

PART FOUR:

MANAGEMENT AND ACCOUNTABILITY

LEADERSHIP

Number of senior executives employed at 31 December 2023						
	2022			2023		
	Female	Male	Total	Female	Male	Total
Vice-Chancellor	-	1	1	-	1	1
Deputy Vice-Chancellor and Chief Operating Officer	1	3	4	1	3	4
Pro Vice-Chancellor and Chief Financial Officer	3	3	6	3	3	6
Other	2	3	5	2	4	6
Total	6	10	16	6	11	17

Average total remuneration package of senior executives employed at 31 December 2023		
	2022	2023
Vice-Chancellor	930,000 - 939,999	970,000 - 979,999
Deputy Vice-Chancellor and Chief Operating Officer	540,490	573,011
Pro Vice-Chancellor and Chief Financial Officer	397,358	425,529
Other	281,033	320,425

Percentage of total employee-related expenditure in the financial year that relates to senior executives		
	2022	2023
Percentage of total employee-related expenditure in the financial year that relates to senior executives	1.8%	1.8%

HUMAN RESOURCES

Numbers of officers/employees			
Staff type	Employment type	2022	2023
Academic	Continuing	577	586
Academic	Fixed term	720	687
Academic total		1,297	1,273
Professional	Continuing	1,113	1,129
Professional	Fixed term	748	796
Professional total		1,861	1,925
Staff total		3,158	3,198

NOTE: does not include casual staff

Academic staff by category

		2022			2023			
	Level	Female	Male	Total	Female	Male	X*	Total
Continuing	A	12	7	19	11	8	0	19
	B	75	59	134	73	72	0	145
	C	90	72	162	84	76	0	160
	D	63	69	132	65	62	0	127
	E	44	86	130	50	85	0	135
Continuing total		284	293	577	283	303	0	586
Fixed-term	A	159	132	291	162	142	1	305
	B	175	103	278	160	85	0	245
	C	44	34	78	45	26	0	71
	D	11	12	24	9	12	0	21
	E	16	33	49	14	31	0	45
Fixed-term total		405	315	720	390	296	1	687
Total		689	608	1,297	673	599	1	1,273

Professional staff by category

		2022			2023			
	Level	Female	Male	Total	Female	Male	X*	Total
Continuing	2	-	-	-	-	-	-	-
	3	3	2	5	3	1	-	4
	4	113	21	134	100	20	-	120
	5	160	44	204	169	42	-	212
	6	185	59	244	195	64	-	259
	7	174	83	257	172	77	-	249
	8	104	61	165	112	63	-	175
	9	53	25	78	56	28	-	84
	10	12	14	26	13	13	-	26
Continuing total		804	309	1,113	820	390	-	1,129
Fixed-term	<1	-	-	-	-	-	-	-
	1	-	-	-	-	-	-	-
	2	42	16	58	39	21	-	62
	3	25	17	42	21	14	-	35
	4	46	14	60	73	19	-	92
	5	145	48	193	130	56	1	187
	6	145	34	179	140	35	-	175
	7	78	26	104	90	32	-	122
	8	37	12	49	37	14	-	51
	9	15	2	17	13	3	-	16
	10	22	24	46	30	25	-	55
Fixed-term total		555	193	748	573	222	1	796
Total		1,359	502	1,861	1,393	531	1	1,925

Source: Department of Education Higher Education Staff Statistics as at 31 March. Number of staff includes full-time and fractional full-time staff who occupy more than one position. Excludes casual staff.

*Indeterminate/Intersex/unspecified

LEGISLATION

FAIR WORK LEGISLATION AMENDMENT (PROTECTING WORKER ENTITLEMENTS) ACT 2023

The Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 (Cth) amended the Fair Work Act 2009 (Cth) with the objective of protecting worker entitlements, removing burdensome administrative processes, and promoting gender equality in the workplace.

This was achieved, amongst other amendments, through:

- (a) Changes to unpaid parental leave entitlements;
- (b) Introducing superannuation as a National Employment Standard;
- (c) Increased protections for migrant workers.

HIGHER EDUCATION SUPPORT AMENDMENT (RESPONSE TO THE UNIVERSITY ACCORD INTERIM REPORT) ACT 2023 (CTH)

The Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 (Cth) amended the Higher Education Support Act 2003 (Act) to give effect to the immediate recommendations under the Australian Universities Accord Interim Report (Interim Report). The key objectives of these amendments are to increase accessibility of Australia's first nation's peoples and to ensure support for students to successfully complete their studies, as recommended by the Interim Report. These key objectives were achieved via the following amendments to the Higher Education Support Act 2003:

- (a) currently, the University receives funding for its Commonwealth Supported Places (CSPs) pursuant to a funding agreement with the Commonwealth. The amounts payable under the funding agreement are calculated in accordance with the Act and capped by a Maximum Basic Grant Amount applicable to specific categories of funding. One category of funding is applicable to 'demand-driven higher education courses' (Demand Course) which is (in general terms) calculated on the lesser of the maximum basic grant amount payable for the Demand Courses and the number of Indigenous students from regional or rural areas who study a course. The definition of Demand Courses is amended to include any Indigenous students regardless of where they are from. These amendments will apply from 2024 and, as the Interim Report recommends, if the Commonwealth does not impose a maximum basic grant amount in the funding agreement for 2024 in relation to Demand Courses, the amount of funding that the University could receive under this category of funding would be limited only by the number of Indigenous students that enrol in University courses (not including 'designated courses');
- (b) the 50% rule was imposed by the Jobs Ready Graduate Package of amendments to the Act in 2021. This rule required a student to maintain a 50% pass rate in order to continue to receive HECS-HELP support. The Interim Report has found that this rule has resulted in disproportionately poor outcomes for Indigenous students and students of low socio-economic status. The 50% rule was removed and instead replaced with the obligation outlined below; and

- (c) to replace the 50% rule, the Act imposes an obligation on the University to have and comply with a 'support for students policy' (Support Policy). The objective of the Support Policy is to outline the support provided to the University's students to assist them to successfully complete the units of studies in which they are enrolled. The Support Policy must include the University's processes for identifying students that are at risk of not successfully completing their units of study and information on the supports available to assist that student (plus any other requirements specified in the Higher Education Provider Guidelines – which may include requirements relating to the information included in the policy and the presentation, format and availability of the policy).

FAIR WORK LEGISLATION AMENDMENT (CLOSING LOOPHOLES) ACT 2023 (CTH)

The Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 was divided into two bills by the Senate and one was subsequently passed with the other still before parliament. This legislation represented the Commonwealth's third tranche of expansive and far-reaching reforms to the industrial relations landscape. The following key amendments to the Fair Work Act 2009 (Cth) were implemented:

- intentional conduct that results in underpayment (wage theft) has been criminalised from 1 January 2025 that will carry a maximum of 10 years imprisonment and/or a maximum fine of the greater of 3 times the amount of the underpayment or 25,000 penalty units (\$7,825,000);
- from 15 December 2023, labour hire employees covered by an order of the Fair Work Commission will be entitled to be paid at least what they would receive under the University's enterprise agreement;
- from 15 December 2023, workplace delegates at the University will be entitled to reasonable access to facilities to communicate with union members and potential members, and will receive general protections that prevent the University from unreasonably refusing to deal with them, misleading them, or hindering and obstructing the exercise of their rights as delegates. In addition, workplace delegates will be entitled to paid time for related training; and
- from 15 December 2023, 'subjection to family and domestic violence' is included in the list of protected attributes in relation to discrimination, adverse action and harassment prohibitions.

WORK HEALTH AND SAFETY AMENDMENT ACT 2023 (NSW)

The Work Health and Safety Amendment Act 2023 (NSW) amended the Work Health and Safety Act 2011 (NSW) to incorporate amendments to the national Model Work Health and Safety Act (that were made in July 2023) relating to penalty amounts, prohibited asbestos notices, the powers and responsibilities of inspectors, establishing the liability of corporations for the actions of its officers, employees and agents, and to make provision for a register of workers exposed to silica dust.

RISK MANAGEMENT AND INTERNAL AUDIT

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 Committee 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

I, Anthony Molinia (Chief Digital and Information Officer), am of the opinion that the University of Newcastle has assessed and managed its cybersecurity risks in a manner consistent with the Mandatory Requirements of the NSW Government Cyber Security Policy.

Throughout 2023, we have completed:

- Regular assessments of cyber security risks and controls
- Regular reporting of cyber posture, cyber risk and outcomes at governance forums
- Documented cyber incident response plan that integrates business continuity arrangements, and has been tested over the previous 12 months (involving senior business executives)
- Documented Information Security Management System/s (ISMS), and Cyber Security Framework (CSF) including certifications or independent assessment
- Continuous improvement program that is aligned to the NIST Cyber Security Framework and Essential Eight

COMPLIANCE WITH PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 (PIIP ACT)

All complaints about an alleged contravention by the University of an information privacy principle in the PIIP 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 PIIP 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 PIIP 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 three privacy complaints to deal with as internal reviews during the year ending 31 December 2023. One of the internal review applicants had a prior history of dispute with the University. All three complaints were undertaken in accordance with the legislation.

PUBLIC INTEREST DISCLOSURES ACT 1994 (PID ACT)

The University is committed to promoting a strong "speak-up" culture and encourages anyone who witnesses serious wrongdoing in connection with the University to come forward and make a report. In October 2023, the new Public Interest Disclosures Act 2022 (NSW) (PID Act) came into effect, replacing the previous PID Act. It establishes a framework for making reports of serious wrongdoing, which includes corrupt conduct, maladministration, serious and substantial waste of money, privacy contraventions and government information contraventions.

The University is responsible for receiving reports of serious wrongdoing from public officials and managing them in accordance with the PID Act, including to ensure reporters are protected from reprisal and their confidentiality is maintained. The University continues to raise awareness to all staff about how to report serious wrongdoing and training managers and disclosure officers about their obligations to receive reports under the PID Act. Further detail is contained on the University's public website and the Public Interest Disclosures Policy, which is publicly available on the policy library.

STATISTICAL INFORMATION ON PIDS

Percentage of Domestic Enrolments			
	Made by public officials performing their day-to-day functions	Under a statutory or other legal obligation	All other PIDS
Number of public officials who made PIDs directly	2	0	0
Number of PIDs received	2	0	0
Number of PIDs finalised	2	0	0

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 2023. A review and an update of the University's Disclosure Log was also performed in 2023. 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 were:

Type	2023
Formal applications	9
Informal applications	18
Third Party Consultation	2
Internal Review	1
External Review	0
Total	30

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 not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	1	-	-	-	-	-	-	-
Members of Parliament	-	-	-	-	-	-	-	-
Private sector business	-	-	-	-	-	-	-	-
Not for profit organisations or community groups	-	-	-	-	-	-	-	-
Members of the public (application by legal representative)	2	-	-	-	-	-	-	-
Members of the public (other)	2	-	4	-	-	-	-	-

* 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 B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	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)	2	1	-	-	-	-	-	-
Access applications that are partly personal information applications and partly other	3	3	-	-	-	-	-	-
Not for profit organisations or community groups	-	-	-	-	-	-	-	-
Members of the public (application by legal representative)	2	-	-	-	-	-	-	-
Members of the public (other)	2	-	4	-	-	-	-	-

* 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	No of applications
Application does not comply with formal requirements (section 41 of the Act)	-
Application is for excluded information of the agency (section 43 of the Act)	-
Application contravenes restraint order (section 110 of the Act)	-
Total number of invalid applications received	-
Invalid applications that subsequently became valid applications	-

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	-
Cabinet information	-
Executive Council information	-
Contempt	-
Legal professional privilege	1
Excluded information	-
Documents affecting law enforcement and public safety	-
Transport safety	-
Adoption	-
Care and protection of children	-
Ministerial code of conduct	-
Aboriginal and environmental heritage	-
Information about complaints to Judicial Commission	-
Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015	-
Information about authorised transaction under Land and Property Information NSW (Authorised Transaction) Act 2016	-

* 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 times consideration used*
Responsible and effective government	-
Law enforcement and security	-
Individual rights, judicial processes and natural justice	-
Business interests of agencies and other persons	-
Environment, culture, economy and general matters	-
Secrecy provisions	-
Exempt documents under interstate Freedom of Information legislation	-
Transport safety	-
Adoption	-
Care and protection of children	-
Ministerial code of conduct	-
Aboriginal and environmental heritage	-
Information about complaints to Judicial Commission	-
Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015	-
Information about authorised transaction under Land and Property Information NSW (Authorised Transaction) Act 2016	-

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	7
Decided after 35 days (by agreement with applicant)	2
Not decided within time (deemed refusal)	-
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	-	-	1 withdrawn
Review by Information Commissioner*	-	-	-
Internal review following recommendation under section 93 of Act	-	-	-
Review by NCAT	-	-	-
Total	-	-	1

* 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	1
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	-

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	-
Applicant-initiated transfers	-