

PART FOUR:

MANAGEMENT AND ACCOUNTABILITY

NUMBERS AND REMUNERATION OF SENIOR EXECUTIVES

TABLE 1: NUMBER OF SENIOR EXECUTIVES EMPLOYED AT 31 DECEMBER 2024

	2023				2024			
	Female	Male	Non-binary	Total	Female	Male	Non-binary	Total
Vice-Chancellor	0	1	0	1	0	1	0	1
Deputy Vice-Chancellor and Chief Operating Officer	1	3	0	4	1	3	0	4
Pro Vice-Chancellor and Chief Financial Officer	3	3	0	6	1	4	0	5
Other	2	4	0	6	3	3	0	6
Totals	6	11	0	17	5	11	0	16

TABLE 2: AVERAGE TOTAL REMUNERATION PACKAGE OF SENIOR EXECUTIVES EMPLOYED AT 31 DECEMBER 2024

	2023	2024
Vice-Chancellor	970,000 to 979,000	1,020,000 to 1,029,999
Deputy Vice-Chancellor and Chief Operating Officer	573,011	601,805
Pro Vice-Chancellor and Chief Financial Officer	425,529	404,892
Other	320,425	328,985

TABLE 3: PERCENTAGE OF TOTAL EMPLOYEE-RELATED EXPENDITURE IN THE FINANCIAL YEAR THAT RELATES TO SENIOR EXECUTIVES

	2023	2024
Percentage of total employee-related expenditure in the financial year that relates to senior executives	1.80%	1.50%

NUMBER OF OFFICERS/EMPLOYEES

Work Function	2022	2023	2024
Academic			
Continuing	577	586	591
Fixed term	720	687	648
Academic total	1,297	1,273	1,239
Professional			
Continuing	1,113	1,129	1,172
Fixed term	748	796	817
Professional total	1,861	1,925	1,989
Staff total	3,158	3,198	3,228

Official data submitted to Department of Education, continuing and fixed-term only, as at 31 March.

ECONOMIC OR OTHER FACTORS

INTERNATIONAL ENROLMENTS

The Federal Government's introduction of a tiered system for student visa processing (MD107) and proposed legislation to limit international student commencements created uncertainty across the sector in 2024. An increase in student visa refusals and delays in visa processing contributed to a significant reduction in our international enrolment figures.

LEGAL CHANGE

DEFENCE TRADE CONTROLS AMENDMENT ACT 2024 (Cth)

The purpose of the Defence Trade Controls Act 2012 (Cth) (Original Act) is to regulate the export of certain military and dual-use goods and technologies on the Defence and Strategic Goods List (DSGL Technology). The Defence Trade Controls Amendment Act 2024 (Cth) (Act) amends the Original Act to the following effect:

- to regulate the supply of certain DGSL Technology to foreign persons within Australia;
- to regulate the supply of certain DGSL Technology from a place outside of Australia to another place outside of Australia, or to a foreign person;
- to regulate the provision of services in relation to military DGSL Technology to foreign persons; and
- to remove the requirement to obtain a permit for supplies of DGSL Technology and services in relation to DGSL Technology to the UK or USA.

ENVIRONMENTAL LEGISLATION AMENDMENT (HAZARDOUS CHEMICALS) ACT 2024 (NSW)

The Environmental Legislation Amendment (Hazardous Chemicals) Act 2024 (NSW) (Act) proposes to:

- amend the Protection of the Environment Operations Act 1997 (NSW) (Original Act); and
- repeals the Environmentally Hazardous Chemicals Act 1985 (NSW) (Repealed Act).

The Act amends the Original Act to the following effect:

- the adoption and application to NSW of the Commonwealth register of hazardous chemicals under the Industrial Chemicals Environmental Management (Register) Act 2021 (Cth). The register will be renamed the NSW Industrial Chemicals Environmental Management Standard Register (NSW iChEMS);
- the creation of the following offences:
 - a user or manufacturer of a chemical listed on NSW iChEMS (listed chemical) failing to comply with a risk management measure detailed in NSW iChEMS relating to the listed chemical;
 - doing anything in relation to a listed chemical that is prohibited as specified on NSW iChEMS; and
 - contravening a phase-out condition of a licence for the use or manufacture of a listed chemical;
- the adoption of the above offences as special executive liability offences. The maximum fines applicable are:
 - for individuals (including individuals being prosecuted under special executive liability) - \$500,000 plus \$60,000 for each day the offence continues; and
 - for any other entity (including the University itself) - \$2,000,000 plus \$120,000 for each day the offence continues.
- the incorporation into the Original Act of the processes set out in the Repealed Act.

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENTS (QUALITY AND INTEGRITY) ACT 2024 (CTH)

The Education Services for Overseas Students Amendment (Quality and Integrity) Act 2024 (Cth) (Act) amends the Education Services for Overseas Students Act 2000 (Original Act) to the following effect:

- expand the definition of education agent, therefore bringing a number of entities that previously were not under the regulatory oversight of the Original Act;
- grant the Tertiary Education Quality and Standards Agency (TEQSA) the power to refuse to deal with CRICOS applications for providers or courses, at the direction of the Education Minister; and
- introduce enrolment caps for overseas students, as set by the Minister by legislative determination, which may result in the University's CRICOS registration to enrol new students in all courses and locations being suspended if the cap is exceeded (whether or not the cap is exceeded inadvertently).

WORK HEALTH AND SAFETY AMENDMENT (INDUSTRIAL MANSLAUGHTER) ACT 2024 (NSW)

The Work Health and Safety Amendment (Industrial Manslaughter) Act 2024 (NSW) creates the offence of industrial manslaughter under the Work Health and Safety Act 2011 (NSW) in a manner that is consistent with all Australian states and territories (excluding Tasmania).

UNIVERSITIES ACCORD (STUDENT SUPPORT AND OTHER MEASURES) ACT 2024 (CTH)

The Commonwealth passed the Universities Accord (Student Support and Other Measures) Act 2024 (Cth) (Act), which proposes to amend the Higher Education Support Act 2003 (HESA) in response to the Australian Universities Accord Final Report.

The Act makes several amendments to HESA, the following of which impact the University:

- The Act will allow for Table A providers to apply for grants to make payments to students who are undertaking mandatory practicums as part of a course of study (the Commonwealth Prac Payment);
- The Act established a new Commonwealth Grant Scheme (CGS) funding cluster for FEE-FREE Uni Ready courses. This amendment will rename “enabling courses” to “FEE-FREE Uni Ready Courses” for students in Commonwealth-supported places and establish a new CGS funding cluster for these courses; and
- The Act requires higher education providers to distribute a minimum of 40% of the SSAF revenue they collect to student-led organisations. The Act defines a student-led organisation as an organisation:
 - that has a governing body that contains a majority of enrolled students and/or alumni (from the last 3 years);
 - where enrolled students elect the majority of such members of the governing body; and
 - satisfies any requirements (if any) in the relevant guidelines.

UNIVERSITIES ACCORD (NATIONAL STUDENT OMBUDSMAN) ACT 2024 (CTH)

The Commonwealth passed the Universities Accord (National Student Ombudsman) Act 2024 (Act) to amend the Ombudsman Act 1976 (Cth) (Original Act) to establish a National Student Ombudsman in response to the Australian Universities Accord Final Report and the Action Plan Addressing Gender-based Violence in Higher Education. The National Student Ombudsman will have the power to deal with and investigate any student complaint concerning the actions or inactions of a higher education provider, excluding the following:

- any action taken with respect to the employment of an individual;
- any action taken with respect to the appointment of a person to a position or office;
- any action to the extent that it relates to academic judgment;
- any action taken with respect to a VET course or a course of study that is not a higher education course; or
- any other actions prescribed by the yet to be drafted ombudsman rules.

FAIR WORK LEGISLATION AMENDMENT (CLOSING LOOPHOLES NO. 2) ACT 2024

The Commonwealth passed the Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 (Cth) to give effect to the following amendments to the Fair Work Act 2009 (Cth). Of particular relevance to the University:

- A new definition of ‘casual employee’ was introduced to require that the employment relationship must be characterised by ‘absence of a firm advance commitment to continuing and indefinite work.’ A firm advance commitment may be inferred despite the terms of the employment contract.
- A new conversion process for casual employees into full-time or part-time ongoing employment applied from 26 August 2024.
- The FWC received jurisdiction to deal with unfair contract terms in the terms of engagement for independent contractors from 26 August 2024.
- The ‘right to disconnect’ was introduced.
- Civil penalties for breaches of the Fair Work Act 2009 were significantly increased.

RISK MANAGEMENT AND INSURANCE ACTIVITIES

RISK MANAGEMENT

Risk management is a core part of the University of Newcastle's governance practice. We have adopted AS/NZS ISO 31000-2018 Risk Management Guidelines in developing our approach to risk management. The Executive Leadership Team is actively engaged in the risk management process. The Risk Committee and the University Council oversee the Enterprise Risk Management Framework and discuss strategic risks at each committee meeting. The Risk Management Framework is considered across the University at a strategic, operational and project management level. Ongoing practices identify, manage, mitigate, monitor and report from strategic and operational perspectives. This process is supported by the Risk Management Policy and the Risk Management Framework.

INTERNAL CONTROL

Council is responsible for ensuring an effective system of internal controls over financial and operational activities. The Vice-Chancellor, as the principal Executive Officer, is responsible for ensuring that the internal environment supports the efficient and effective operation of appropriate internal controls to support the University's strategy and objectives. The Vice-Chancellor provides annual assurance to Council on the systems of internal controls, accountability and delegations (including in relation to controlled entities) as part of the management of the University's annual financial reporting.

INSURANCE

The General Insurance program is reviewed and renewed annually with the insurance period commencing 1 November each year. The University insurance broker (AJ Gallagher) provides specialist input to the renewal process, as well as to the ongoing management of the program. The continuous improvement of risk management activities, along with broker engagement, enables an approach that is sound and responsive to the constantly changing University environment. Details of insurance policies relevant to staff and students are published on our website at: newcastle.edu.au/current-staff/our-organisation/governance/assurance-services/insurance.

INTERNAL AUDIT

The Internal Audit team supports Council and the Executive by providing an independent and objective assurance service that seeks to evaluate and aid the continuous improvement of the University's governance, risk and compliance processes. To aid efficiency and effectiveness, the University employs a specialist outsourced internal audit partner, Ernst & Young. The Internal Auditor undertakes a range of risk-based audits to support Council's three-year Internal Audit Plan. The University Secretary, who heads the Internal Audit function, and the Internal Auditor, have independent reporting lines to the Chair of the Risk Committee and attend Risk Committee meetings to present audit findings and provide status reports on management actions taken to address previous findings.

EXTERNAL AUDIT

The Audit Office of New South Wales audits the financial statements of the University and its controlled entities

CYBER SECURITY POLICY (CSP) ATTESTATION

The University of Newcastle attests that in the previous financial year, the University has assessed its cyber security risks and residual risks above tolerance that are actively being managed. These outcomes were reported to governance forums, including the Council, Risk Committee and Foreign Interference Committee. The University has an ongoing program of work to improve cyber security control maturity against the NIST Cybersecurity Framework and Essential Eight, which address the NSW Cyber Security Policy Mandatory Requirements.

COMPLIANCE WITH THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 (PIPA ACT)

All complaints about an alleged contravention by the University of an information privacy principle in the PIPA Act or a health privacy principle in the Health Records and Information Privacy Act 2002 (HRIPA) are dealt with as an internal review under Part 5 of the PIPA Act. The University has 60 days to complete its internal review. If an applicant is not satisfied with a University decision, the applicant can request the NSW Civil and Administrative Tribunal externally review the decision.

The Information and Privacy Commission (IPC) takes an active role in internal reviews and under section 53(5)(b) of the PIPA Act, the IPC is entitled to make submissions on the University's draft findings, which the University must consider before it finalises its decision. The University has complied with this requirement in undertaking its reviews.

The University received zero privacy complaints to deal with as internal reviews during the year ending 31 December 2024.

The University has an obligation under privacy legislation to report breaches of privacy under Part 6A of the PIPA Act, and Part IIIC of the Privacy Act. The University made notifications of two reportable breaches, one to the NSW Information Privacy Commission (IPC), and one to the Office of the Australian Information Commissioner during the year ending 31 December 2024. All investigations, assessments, and reports were completed expeditiously, and the reportable privacy breach reported under the PIPA Act was undertaken with the support of the IPC.

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPA ACT)

GIPA REVIEW

An informal review of the release of government information in accordance with s.7(3) was undertaken in 2024. A review and an update of the University's Disclosure Log was also performed in 2024. Additional information was released informally as a result of the review. This information was:

- Personal information
- Commercially non-sensitive information
- Statistical information
- Links to externally facing policies
- IPC factsheets

GIPA APPLICATIONS

The total number of access applications received by the agency during the reporting year was:

Type	2024
Formal applications	9
Informal applications	21
Third Party Consultation	3
Internal Review	0
External Review	0
Research Only	49.4
Teaching and Research	0.53
Total	33

APPLICATION DETAILS

No	Request	Outcome
1	Formal application – Member of the public (by legal representative) seeking information relating to COVID vaccination for nursing placements.	Received: 31/1/2024 Notice of Decision: 05/02/2024 Information was released in full.
2	Formal application – Member of the public seeking email correspondence received from an Editor of a Journal to a staff member.	Received: 03/06/2024 Notice of Decision: 03/07/2024 Information not held.
3	Informal application – Student requesting information about changes to parking signage.	Received: 06/07/2024 Notice of Decision: 10/07/2024 Information released in full.
4	Formal application – Staff member seeking information relating to external review of courses.	Received: 30/09/2024 Notice of Decision: 24/10/2024 Information was released with minor redaction of student information.
5	Formal application – Private sector business (crash investigator) seeking CCTV footage of motor vehicle collision causing injury.	Received: 05/10/2024 Notice of Decision: 09/10/2024 Information was released in full.
6	Formal application – Private sector business (foreign data broker) seeking transactional purchasing information of the University for commercial purposes.	Received: 11/10/2024 Notice of Decision: 12/11/2024 Refused due to no identifiable public interest in the release of information.
7	Informal application – Member of the public seeking information about the number students who completed Open Foundation that went on to places in Physiotherapy undergraduate degree in the previous year.	Received: 17/10/2024 Notice of Decision: 22/10/2024 Information released in full.
8	Formal application – Member of the public seeking all correspondence and representations made to a company in relation to a project.	Received: 22/10/2024 Notice of Decision: 21/11/2024 Refused due to strict contractual non-disclosure obligations.
9	Informal application – Member of the public (Academic from a Victorian University) seeking information about types of schools from which (public, independent, catholic, etc) undergraduate students commencing Bachelor of Laws program have come.	Received: 19/11/2024 Notice of Decision: 19/11/2024 Information released in full.
10	Formal application – Student seeking information in relation to complaint.	Received: 10/12/2024 Ongoing – Due date for decision is 21/01/2025.
11	Formal application – Member of the public (by legal representative) seeking information in relation to a student.	Received: 12/12/2024 Notice of Decision: 06/01/2025 Information was released in full.
12	Formal application – Staff member seeking information about a complaint, employment information and information relating to a research project.	Received: 17/12/2024 Ongoing – Due date for decision 28/01/2025.
13	Eighteen Informal GIPA requests were received from students or former students for their personal information.	These applications were dealt with as personal information access requests under s.14 of the Privacy and Personal Information Protection Act 1998.
14	Three third party consultations - related to other Government agencies' GIPA requests.	Two were consented to, and one was rejected based on confidential IP.

STATISTICAL INFORMATION

TABLE A: NUMBER OF APPLICATIONS BY TYPE OF APPLICANT AND OUTCOME*

	Access granted in full	Access granted in part	Access refused in full	Information	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	-	-	-	-	-	-	-	-
Members of Parliament	-	-	-	-	-	-	-	-
Private sector business	1	-	1	-	-	-	-	-
Not for profit organisations or community groups	-	-	-	-	-	-	-	-
Members of the public (application by legal representative)	2	-	-	-	-	-	-	-
Members of the public (other)	1	-	1	1	-	-	-	-

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

TABLE A: NUMBER OF APPLICATIONS BY TYPE OF APPLICANT AND OUTCOME*

	Access granted in full	Access granted in part	Access refused in full	Information	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	18	-	-	-	-	-	-	-
Access applications (other than personal information applications)	7	-	2	1	-	-	-	-
Access applications that are partly personal information applications and partly other	-	-	-	-	-	-	-	-

* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

TABLE C: INVALID APPLICATIONS

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

TABLE D: CONCLUSIVE PRESUMPTION OF OVERRIDING PUBLIC INTEREST AGAINST DISCLOSURE: MATTERS LISTED IN SCHEDULE 1 TO ACT

-	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

TABLE E: OTHER PUBLIC INTEREST CONSIDERATIONS AGAINST DISCLOSURE: MATTERS LISTED IN TABLE TO SECTION 14 OF ACT

	Number of occasions when application not successful
-	
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
Transport safety	0
Adoption	0

TABLE F: TIMELINESS

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	9
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	9

TABLE G: NUMBER OF APPLICATIONS REVIEWED UNDER PART 5 OF THE ACT (BY TYPE OF REVIEW AND OUTCOME)

	Decision varied	Decision upheld	Total
Internal review	-	-	0
Review by Information Commissioner*	-	-	0
Internal review following recommendation under section 93 of Act	-	-	0
Review by NCAT	-	-	0
Total			0

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

TABLE H: APPLICATIONS FOR REVIEW UNDER PART 5 OF THE ACT (BY TYPE OF APPLICANT)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

TABLE I: APPLICATIONS TRANSFERRED TO OTHER AGENCIES UNDER DIVISION 2 OF PART 4 OF THE ACT (BY TYPE OF TRANSFER)

	Number of applications transferred
Agency-initiated transfers	0
Applicant-initiated transfers	0