recruitment process for the Vice-Chancellor; and

(ii) negotiation of the terms and conditions of the Vice-Chancellor's appointment.

(b) it was indicated that the then Chancellor, as the Vice-Chancellor's supervisor had approved the then Vice-Chancellor's continued employment with Intel Corporation as it was consistent with the ANU policy 'Paid outside work – 52 day rule'.

8.76 On 28 April 2025, the ANU provided a letter to TEQSA which set out:

(a) the then Vice-Chancellor's "role at Intel was widely known and publicised" at ANU following her initial appointment to an academic role in 2017

(b) the then Vice-Chancellor's "employment at Intel was disclosed in detail to the Selection Committee" during the recruitment process and was subjected to due diligence checks by the Chancellor and Pro-Chancellor.

(c) the Chancellor provided "a detailed summary of the recruitment process [and] the specifics of [the then Vice-Chancellor's] … proposed arrangements regarding her roles with…Intel" to the ANU Council at its meeting on 2 September 2023 and that Council "noted and endorsed the summary provided"

(d) "If any Council member claim[ed] not to have been aware of [the then Vice-Chancellor's] paid employment with Intel… they were for some reason absent during relevant discussions or failed to exercise due diligence with regard to [the then Vice-Chancellor's] numerous Declarations of Interests, and particularly [the then Vice-Chancellor's] declaration tabled at the February 2024 Council meeting."

(e) the ANU also provided the following supporting evidence regarding oversight of the then Vice-Chancellor's role with Intel Corporation:

(i) ANU Policy Outside Work – 52-day rule;

(ii) ANU Policy Outside Work for Professional Staff;

(iii) Delegation of recruitment of Vice-Chancellor to the Selection Committee;

[37] Register of Disclosed Interests (January 2024).

(iv) 2024 Register of disclosed interests for Council; and

(v) Private Interests Declaration 2024.

8.77 TEQSA notes the ANU did not provide evidence to show:

(a) a conflict management plan had been agreed to between the Chancellor and Vice-Chancellor

(b) the ANU Council had any oversight over a conflict management plan being agreed to between the Chancellor and Vice-Chancellor.

8.78 [redacted]

8.79 [redacted]

8.80 [redacted]

8.81 [redacted]

8.82 [redacted] However, TEQSA finds that there was also a failure to ensure Council was provided relevant information to enable informed decision-making, a failure by the Council to make an appropriate level of enquiry as to the precise nature of the then Vice-Chancellor's relationship with Intel Corporation

38 [redacted]

39 [redacted]

40 [redacted]

and whether an appropriate conflict management plan was in place. TEQSA considers that by reference to the commercial nature of Intel Corporation, it was reasonable to expect that the arrangement between the then Vice-Chancellor and Intel Corporation was of a commercial nature, such that the role was paid. Minutes from Council meetings indicate that no or limited information was considered by Council, and no enquiries were raised by Council members, which TEQSA considers, reflects a failure to exercise competent governance oversight with respect to potential conflict of interest scenarios.

8.83 TEQSA makes the finding that information about the Vice-Chancellor's role with Intel Corporation and about her performance was necessary information that the Council required in order to fulfil its duties to the university in relation to its ongoing monitoring of the Vice-Chancellor and otherwise to be aware of potential risks to the university. Regardless of the cause of the failures, TEQSA finds the failure to pass on such critical information demonstrates an apparent failure of the Council to exercise competent government oversight, such that improvements to the ANU's conflict of interest management, disclosures processes, and operation of the Council's committees are required.

8.84 As subsequently demonstrated by the breakdown in trust amongst Council members relating to their lack of knowledge regarding the nature of the then Vice-Chancellor's position with Intel Corporation, and the reputational damage to the Council arising from the media reports relating to this issue, this failure had the potential to significantly impact on the overall governance of the university.

8.85 Further, TEQSA considered the ANU Council's oversight of the Vice-Chancellor's performance.

8.86 The Expert Council on University Governance – Final Report (**the Expert Council Report**) was prepared to provide a strong basis for strengthening and improving university governance across Australia's public universities and has relevant guidance on the oversight of a Vice-Chancellor's performance. The Report includes principles for university governance, relevantly:[41]

> 4.1 – Purpose, Strategy and Objectives
>
> The governing body should…
>
> d. agree [sic] annual objectives for the Vice-Chancellor that reflect the purpose and strategic objectives of the university
>
> 4.2 – Performance and Transparency
>
> The governing body should…
>
> c. annually evaluate the performance of the Vice-Chancellor against the agreed objectives

8.87 The ANU provided TEQSA with copies of emails and minutes showing how the Council and its Remuneration Committee[42] oversaw the Vice-Chancellor's performance.

8.88 Based on materials provided by the ANU to TEQSA:

(a) on 5 February 2024, based on the unsigned agenda papers and minutes of the Remuneration Committee, the Remuneration Committee agreed the Chancellor

[41] Page 47.

[42] TEQSA notes that under clause 7b)i) of the Remuneration Committee Charter, the Remuneration Committee's responsibilities include monitoring, reviewing and where appropriate making recommendations to Council on the performance of the Vice-Chancellor.

would finalise the Vice-Chancellor's key performance indicators (KPIs) by the end of Q1 2024.

(b) on 9 February 2024, minutes of the ANU Council meeting show at item C13 that the Chancellor noted discussions had commenced with the new Vice-Chancellor to set KPIs and these would be finalised during Q1 2024.

(c) on 27 May 2025, the unsigned agenda papers of the Remuneration Committee indicated the Remuneration Committee was provided with information regarding consideration of the Vice-Chancellor's pay, but no materials regarding the Vice-Chancellor's performance.

(d) on 30 May 2025, at item 3, the minutes of the ANU Council meeting show the Chancellor reported that the Remuneration Committee "met on Tuesday and will meet again shortly to discuss the Vice-Chancellor's KPI's".

(e) on 7 June 2025, the Vice-Chancellor sent an email with the subject title 'proposed KPIs for 2024' to 3 members of the Remuneration Committee[43] and the Chief People Officer. The Vice-Chancellor included a table of the KPIs in against which the status of each KPI was marked as 'COMPLETE' and commentary was provided. In the email the Vice-Chancellor said they had agreed to the KPIs:

> "at the beginning of 2024 with the then Rem[uneration] Committee. I have assessed the status of the KPIs and provided additional information to explain my assessment."

(f) according to the email dated 7 June 2025, the Vice-Chancellor's KPIs were:

(i) "Successful onboarding to the VC role"

(ii) "Rationalise the OVC and its work practices"

(iii) "Undertake Exec Renewal"

(iv) "Complete "learning journey" for the VC"

(v) "Identify key challenges, and measurable relative change state metrics by EOY"

(g) between 7 June 2025 and 3 July 2025, members of the Remuneration Committee exchanged emails about the Vice-Chancellor's performance. Two of the three members noted they had not been on the Remuneration Committee when the Vice-Chancellor's KPIs had been set.

(h) on 4 July 2025 the Chancellor shared a copy of the Vice-Chancellor's final assessment with the other members of the Nominations Committee in which the Chancellor agreed with the Vice-Chancellor's self-assessment and provided additional commentary.

(i) no papers were provided to the ANU Council showing:

(i) the KPIs agreed to with the Vice-Chancellor

(ii) the evaluation of the Vice-Chancellor's performance against those KPIs.

8.89 TEQSA finds that:

(a) the KPIs set by the Remuneration Committee were inconsistent with competent governance. This is because they:

[43] These members were the Chancellor, Pro-Chancellor and another member of the ANU Council.

(i) were not clearly linked to ANU's strategic objectives, meaning they did not encourage focus of the Vice-Chancellor on delivering work that aligned with those strategic objectives

(ii) included unclear measurables (such as "Complete "learning journey" for the VC") making it difficult for the Remuneration Committee, and in turn the Council, to appropriately assess and hold the Vice-Chancellor accountable for their performance.

(b) the process for evaluation of the Vice-Chancellor's performance was inconsistent with competent governance. This was because it:

(i) lacked inputs from other sources such as direct reports via 360-degree feedback or an informal equivalent, that would reasonably be expected to inform the evaluation of a Vice-Chancellor. Instead, it appears the evaluation was based on the Vice-Chancellor's self-assessment and the subsequent agreement of the Remuneration Committee; it is not clear whether any discussion took place further to the relevant email exchange.

(ii) was not reported to the ANU Council, meaning it could not monitor, raise, or address potential concerns regarding the Vice-Chancellor's performance.

8.90 Minutes from Council meetings indicate no enquiries were raised by Council members about the Vice-Chancellor's KPIs or performance evaluation, or its ability to oversight the Vice-Chancellor's KPIs or performance evaluation. TEQSA considers this reflects a failure to exercise competent governance oversight by making appropriate enquiries to ensure it fulfilled its responsibility to oversight the ANU's principal academic and chief executive officer. Had it not failed in this regard, issues with the KPIs and process for evaluation may have otherwise been addressed.

8.91 TEQSA finds that the following amount to failures to meet Standard 6.1.1:

(a) failure to identify and act on information relating to actual, potential or perceived conflicts of interests

(b) failure to oversight the Vice-Chancellor's performance.

8.92 Regarding conflicts of interest, TEQSA acknowledges that the then Vice-Chancellor subsequently resigned from her position with Intel Corporation and later on, from her position as Vice-Chancellor. As such, to the extent that there was a conflict of interest from that relationship, that particular conflict no longer exists. However, TEQSA considers that this incident demonstrates that ANU Council members were not sufficiently aware of their duties to identify and manage conflicts of interest, and that relevant information was not being passed on to Council members or adequately interrogated to enable them to discharge their duties in relation to oversight of the Vice Chancellor.

8.93 TEQSA's view is that arising from the failure to meet Standard 6.1.1 of the Threshold Standards to have a competent governing body, it is necessary to impose the following conditions on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 2 - Ensuring Integrity at the University; and

(b) Condition 4 - Information flows to the Council.

The ANU Council's oversight of risks to the integrity of its operations

8.94 TEQSA considers that compliance with Standard 6.2.1(e), being the requirement for the governing body to assure itself that the provider is operating effectively and sustainably, by identifying, managing and mitigating risks, requires a governing body

to demonstrate that it is effectively managing risks to the integrity of a provider's operations, including through the management of conflicts of interest and risks of fraud and corruption.

8.95 This includes ensuring that members of the governing body are aware of relevant obligations and ensuring that processes and practices are in place to mitigate the likelihood and effects of those risks arising.

8.96 In TEQSA's view, the ANU Council has not demonstrated adequate management of risks relating to conflicts of interest. TEQSA refers to the above findings that it has made in relation to Council's oversight of the then Vice-Chancellor, in particular the failure of the ANU Council to have appropriate oversight of the Vice-Chancellor's potential, perceived or actual conflict of interest with Intel Corporation. TEQSA finds that the facts found above demonstrate the ANU has inadequate processes that do not enable it to effectively manage risks to its operations arising from conflicts of interests.

8.97 [redacted]

8.98 [redacted]

8.99 [redacted]

8.100 [redacted]

44 [redacted]
45 [redacted]
46 [redacted]

[redacted]

8.101 [redacted] The ANU should have provided appropriate education and training to its Council members to enable them to both identify, and act appropriately in relation to, potential (and actual) conflicts of interest, including implementing processes to avoid this situation arising. Therefore, TEQSA considers that a condition on the ANU's registration is necessary to manage the risk of future failures to meet the Threshold Standards.

8.102 TEQSA also considers that the ANU Council has demonstrated a lack of awareness regarding their obligations to exercise oversight of ANU subsidiaries or other entities of which it has control, as demonstrated by its approach in relation to the provision of oversight of ANU Enterprise. In this regard TEQSA understands that ANU Enterprise Pty Limited is a wholly owned subsidiary of the ANU and operates as a not-for-profit University Engagement Company, overseen by and monitored by the ANU Council.[48]

8.103 [redacted]

8.104 [redacted]

8.105 [redacted]

8.106 [redacted]

[47] [redacted]

[48] 2025 ANU Annual Report, page 133; Agenda for ANU Council meeting 5 April 2024, page 2.

[49] [redacted]

[redacted]
TEQSA therefore considers that it is necessary for the ANU to provide additional training to its Council members in relation to these issues.

8.107 [redacted] This incident, together with the findings above concerning the management of conflicts [redacted] indicates the ANU Council has not had sufficient oversight of integrity risks.

8.108 TEQSA's view is that arising from the failure to meet Standard 6.2.1(e) of the Threshold Standards requiring a provider to have appropriate risk management practices, it is necessary to impose the following conditions on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 2 - Ensuring Integrity at the University.

(b) Condition 3 - Induction and training of Council Members

Council's record keeping practices

8.109 TEQSA has been provided with copies of ANU's Council minutes as part of its compliance assessment. In reviewing those records, and by reference to the opinions expressed in expert reports, TEQSA finds that the Council's record keeping practices are not consistent with competent governance practices.

8.110 For instance:

(a) in the Chancellor's letter of 28 April 2025, it was suggested that there was a discussion at the September 2023 meeting regarding the Vice-Chancellor's role at Intel Corporation. If that is correct, it is concerning that the minutes do not record any discussion on this issue;

(b) in the 9 August 2024 Council meeting minutes, there is a lack of detail regarding how a savings figure of $250 million was identified as the target for the Renew ANU program, noting that the original figure identified within the PowerPoint presentation at the Council meeting proposed a $200 million target. Given the significant impacts of this program on the functions and operations of the university, it would be reasonable for a competent decision-making body to create a record of that meeting which identified the basis upon which this revised target was set; and

(c) in general, meeting minutes do not capture dissenting views or the substance of the discussion in relation to key decisions made by the ANU Council. TEQSA considers that this indicates that either Council members failed to appropriately discuss and arrive at the decisions it was making, or that its minutes are an inadequate record of the content of Council meetings.

8.111 TEQSA acknowledges that meeting minutes are intended to capture the content of a meeting at a high level and as such, there is a degree of judgement to be exercised by a minute taker regarding the level of detail that is appropriate. TEQSA's 'Guidance

Note: Corporate Governance', provides clarity on what is expected regarding a governing body's minutes:

> Section 6.2 [of the Threshold Standards] outlines a set of key matters that the governing body must assure itself of and be able to demonstrate that they are being attended to responsibly and effectively. A provider is required to keep a true record of the business of the governing body (Standard 6.1.3e). TEQSA will wish to examine the record of the governing body's work (e.g. agendas, meeting minutes, actions arising) for a significant period (at least a year) to confirm the scope and detail of the governance activities involved and that they have been undertaken diligently. TEQSA does not prescribe the format of meeting minutes. However, minutes should record not only the decisions taken, but also the basis on which the decision was made (key documents considered and key points that were taken into consideration by the governing body in making its decision), as well as actions arising.

8.112 TEQSA notes that guidance published by the Australian Institute of Company Directors on Board Minutes reflects that body's expectations regarding the standard of good governance required in relation to the preparation of meeting minutes which aligns with TEQSA's guidance:

> Board minutes are a record of board decisions and the process, or proceedings, by which those decisions have been made. They are used to convey board decisions to the executives who will implement the decisions and serve as reference for the board if it wishes to revisit a decision. They are not a transcript of every word that was said during the meeting or a record of individual directors' contributions. However, they can be used as evidence in legal proceedings, and as such care must be taken with the preparation of the board minutes.
>
> …
>
> It is also advisable to include the key points of discussion and the broad reasons for decisions in the minutes.
>
> …
>
> While it is a matter for judgment in each case, minutes should typically record significant issues raised with management by directors and the responses received or action promised. It is neither necessary nor desirable to record every question put and every response received. It will normally be sufficient to record the thrust of significant issues raised in non-emotive and impartial language.

8.113 TEQSA's conclusion in relation to the inadequacy of ANU Council minutes is also consistent with the Howell Report. The Howell Report stated that the following was reported in surveys regarding the Council's approach to Council minutes:[50]

> The level of detail in public minutes is insufficient. (Council Comment)
>
> The minutes are very short and don't provide much information. (Council Comment)
>
> They are too headline, do not reflect how Council thinks or the issues considered and at times the line between simplification and inaccuracy by omission have blurred. (Council Comment)

8.114 Whilst individual Council members' opinions as to the adequacy of meeting minutes is not determinative of TEQSA's consideration of whether the Council's minutes are consistent with competent governance, TEQSA notes that those opinions are consistent with TEQSA's own findings in relation to the lack of detail contained in minutes.

8.115 TEQSA therefore finds that the approach taken with respect to the ANU Council's record keeping practices is a failure to meet Standard 6.1.1.

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[50] Howell Report, page 50.

8.116 Arising from the finding of a failure to meet Standard 6.1.1 of the Threshold Standards to have a competent governing body, TEQSA considers that it would be necessary to impose the following condition on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 1 – Governance and Council Strengthening Program

Training provided to ANU Council members

8.117 There is a lack of evidence available to TEQSA to demonstrate that ANU Council members are provided with an appropriate level of education and training (including induction) to allow them to fulfil their roles to the level required for competent governance.

8.118 The legislative requirements for the composition of the ANU Council reflects that it is a diverse governing body, with some members coming from academia and other members likely to come from business environments. As a necessary consequence of the diversity of the Council body, members are likely to bring different skillsets and levels of experience to their positions on the Council. Given that the Council membership is required to include an undergraduate and postgraduate student, it is entirely likely that some members will come to their positions as Councillors with little to no governance experience. TEQSA considers that this demonstrates the necessity for a sound training and development program which provides members with an understanding of the responsibilities of their role, an understanding of good governance practices and knowledge of the university sector. Even in the case of experienced Council members, such as Council members that have previously acted on company boards, it is still necessary that they understand obligations under the PGPA Act, the higher education sector (as well as legislative obligations applicable to the higher education sector), in order to ensure that their processes and decisions reflect the particular governance environment in which they are operating.

8.119 It is reasonable to expect that Council members would be provided with training at the commencement of their membership term and on an ongoing basis throughout the term of their appointment to the Council, to equip them with the knowledge and skills to make effective decisions.

8.120 The exact nature of the training (if any) required to be undertaken by Council members is not clear on the materials provided to TEQSA for the purposes of its compliance assessment. TEQSA understands that members are provided with the option to undertake a training course facilitated by the Australian Institute of Company Directors (**AICD**), although completion of this course is not required, and it has been suggested that few Council members elect to undertake the course.[51]

8.121 The Howell Report states that Council members made the following comments in surveys:

- *Not all elected members of Council understand governance and believe they are on Council to represent their cohort. (Interview Comment)*
- *Elected members have no understanding of conflicts of interest. (Interview Comment)*
- *Variable knowledge across Council membership. (Council Comment)*
- *Some Council members view their role as supporting management rather than genuine oversight. (Council Comment)*
- *We have a number of internal members who are elected for short periods of time by different groups at the university, including academic staff, professional staff*

[51] Howell Report, page 17.

and students. Understandably they have no or limited governance experience, and whilst offered the opportunity to undertake the three-day AICD course for university governance, the majority of them appear to decline to take that up. (Council Comment)

- *It is also my view that there are significant complexities in university governance composition that make these challenges more difficult and that some members of council do not fully understand governance responsibilities as well as they feel compelled to represent the views of colleagues and students. I totally support that the latter should inform decision making but see a distinct difference between addressing and representing the collective sentiment of many and meeting our responsibilities as a governing body. (Council Comment)*
- *Elected members have been offered professional development opportunities to attend the University specific AICD training which they have rejected. (Interview Comment)*

8.122 The Howell Report noted the risks regarding the current lack of training and role clarity provided to Council members as follows:[52]

> This lack of knowledge about the role of a governing body can be a risk for both the Council and individual Council member. For example, confidentiality of the discussions held in Council and committees is a cornerstone of good governance. Without confidentiality, Council members may be reluctant to fully share their views in meetings. The breaking of confidentiality can lead to significant damage to the University and to individuals. It can also cause a breakdown in Council behavioural dynamics, which is discussed further in section 3.14 and evident in many of the comments throughout this report.

8.123 This prompted the following recommendations:

> **Recommendation 1:** There be an expectation that new Council members will undertake governance training to allow them to contribute to the work of the Council at the earliest opportunity.
>
> **Recommendation 2**: In addition to individual development opportunities provided to Council members, Council should conduct an 'all of Council' training session on the role of Council, the role and expectations of Council members and appropriate behaviours for Council members.

8.124 Likewise, the BoardsGlobal Report also recommended that the ANU enhance its induction and knowledge attainment processes for its Council members. The specific recommendations included:

> **Recommendation 4.3.2:** Increase the effectiveness of initial inductions by providing:
>
> - An overview of key decisions undertaken by the Council in the preceding 24 months together with the educational, commercial and cultural rationales underlying these to help build newer Councillors' understanding of the underlying thinking, values and strategic priorities behind decisions.
> - An explanation of the strategic and operating plans and the key drivers and enablers underpinning these.
> - Meetings with key professional and academic staff, the Chancellor and Vice Chancellor.
>
> **Recommendation 4.3.3:** Have all Councillors participate in ideally two Committees (one of which to be the FC or ARC).
>
> **Recommendation 4.3.4:** Institute a 'buddy system' for new Council members; this could be rotated across several Councillors over their term. Buddies could be available by telephone to answer questions before meetings and for coffees after

[52] Section 3.1.1.

meetings to debrief, clarify and share context and information - this will also help deepen connections within the Council.

8.125 Having considered the recent governance failures of the ANU Council, in particular the circumstances leading up to Renew ANU and the manner in which that program was implemented, TEQSA has formed the view that there has been a poor understanding amongst ANU Council members as to their role and responsibilities on the Council. It follows that there is need for strengthened training for Council members. Without improved process, as without that training, members will continue to be unequipped with the knowledge that they need to perform their roles.

8.126 TEQSA makes the finding that the failure to mandate sufficient onboarding training to new Council members, or refresher training to existing Council members, constitutes a failure to meet Standard 6.1.1.

8.127 Given the importance of ensuring that Council members are appropriately trained for their roles and the apparent unsophistication of the ANU Council's current training and development practices, TEQSA's decision is that it is necessary to impose the following condition on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 3 – Induction and training of Council Members.

Strategic Planning by the ANU Council

8.128 Standard 6.2.1 of the Threshold Standards requires a governing body to assure itself that an entity is operating effectively and sustainably, including by determining the provider's future direction in higher education.

> The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:
>
> ..
>
> (b) the provider's future directions in higher education have been determined, realistic performance targets have been established, progress against targets is monitored and action is taken to correct underperformance
>
> …
>
> (e) risks to higher education operations have been identified and material risks are being managed and mitigated effectively

8.129 Standard 6.3 of the Threshold Standards sets out requirements regarding academic governance.

> 1. Processes and structures are established and responsibilities are assigned that collectively:
>
> …
>
> (b) set and monitor institutional benchmarks for academic quality and outcomes
>
> …
>
> 2. Academic oversight assures the quality of teaching, learning, research and research training effectively, including by:
>
> (d) maintaining oversight of academic and research integrity, including monitoring of potential risks
>
> (e) monitoring and initiating action to improve performance against institutional benchmarks for academic quality and outcomes
>
> …

(g) evaluating the effectiveness of institutional monitoring, review and improvement of academic activities, and

(h) monitoring and reporting to the corporate governing body on the quality of teaching, learning, research and research training.

8.130 Relevantly, the Expert Council Report sets out under 'Principle 3 – Independence: Academic standards and freedom are respected and protected'[53]

> Academic performance is a core function of the university. The governing body should set clear expectations for the quality and integrity of education and research and monitor performance against these expectations, striving to ensure that the needs of key stakeholders such as students, staff and research partners are met. The governing body should have a framework of accountabilities and controls, and an appropriate organisational structure to ensure the quality of education and research

8.131 Considering the expectations and obligations set out above, TEQSA would expect that an entity's future direction would be considered by reference to, at the very least, an organisation wide strategy. Further, given a core function of a university is academic performance, TEQSA considers that an academic plan or strategy (that is integrated into the ANU's Strategic Plan) is an important tool to ensuring strong academic governance, and the performance of that core function.

8.132 Between about June 2024 and July 2026, the ANU did not have an organisation wide strategy in place. The ANU Strategic Plan 2021-2025, was previously developed by the university and was in effect until 14 June 2024, when the ANU Council endorsed ending the plan early and relying on the ANU's Corporate Plan as its primary strategic document.[54] This occurred despite the ANU's Corporate Plan holding out the ANU's strategy as the overarching strategic document.

8.133 In addition to the ANU Strategic Plan 2021-2025, ANU has developed several corporate plans, including:

(a) ANU Corporate Plan 2023-2026;

(b) ANU Corporate Plan 2024-2027;

(c) ANU Corporate Plan 2025-2028; and

(d) ANU Corporate Plan 2026-2029,

each of which TEQSA understands to play a role in contributing to the strategic direction of the university.

8.134 There is a lack of evidence available to TEQSA to demonstrate that significant and long-term change programs, such as Renew ANU, were undertaken in consideration of the overall strategic vision for the ANU. It follows that, based on the material available to TEQSA, it does not consider that ANU had undertaken sufficient efforts to undertake long term planning (and to consider and execute programs in the context of that planning) in a way that reasonably demonstrates that it had been operating effectively, sustainably, setting its future directions, monitoring performance and undertaking actions to correct underperformance.

8.135 TEQSA acknowledges that from late 2025 (about a year after the ANU's previous strategic plan ended), ANU commenced work to develop a new strategic plan, with a final strategy being published on its website in August 2026. As per the website, TEQSA understands that the process to develop a new strategy included:

(a) leadership discussions with ANU Council and the ANU University Leadership Group;

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[53] Expert Council Report, page 61.
[54] Meeting minutes from Council meeting on 14 June 2024.

(b) facilitated sessions across Colleges and Portfolios, and the ANU's student community;

(c) consultation with alumni and external stakeholders through a variety of mechanisms, including surveys; and

(d) open opportunities for all of our community to contribute ideas and feedback.

8.136 TEQSA acknowledges that the implementation of this strategy is a much needed step in order to improve the operations of the ANU Council, and support it to make decisions that are at a strategic, as opposed to operational level.

8.137 However, TEQSA also notes that the ANU does not have an academic strategy. TEQSA has considered the extent to which universities have academic strategies, and notes that the practice of developing academic strategies is adopted by some in the sector. Noting the findings in this report regarding the ANU's potential non-compliance with the Threshold Standards, and the criticality of academic performance for a university, TEQSA considers that it likely was and continues to be necessary for the ANU to implement an academic strategy.

8.138 TEQSA finds that the lack of an academic plan and/or strategy has adversely impacted the ability of ANU's governing body to make decisions that take into account future directions, perform tasks and identify material risks to its higher education operations. In particular, in implementing Renew ANU, TEQSA does not consider that the ANU Council fully appreciated the risks to higher education posed through that program, or how implementation of the program could impact ANU's future direction. TEQSA finds that the decisions of the governing body in respect of Renew ANU were made in the context of financial savings, without strategic targeting, or comprehensive understanding of how that program could impact the academic direction and integrity of the university.

8.139 TEQSA considers that the apparent failure to adequately engage in timely strategy setting or consideration of how decisions may impact the future direction of the university, constitutes a failure to meet Standard 6.2.1(b), as there has been a failure to consider the ANU's future directions.

8.140 TEQSA acknowledges that the ANU has published a new strategy and is undertaking work on an academic strategy, including by undertaking appropriate stakeholder consultation. However, noting that the ANU was operating without a strategy for about 2 years, TEQSA's decision is that it is necessary to impose the following condition on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(e) Condition 1 – Governance and Council Strengthening Program.[55]

Financial and non-financial risk management practices of the ANU Council

8.141 Standard 6.2.1(e) of the Threshold Standards requires an entity and its governing body to assure itself that the entity is operating effectively, including by identifying and managing and mitigating material risks to higher education operations.

8.142 TEQSA makes the finding that the ANU Council has failed to adequately identify, manage and mitigate risks and in doing so, has failed to meet the Threshold Standards. In failing to engage with adequate risk management practices, TEQSA finds that the ANU's governing body has exposed the ANU to risks which have threatened the integrity, reputation and ongoing operations of the ANU.

[55] TEQSA notes that this condition is only partially relevant to the ANU's strategy setting, with aspects of the condition directed at other factual findings and failures to meet the Threshold Standards found by TEQSA.

8.143 In terms of the ANU's existing risk management practices, TEQSA finds that:

(a) whilst the ANU's Council initially developed a Strategic Risk Register, it has not maintained that register, or actively considered it since October 2022;

(b) the ANU's existing Strategic Risk Register does not sufficiently identify risks to higher education operations, as it does not include risks to ANU's reputation or social-license related risk;

(c) there are no apparent mechanisms in place by ANU Council which trigger a process to undertake a review and revision of its Strategic Risk Register. The lack of mechanisms has likely contributed to its failure to actively maintain the risk register, or otherwise engage in a consideration of risks to which the ANU is exposed;

(d) ANU's Risk Management Policy is out of date;

(e) ANU appears to have had limited capacity to deliver on its Internal Audit Work Plans with several audits planned between 2023 and 2025 delayed by one to two years;[56]

(f) Council minutes indicate that the Council has only engaged in a consideration of risks in a brief, high-level way, without sufficiently engaging with material risks; and

(g) executive summaries provided to the Council by its Committees (including its Audit and Risk Management Committee (ARMC)) lacked sufficient detail. For example, Council agenda papers for the meetings on 5 April 2024, 9 October 2024, 14 February 2025, and 28 March 2025 show Council was provided with 'Executive Summaries' that lacked information to sufficiently inform the Council's decision-making or its understanding of the work being done or the risk oversight being provided by its committees. The lack of information from the ARMC is of significant concern, given the critical role it plays in supporting the Council to oversight institutional risks and is likely to have impacted the Council's ability to manage those risks.

8.144 The ANAO report expressed the following views relevant to the ANU's financial risk management:[57]

> 3.24 ANU analysis shows that it lacked the mechanisms required to control spending when the 2020 financial shock occurred. In 2020, ANU's control environment was characterised by:
>
> - lack of forecasting and projections in the annual enterprise budget;
> - no framework to apply ANU Budget efficiency dividends or other reductions to College spending;
> - lack of cash and debt management strategy;
> - delayed, incomplete, and poor or variable quality financial reporting;
> - lack of hiring controls;
> - lack of oversight of the Vice-Chancellor's Strategic Fund;
> - lack of ledger integrity at college and school level; and
> - lack of internal purchase and procurement controls.

[56] Based on Council minutes and agenda papers from 9 February 2023, 30 May 2025 and 28 November 2025, and the Audit and Risk Management Committee agenda papers from 31 January 2024.
[57] ANAO Report, pages 47-48.

8.145 The ANAO report also set out the improvements the ANU reported it had made since 2020, as set out in the table below.[58]

Table 3.2: Financial management improvements reported by ANU, by year and issue, 2020 to 2025[a]

Issue	Improvements reported by year					
	2020	2021	2022	2023	2024	2025
Annual enterprise budget	Expenditure Control Framework (ECF) Budget introduced	Forward estimates of revenue and expenses	No action reported	No action reported	No action reported	No action reported
Framework to apply reductions to spending	Spending limits	No action reported	Annual efficiency targets	Annual efficiency targets applied to business areas	Additional mid-year reductions applied to business areas	No action reported
Cash and debt management strategy	Council approved minimum cash ratios and thresholds	No action reported	No action reported	No action reported	Council approved revised minimum cash threshold	No action reported
Financial reporting	No action reported	No action reported	New financial reports	No action reported	Real-time financial dashboards	Student recruitment reporting
Human resources (HR) controls	No action reported	No action reported	No action reported	Excess leave balances recognised in area budgets	HR centralised; Recruitment Approval Committee	Policy covering re-hiring after redundancy
Financial oversight and accountability	No action reported	No action reported	No action reported	No action reported	Vice-Chancellor's Strategic Fund ended	No action reported
Financial record keeping	No action reported	No action reported	No action reported	New guidance	Additional delegation requirements	Policy and methodology clarifications
Purchase and procurement	No action reported	No action reported	No action reported	No action reported	No action reported	Purchase card guidance and controls

Note a: Activity over multiple years (for example, reporting changes) indicates successive changes, and is not necessarily indicative that work has been completed. The ANAO has relied on ANU reporting of improvements to develop this table. ANAO has not assessed if the changes constitute improvements against a framework.

Source: ANAO based on ANU records.

8.146 The ANAO further observed, that despite these improvements:[59]

> …as of December 2025, ANU did not have assurance that arrangements were working as intended, and key deficiencies are evident in the ECF budget approach (paragraph 3.26), and reporting to Council (paragraph 4.5).
>
> 3.29 Further, quarterly reporting to Council and record keeping still rely on two unaudited measures (underlying operating result and management operating result, as outlined in Table 2.1) without clearly distinguishing between the different measures when used.

8.147 The ANAO made the following recommendations to the ANU, which TEQSA understands were all accepted by the ANU:

> **Recommendation 1**
>
> The Australian National University formally capture and apply lessons learned from Renew ANU to future proposals involving major financial or organisational change, to ensure such proposals are supported by a documented business case that clearly sets out:
>
> (a) the problem to be addressed;
>
> (b) realistic, evidence-based options; implementation risks and dependencies;
>
> (c) the expected impact on the university's purpose, financial sustainability, and people;

[58] Page 49.
[59] ANAO Report, page 50.

(d) and oversight and reporting arrangements.

This information should be provided to Council prior to approval, to enable informed and robust decision-making.

Recommendation 2

The Australian National University enhance the quality of financial advice and reporting to Council and its committees to ensure it is readily understood by its membership, including by:

(a) explaining the university's full financial position, including audited net operating results, cash flows and liquidity, and assets, liabilities and investment funds;

(b) explaining the interaction between operating decisions and financial performance, including trend and trajectory analysis, reasons for any variance from budget, and longer term risks to financial sustainability; and

(c) commissioning independent assurance as to the effectiveness of financial control improvements introduced since 2020.

Reliance on income and expenditure measures alone should be avoided.

Recommendation 3

The Australian National University establish and approve a documented methodology for the calculation and use of non-audited financial measures (including the underlying operating result and management operating result), including:

(a) clear definitions and permitted adjustments;

(b) reconciliation to audited financial statements; and

(c) consistent use in internal reporting and decision-making.

Council reporting should clearly identify which measure is being used and why.

8.148 The Howell Report sets out the following regarding risk management and appropriate governance practices:[60]

With respect to governance processes and risk, the ISO governance standard, ISO 37000:2021, states that the 'governing body should':

a. ensure that the governing body itself is adequately and proactively informed of new and emerging risk;

b. when evaluating strategic options, ensure that both threats and opportunities are assessed and evaluate the extent to which options support the realization of the organizational purpose and the organizational values; this includes assessing and evaluating the impact on the natural environment, social and economic context within which the organization operates; and

c. when making a strategic choice, ensure that this choice is balanced against the changing risk context and that the associated risk is treated and monitored.

Risk management is an essential tool of any governing body. Risk management provides a structured framework for thinking about the impact into the future of current decisions, together with the impact of possible external threats and opportunities to the university.

[60] Howell Report, section 3.5.

8.149 The Howell Report made the following observations in relation to the ANU's management of risks:[61]

> … [the ANU's] current Strategic Risk Register was approved by Council on 7 October 2022… which means it is well overdue for review by Council."
>
> "…there is no mention of the risk appetite in the Council Charter nor is Council's role with respect to the risk appetite statement set out in the ANU Risk Management Policy, which is out of date in that it does not include the Audit, Finance and Risk Committee (AFRC) but rather the two previous committees that were combined to create this committee".

8.150 The Howell Report made four recommendations regarding the ANU's risk management practices, being:[62]

- The Council and Audit, Finance and Risk Committee's roles with respect to the Risk Appetite Statement to be included in their Charters.
- The Audit, Finance and Risk Committee to oversee a review of the University's Risk Appetite Statement at least annually for Council approval to ensure it is guiding decision making at all levels of the institution and is aligned to ANU's capacity to manage risk and opportunities.
- The Risk Management Policy to be updated to include the Audit, Risk and Finance Committee and its responsibilities within the risk governance framework at ANU.
- The Strategic Risk Register to be reviewed at least annually for Council approval.

8.151 TEQSA considers that the ANU's apparent failure to undertake appropriate risk management practises is likely to constitute a failure to meet Standard 6.2.1(e).

8.152 TEQSA acknowledges that the ANU may implement improved risk management practices in accordance with the recommendations of the ANAO and Howell Reports. However, given the level of improvement required, and the risk of ongoing non-compliance, TEQSA's decision is that it is necessary to impose the following condition on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(a) Condition 1 – Governance and Council Strengthening Program.

Informed decision making

8.153 Standard 6.1.3(a) of the Threshold Standards requires a governing body to attend to governance functions and processes diligently and effectively, including by obtaining and using such information and advice (including independent advice), as is necessary for informed and competent decision making. TEQSA's view is that the manner in which the ANU Council has approached decision making suggests that it has not met this standard.

8.154 TEQSA considers that it should have been evident to a competent governing body that the decisions of the ANU Council to reduce its overall student headcount between 2018 and 2023, would have exposed the ANU to risks to its financial sustainability. However, TEQSA is not satisfied that the ANU sought appropriate independent financial or other advice to inform itself as to whether this decision was in the best interests of the university, or otherwise appropriately engaged in a consideration of the risks arising from that decision.

8.155 The BoardsGlobal Report recommended that the ANU:[63]

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[61] Page 38.
[62] Section 3.5.1.
[63] Page 34.

> Encourage deeper enquiry on critical matters, decisions and proposals, or areas of performance where there is less comfort or clarity. Ask the questions that take the listener to the next level down in the data and into the assumptions (for example to substantiate the fundamentals of business cases and risk analysis)

8.156 TEQSA has reviewed the circumstances surrounding the decision to commence the Renew ANU program:

(a) on 9 August 2024, the then Vice-Chancellor presented a slide pack which outlined a recommendation for a $200 million per year savings target. It does not appear that these slides were provided in advance as part of the Council meeting pack. The minutes indicate that Council endorsed these targets and requested more information on how these targets would be met.[64]

(b) on 23 September 2024, the Council held an Exceptional meeting. The meeting pack for this meeting indicated that the then Vice-Chancellor would provide an outline of activities to date and forward planning, with a 3-page summary. The minutes indicate that Council raised points that "disruption to ongoing teaching, particularly the exam period, and research must be minimised" and "the end result must include an equitable student and staff experience across the University".[65]

(c) following that meeting, the Vice-Chancellor provided an out-of-session paper "that outlines how the University will realign its underlying cost base to achieve the required $250m reduction, endorsed by Council".

(d) the minutes:

(i) state that "Council members were given until Friday 27th September to provide their endorsement or otherwise via email. All members who responded endorsed the paper as written."

(ii) record that Council noted and endorsed the recommendations in the paper. These included the reductions to the ANU's cost base and changes to its structure, including the disestablishment of the ANU College of Health and Medicine and merger of other Colleges.

(e) the emails from Council members endorsing the recommendations in the paper record little to no discussion about the recommendations.[66]

8.157 Considering the significance of the decision to the ANU's financial sustainability and general operations, TEQSA finds the Council did not obtain or use sufficient information and advice about Renew ANU before endorsing the proposal. In particular, it appears the Council did not have the opportunity to consider the slides presented by the then Vice-Chancellor prior to the 9 August 2024 meeting, only had a few days to consider the paper circulated on 23 September 2024, and did not discuss or debate the final proposal to the extent reasonably expected before endorsing the proposal via email on 27 September 2024.

8.158 In relation to the decision to implement a $250 million financial savings target as part of Renew ANU, it is not clear what this target was based on, when the financial update provided to the Council in the 9 August 2024 Council meeting forecast a $202 million deficit and the initial recommendation by the then Vice-Chancellor was for a $200 million per year savings target.[67] It is also not clear why at that meeting, the ANU Council did not request to be provided with several scenarios to shape thinking or request multi-year plans (in the form of a financial sustainability plan or similar

[64] Agenda papers, meeting minutes and presentation from Council meeting on 9 August 2024.
[65] Agenda papers, meeting minutes and presentation from Council meeting on 23 September 2024.
[66] Documents relating to 23 September 2024 meeting, as published on ANU's FOI disclosure log.
[67] Agenda papers, meeting minutes and presentation from Council meeting on 9 August 2024.

analysis) given it had discussed the need for these at its meeting on 14 June 2024.[68] TEQSA is not satisfied that the decision to implement a $250 million reduction was appropriately supported by evidence, or that the Council undertook steps to ensure that it was appropriately informed prior to agreeing to this target.

8.159 It appears that the Renew ANU program was partly influenced by consultancy services provided by the Nous Group, however, TEQSA is not satisfied that the ANU Council was adequately informed of the role of the Nous Group, or that it had effective oversight of the activities of this consultancy. [redacted]

8.160 TEQSA considers that a competent governing body would make enquiries as to the basis upon which the recommendation for financial and structural reform was based, but also considers that this information should have made its way to the ANU Council, without Council members needing to request access to any reports or recommendations underlying the proposed reforms. ANU Council papers across 2024 did not show the ANU Council was informed by senior management about the role of the Nous Group in preparation for the Renew ANU program of work, such that it was able to provide informed oversight of these preparations and associated activities. In particular, TEQSA considers this impacted the ANU Council's ability to properly consider and weigh the advice from Nous Group in the context of ANU's operating environment as Australia's national university, its overall strategic direction, and regulatory requirements.

8.161 Further, TEQSA finds that a competent governance body should have made enquiries as part of Renew ANU as to the non-financial risks presented to the ANU through the decisions to commence and implement Renew ANU. There is no or limited evidence to suggest that the ANU Council took steps to inform itself of those risks including, but not limited to, risks to the ANU's reputation, culture and effective operation of teaching, learning and research activities. Further, there was no evidence of effective controls, such as:

(a) mechanisms for ongoing consultation and engagement between the Council and its stakeholders on this major change to understand and monitor the impact on stakeholders

(b) plans or strategies for the ANU's academic operations against which the ANU Council could assess the impact of major changes on its strategic objectives for academic performance.

8.162 For example, from a review of ANU Council records, TEQSA notes:

(a) the papers for the Council's meeting on 28 March 2025 briefly referred to the National Tertiary Education Union's campaign for a vote of no confidence and a rally on organisational change. In TEQSA's view, this indicates dissatisfaction with ANU's leadership and/or Renew ANU on the part of at least some ANU staff members. However, it does not appear from the meeting papers or minutes that the Council sought or obtained information about the level of dissatisfaction with Renew ANU or how widespread it may have been,

[68] Meeting minutes from Council meeting on 14 June 2024.
[69] [redacted]

discussed the issue in depth, or that it identified dissatisfaction with Renew ANU as a material risk.[70]

(b) the papers for Council's next meeting on 30 May 2025[71] included a paper discussing reputational risk associated with Renew ANU and recommending that mitigation strategies be developed. It is not evident from previous Council meeting papers and minutes that Council had previously identified this risk or obtained such information as would be necessary to monitor the level of risk. Noting the paper refers to a "protracted negative reputational cycle"[72] over an approximately 6-month period, it is not apparent that Council had sought sufficient information to inform itself about these risks as at May 2025.

(c) in addition, it is not evident from meeting papers or minutes that the Council had engaged with psychosocial risks to staff arising from Renew ANU prior to the 30 May 2025 Council meeting, where a risk assessment on this point was presented to and discussed by Council. It is also not clear from the meeting papers and minutes discussed above that Council had identified the risk of psychosocial impacts on students.

8.163 TEQSA has also considered records from the interviews conducted by Ms Briggs and is satisfied that a common theme within those records is that Council members were not provided with the relevant information required to make informed decisions. These interviews also suggested that even where Council was provided with relevant information, it was not provided with sufficient time to engage with that material prior to Council meetings.

8.164 Further, over the course of the compliance assessment, TEQSA considered the statutes governing the operation of ANU's governance and related ANU Council agenda papers and minutes. Since 2020 the ANU Council made several statutes, culminating in the *Australian National University (Governance) Statute 2024* that cumulatively repeal and consolidate the content of other similar statutes. In particular, the *Australian National University (Governance) Statute 2020* (2020 Statute)[73] made significant changes to the roles and responsibilities of senior officers of the ANU, including the Chancellor, Vice-Chancellor and Pro-Chancellor. These amendments were considered by Council at meetings on 29 May 2020 and 2 October 2020.[74]

8.165 The 2020 Statute broadens the roles and responsibilities of the Chancellor, including providing that the Chancellor is responsible for maintaining a "mentoring relationship" with the Vice-Chancellor and senior University management. Conversely, the 2020 Statute tends to narrow the powers of the Vice-Chancellor in comparison to previous instruments.

8.166 Based on a review of the papers and minutes of those Council meetings, it appears the amendments in the 2020 Statute were largely drafted by the University Secretary and University Legal Office, with approval from the Chancellor and Vice-Chancellor. It is not apparent that any wider consultation took place before the 2020 Statute was made, or whether (aside from agreeing to the relevant recommendations) Council discussed those amendments at the May and October 2020 meetings.

8.167 TEQSA finds that the 'mentoring relationship' introduced by the 2020 Statute may not be conducive to effective governance, particularly noting the other findings in these reasons about Council's oversight of the Vice-Chancellor. Beyond this, TEQSA does

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[70] Agenda papers and meeting minutes from Council meeting on 28 March 2025.
[71] Agenda papers from Council meeting on 30 May 2025.
[72] Agenda papers from Council meeting on 30 May 2025, page 65.
[73] *Australian National University (Governance) Statute 2020*.
[74] Agenda papers and meeting minutes and presentation from Council meetings on 29 May 2020 and 2 October 2020.

not make any findings about the appropriateness of the amendments. However, TEQSA considers that a competent governing body would have made further enquiries about the amendments made by the 2020 Statute. In particular, it is not apparent that Council sought any information about the nature of the changes (including through a comparison of the changes compared to previous statutes) particularly noting the high-level information in the Council agenda and draft Explanatory Statement, or whether wider consultation had taken place, or generally that Council discussed the changes.

8.168 TEQSA also considered the ANU Council's oversight of the work of its Nominations Committee. The Nominations Committee, consistent with its charter, holds primary responsibility for recommending the appointment of new Council members to the Minister of Education. It is not clear that the ANU Council had received or sought sufficient information about the work of the Nominations Committee in recommending new Council members despite how consequential these decisions are on the culture and collective capability of the ANU Council. For example, regarding the appointment of 2 Council members on 1 July 2025, Council was notified that one of the two members would be recommended[75] and appeared to receive no prior notification ahead of the recommendation of the second member.

8.169 Additionally, the ANU Council appears to have limited information about the relevant considerations or processes leading to these recommendations being made. Noting that the Chancellor is responsible for appointing members to join the Nominations Committee, the Nominations Committee Charter does not include any required or recommended skills and criteria relevant to performing the task of appointing Council members. Based on a review of the appointed members of Council since 2020, the significant majority of those members have come from banking and finance backgrounds, rather than members with experience in higher education or public administration. It does not appear the ANU Council sought or received information about the appropriateness of either the composition of the Nominations Committee, or its outputs in the context of the skills and backgrounds of recommended appointments. The Expert Council on University Governance refer to the importance of diversity on governing bodies, noting that

> "Governing bodies benefit from having a diversity of perspectives that are brought to bear in their deliberations. This includes matters such as cognitive, experiential and personality diversity as well as more traditional demographics such as gender, age and cultural background. The power of diversity is to have a range of different views applied to solving complex problems, rather than to look at the problem from just one perspective. Greater diversity also guards against 'groupthink'."

8.170 TEQSA finds that the ANU Council has not obtained or received sufficient information and advice about the operation of the Nominations Committee, including with regard to its composition and outputs. It is not apparent that the appointments recommended by the Nominations Committee have resulted in a Council with appropriately diverse perspectives and experience, which may have assisted the Council to navigate the challenges faced by the ANU that are discussed in other findings in these reasons. TEQSA further finds that the failure to obtain sufficient information and advice about these matters has meant that the Council has not been able to make competent and informed decisions about the functioning of the Nominations Committee, which has impacted the composition and operation of Council.

8.171 TEQSA finds that the failure of the ANU's Council to be appropriately informed in relation to its decision making constitutes a failure to meet Standard 6.1.3(a).

[75] Council minutes for 30 May 2025.

8.172 To ensure that Council is provided with the information that it requires in order to make informed decisions, and addresses enduring risks to ANU's financial sustainability, TEQSA's decision is that it is necessary to impose the following conditions on the ANU's registration, the full requirements of which are set out in paragraph 1 above:

(d) Condition 1 – Governance and Council Strengthening Program; and

(e) Condition 4 – Information flows to the Council.

9. Conclusion

9.1 TEQSA finds that the ANU engaged in conduct which amounts to a failure to meet the Threshold Standards, namely the following requirements:

> **Standard 6.1.1:** There is a formally constituted governing body, which includes independent members, that exercises competent governance oversight of and is accountable for all of the higher education provider's operations in or from Australia, including accountability for the award of higher education qualifications, for continuing to meet the requirements of the Higher Education Standards Framework and for the provider's representation of itself.
>
> **Standard 6.1.3** The governing body attends to governance functions and processes diligently and effectively, including:
>
> a. obtaining and using such information and advice, including independent advice and academic advice, as is necessary for informed and competent decision making and direction setting.
>
> **Standard 6.2.1:** The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:
>
> a. the governing body and the entity comply with the requirements of the legislation under which the provider is established, recognised or incorporated, any other legislative requirements and the entity's constitution or equivalent.
>
> b. the provider's future directions in higher education have been determined, realistic performance targets have been established, progress against targets is monitored and action is taken to correct underperformance.
>
> …
>
> e. risks to higher education operations have been identified and material risks are being managed and mitigated effectively.

9.2 TEQSA acknowledges and accepts that the ANU took various actions to address individual issues, including the examples of actions taken in relation to concerns set out in the ANU's submissions and summarised at paragraph 5.4 of this Statement of Reasons. However, TEQSA does not consider the actions taken in response to those individual issues to provide a persuasive argument against the need to impose conditions, on the basis that:

(a) the actions put forward by the ANU do not deal with several, significant issues set out in this Statement of Reasons, such as the ANU Council's failure to engage with adequate risk management practices with respect to both financial and non-financial risks;

(b) the actions put forward by the ANU often only occurred following significant public scrutiny, and/or intervention from the regulator. For example, the Special Governance Committee was only established, and Dr Thom was only appointed, after the matters of concern were raised publicly at a Senate Committee hearing on 12 August 2025. TEQSA finds that the ANU has not sufficiently demonstrated that it has previously self-identified and self-corrected governance issues, so as to ameliorate a risk of future non-compliance; and

(c) in some instances, the actions taken in an effort to rectify the relevant issues were not taken for significant periods of time. For example, it took the ANU several months to identify and inform TEQSA that there were errors in the self-assurance report it provided.

9.3 In TEQSA's view, the issues in these reasons reflect serious, systemic failures and deficiencies in the ANU's governance, processes and procedures. In the context of the longstanding, serious and institution-wide failures described in this Statement of Reasons, TEQSA does not accept the ANU's characterisation of those failures as lapses in compliance, isolated incidents, nor as attributable to any particular former Council member(s). TEQSA finds that the ANU's characterisation of the compliance failures as 'lapses' in compliance is not supported by the weight of the evidence addressed in this Statement of Reasons and is concerned that the ANU may be seen to be minimising its past failures to adhere to the Threshold Standards. TEQSA is concerned that the attempt to portray the governance issues as mere 'lapses' may give rise to risk of future non-compliance. TEQSA is concerned to ensure that ANU fully engages with, and reflects upon the governance issues identified. This is a further reason for TEQSA forming the view that the imposition of conditions on registration is necessary.

9.4 With respect to the submission that failures in compliance were due to the behaviour of certain individuals, TEQSA does not accept that submission. Instead, TEQSA finds that it was the governance practices of the ANU at an institutional level that led to an environment in which these failures could occur. TEQSA acknowledges that recent changes to the composition of the ANU Council may bring about a change in the direction of the ANU going forward. However, it remains necessary for the ANU to reflect on the findings made by TEQSA and take appropriate actions to address its past governance failures, and to ensure that similar issues cannot arise into the future, irrespective of the composition of the ANU Council. TEQSA is satisfied that imposing these conditions on the ANU's registration is necessary in order to address the risk of future governance failures. Changes in the composition of governing bodies are not sufficient, of themselves, to alleviate TEQSA's persisting concerns about future risk.

9.5 On the above basis, TEQSA does not accept that it can be satisfied that the actions taken by ANU to date, together with the offered voluntary undertaking, are sufficient to mitigate the risk of any future non-compliance. Rather, despite the voluntary undertaking offered by the ANU largely emulating the conditions imposed by this decision (subject to some omissions and discrepancies), TEQSA considers that it is consistent with the basic principles for regulation to impose conditions on the registration of the ANU as a higher education provider. These conditions impose direct obligations on the ANU to address the failures to comply with the Threshold Standards, rather than voluntary commitments to address those issues. Further, these conditions allow TEQSA to take further action in the event that the ANU does not comply with the conditions. TEQSA considers that the imposition of conditions in order to protect the delivery of higher education by the ANU is consistent with its regulatory obligations, and is the appropriate action to take in the circumstances.

9.6 In relation to the ANU's submissions regarding the legal advice it has obtained about TEQSA's regulatory powers, TEQSA does not place significant weight on these submissions, given that those advices relate to the terms of a voluntary undertaking which is not the subject of this decision. TEQSA considers that the nature of this particular decision is materially different to the circumstances addressed in the advice, and is satisfied that the decision is within its power to make.

9.7 In forming the view that it is appropriate to impose conditions, TEQSA has considered the nature and extent of the ANU's failures to comply with the Threshold Standards to date, as well as the extended period of time over which these failures have occurred.

It has also considered ANU's submissions about the desirability for any response to these concerns to emanate from ANU, and about the possible consequences of TEQSA's conditions on current or prospective future officials of ANU. Whilst TEQSA acknowledges and is encouraged by ANU's willingness to implement improvements to its governance processes and its offer of a voluntary undertaking, TEQSA's view is that without significant and enforceable changes to the ANU's governance practices, there is likely to be an unacceptable risk to the provision of higher education services by the ANU. Further, TEQSA notes the conditions do not preclude ANU from completing the actions required by the conditions in a more expedited timeframe than the conditions require.

9.8 TEQSA acknowledges that this decision constitutes significant regulatory action. However, TEQSA takes compliance with the Threshold Standards seriously. It considers that this decision is required in order to address the risk of potential future failures to comply with the Threshold Standards by the ANU, and will also deter the ANU from engaging in similar conduct in the future.