

Professor Daryl Le Grew, Vice-Chancellor, University of Tasmania

Opinion Piece – Federal Review of the National Governance Protocols

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At a time when millions of dollars are being devoted to slashing bureaucratic red tape across the public service, Australian universities are being asked to consider tying up *their* systems of governance in red ribbon.

The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) has commissioned a review of the National Governance Protocols for universities. The review is being undertaken by the Joint Committee on Higher Education and is seeking input from interested groups and individuals on the impact and effectiveness of the current protocols, and suggestions for any changes to the protocols for the future.

The discussion paper for the review of the national governance protocols foreshadows increased regulation of the university sector.

It is puzzling to read about extending the reach of regulation and enforced uniformity at a time when the Federal Government is promoting diversity amongst universities and undertaking to cut red tape.

Universities have come a long way over the past 20 years. Chancellors, Vice-Chancellors, Councils and Senior Executives have overseen a major shift from a sector largely supported by public funding to one that has become Australia's fourth largest exporter, with education exports valued at \$9 billion annually.

While there are isolated instances of poor governance, on the whole, the sector has moved from "ivory tower" to a key element in Australia's economy through innovative thinking, strong leadership, and a spirit of collaboration between Council, Executive and staff.

Much of the shift in university culture was underway well before the current national governance protocols came into effect in 2004. They have served some purpose, but it is time for government to recognise the ability and experience on Councils and in universities to run their own operations without being micro-managed.

As Griffith University's principal policy adviser Gavin Moodie has already noted, this review proposes 14 new areas of regulation without providing instances where these areas have proven to be a problem.

This is not the way to ensure good governance: it is simply regulation for regulation's sake.

The key issue for the review should be to identify the elements of governance that need to be articulated through the national governance protocols and recognise where the protocols can, and should, remain silent.

Only those elements critical to good governance and where uniformity is justified should be included. Other matters, such as the relationship between the governing body and key management roles, and the leadership responsibilities of the University Council and its Executive should remain matters for individual institutions to negotiate.

Different universities at different times will see a shift in the balance between Council and Executive, and to assume one-size-fits-all is unhelpful and inappropriate. The protocols are straying into matters that should fall within the domain of the University Executive.

The Vice-Chancellor and the Executive need to develop and implement the strategic agenda, and be flexible enough to harness the good ideas that bubble up from within the organisation and the opportunities that emerge from the broader community.

Developing and implementing the strategic agenda of a university is complex. It requires the orchestration of ideas, some straightforward, some from left-field. Universities, therefore, need Council members who understand the nature of university business and can provide flexibility and empowerment to the university's leaders.

Academics are not to be micro-managed, but perform at their best when managed through trust and empowerment, balanced by accountability and professional responsibility. Delegations that provide the Vice-Chancellor and Executive the authority and flexibility to pursue the strategic agenda and guide the organisation are essential.

The role of Council is three fold: that of oversight, that of empowerment by delegation, and that of advice, support and advocacy. It is Council's responsibility to commission and endorse the strategic plan from the Vice-Chancellor, and to empower the Vice-Chancellor and Executive to develop and implement that strategy in conjunction with the University community and its stakeholders.

University Councils need an optimal mix of skills and experience drawn from outside and inside the institution. It is appropriate that the protocols outline what those skills are. It would be misguided, however, to assume that the small-group "business model" is the only one suitable for university governance and preferable in all cases to other models.

It is inappropriate for the protocols to exclude students and staff from offering their service to their university as members of Council. Student and staff perspectives on a governing body can enhance the knowledge base of the group.

The current protocols require that all members of Council, regardless of their path to membership, act in the best interests of their university. If some individuals have trouble meeting this requirement, then that needs attention at an individual level, not a broad-brush exclusion of those who can bring a great deal of experience and expertise to the table.

Universities need good governance and a strong working relationship between Council and the Executive. More red tape will not make this happen.