

PRESENT: Chancellor (Mr Tweddell) (Chair), Deputy Chancellor (Hon. P Lindsay), Vice Chancellor (Professor Harding), Chairperson of the Academic Board (Professor Naylor), Ms Cannon, Ms Caswell, Mr Haddrick, Mr Harridge, Mr Gilliver, Mr Kirkwood, Mr Landy, Professor Leggat, Ms McLaughlin, Mr Mosch, Mr Phillips, Mr Twomey and Dr Tyrell.

ATTENDANCE: Mr Kern (Secretary), Mr Troupe (Deputy Secretary). Professor Cocklin and Ms Brand (Permanent Advisors). Professor Gordon for Item 6.

APOLOGIES: Miss Carey, Mr Charlton, Mr Derlagen, Associate Professor Leicht and Dr Skerratt.

START TIME: 2.31 pm.

Council members were reminded to respond promptly to requests to acknowledge receipt of Council Circulars.

1. **DECLARATION OF CONFLICTS OF INTERESTS:** No conflicts of interests were declared.

2. **MINUTES**

RESOLVED:

N-SECT that the following Minutes be adopted as a true and correct record:

2.1 Ordinary Minutes of Meeting (3/17), held on 1 June 2017, as confirmed by the Chair, subject to the following amendments:

Recording of a Declaration of a Conflict of Interests

Two members reminded Council that each member had made a separate declaration of a perceived conflict of interests at the 1 June 2017 Meeting and that while Council had determined that no actual conflict existed, in line with the new higher threshold now being adopted by the JCU Council in respect of any declaration of a conflict, such a declaration should now be recorded in the relevant Minutes. Council agreed. Accordingly, Council resolved to amend the Ordinary Minutes, as noted below, and all future declarations would be recorded in the Minutes together with Council's decision, unless the declaration had already been recorded in the JCU Council Members' Register of Conflicts of Interests.

1. *Declaration of Conflicts of Interests:*

Mr Mosch declared a perceived conflict of interests with regard to Item 13 (Confidential – JCU Student Association – Constitution – Amendments), having provided professional legal advice to the Student Association in the past while employed in a local law firm. Council did not consider that Mr Mosch had a conflict and Mr Mosch remained in the meeting for this item.

Ms Cannon declared a perceived conflict of interests with regard to Item 11 (Social Media Policy), as the officer responsible for the development of the policy. Council did not consider that Ms Cannon had a conflict and Ms Cannon remained in the meeting for this item.

2.2 Confidential Minutes of Meeting (3/17), held on 1 June 2017, as confirmed by the Chair, subject to the following amendments:

Minute 9 – (Confidential & Commercial-in-Confidence – Finance Committee Reports Comprised of the 2017 Budget Review and Financial Statements for the Period to 12 May 2017):

- Penultimate bullet point, text to be included:
“Was the interest received from the invested loan from the Queensland Treasury Corporation being treated as revenue or offsetting the loan expense?”
- Final bullet point - text to be included:
“Council requested that the Finance Committee assure itself that refurbishment costs for University Halls were being properly expensed”.

Mr Phillips, Chair of the Finance Committee, advised Council that, in respect of the questions raised, answers could be provided to Council immediately as follows:

Australian Accounting Standard - AASB 116 (Property, Plant and Equipment) stated that refurbishment costs should be capitalised, whilst Australian Accounting Standard - AASB 118 (Revenue) stated that interest received should be treated as revenue. The accounting treatment in both cases had been correct.

2.3 Minutes of Council Circular (4/17) – approved on 14 July 2017, as confirmed by the Chair.

With regard to Minute 1.1 (*Conferral of Awards in Absentia – Revocation*) of Council Circular (4/17), a member commented on the revocation of four PhD awards of the University. He had advised that

based on his knowledge of having worked at the University previously, such revocations had rarely been seen before and should not happen. Council was advised that the four Awards had been inadvertently conferred a couple of weeks in advance of their approval by the Academic Board. This meant that the Awards had to be revoked and reissued with the correct date of conferral following the Board's approval.

With regard to Minute 3 (*Minutes – Committees of Council*) of Council Circular (4/17), a member expressed concern with regard to a proposal to introduce an academic offering in Hong Kong (Minute 26, Ordinary Minutes of Academic Board Meeting (3/17), held 19 June 2017 refers). Council was informed that, since the Academic Board meeting, Management had decided not to go ahead with the proposal.

3. BUSINESS ARISING FROM THE MINUTES

3.1 CONFIDENTIAL – JCU STUDENT ASSOCIATION – CONSTITUTION – AMENDMENTS – (MINUTE 13 OF MEETING 3/17, HELD 1 JUNE 2017 REFERS)

Council recalled at its meeting (3/17) held 1 June 2017 it resolved:

1. *that, subject to final approval by the JCU Student Association Council of a revised JCU Student Association Regulations, consistent with the revised Constitution, the proposed amendments to the JCU Student Association Constitution, be approved; and*
2. *that the draft JCU Student Association Regulations, accepted at the first JCU Student Association Council meeting, be noted.*

Council was advised that the draft JCU Student Association Regulations, referred to in Resolution 2 above, were approved by the JCU Student Association Council (the Association Council) on 12 June 2017.

Council was further advised that legal advice had been received by the Association Council, in advance of the 12 June 2017 meeting, to the effect that the draft JCU Student Association Regulations were not inconsistent with the revised JCU Student Association Constitution. Accordingly, as the revised Regulations had been approved, the revised JCU Student Association Constitution also became effective on 12 June 2017.

3.2 ENTERPRISE BARGAINING NEGOTIATIONS UPDATE

Council was provided with a confidential update on the 2017 Enterprise Agreement bargaining negotiations.

3.3 BLUE CARDS

Council members were requested to provide to the Secretariat a colour scan or copy of the Blue Card that is issued to them for inclusion in the JCU Council Blue Card Register.

4. MATTERS NOT YET FINALISED

4.1 REORDERING OF COUNCIL AGENDA TO FACILITATE DISCUSSION OF STRATEGIC MATTERS – (MINUTE 20.1 OF MEETING 3/17 HELD 1 JUNE 2017 REFERS)

The Secretary to Council provided a briefing on options for the re-ordering of the Council agenda to facilitate the discussion of strategic matters. The options were noted and they would be submitted to a meeting of the Chancellor's Committee before being considered at a future Council meeting.

An update on this matter appears at Minute Item 13.

5. CHANCELLOR'S REPORT

The Chancellor's Report was taken as read.

The Chancellor highlighted to members that he had attended, together with the Secretary to Council, the public hearing of the Parliamentary Committee on Education, Tourism, Innovation and Small Business on the *University Legislation Amendment Bill 2017* (ULAB), held in Brisbane on 11 July 2017. Following the public hearing, indications were that the Minister for Education was pushing ahead with the ULAB. A more detailed report was provided under Minute Item 12.

The Chancellor also highlighted his recent trip to Cloncurry and Mount Isa. Council was also provided with a briefing on the inaugural Meeting of *JCU's 50th Birthday Steering Group*, held earlier on the day of Council.

N-UNISEC RESOLVED:
that the Chancellor's Report, be noted.

6. VICE CHANCELLOR'S REPORT

Professor Iain Gordon, Deputy Vice Chancellor, Division of Tropical Environments and Societies, gave a presentation entitled "A *Sophomore's Perspective on the Future of JCU*". Council thanked Professor Gordon for his presentation.

The Vice Chancellor's Report was taken as read with the exception of the following matters where Council was briefed as follows:

- that the forthcoming visit of the Young Presidents' Organisation Intercontinental Chapter would be hosted on the Cairns Campus on 2 August 2017;
- the forthcoming AustCham (Australian Chamber of Commerce) Singapore annual Roadshow from 7 to 11 August 2017, including an event in Townsville on 11 August 2017; and
- the *Respect.Now.Always.* report would be published on 1 August 2017. Council was forewarned that the report would be confronting and uncomfortable reading for the whole of the Higher Education Sector and for JCU. A national survey and individual submissions to the Australian Human Rights Commission form the basis of the Report. In addition to the National Report, individual University institutional data would also be issued. JCU had already been proactive in developing a response and a proactive action plan to address issues of sexual assault and sexual harassment at JCU. JCU was well placed to demonstrate an existing and ongoing commitment to addressing any adverse findings in JCU's own Report.

N-EO RESOLVED:
that the Vice Chancellor's Report, be noted.

7. REPORT TO COUNCIL FROM THE CHAIRPERSON OF THE ACADEMIC BOARD

The Report was taken as read.

N-CHTAB RESOLVED:
that the report of the Chairperson of Academic Board, be noted.

8. REPORT TO COUNCIL FROM THE CHAIRPERSON OF THE HEALTH, SAFETY AND ENVIRONMENT SUB-COMMITTEE

The Report was taken as read.

N-SECT RESOLVED:
that the report of the Chairperson of the Health, Safety and Environment Committee, be noted.

9. FINANCIAL HIGHLIGHTS AS AT PERIOD 6, ENDING 9 JUNE 2017

Council recalled that it had requested that a short form of reporting, based on variance and exception reporting, be implemented for the periods between the three forecast reports that occurred each year to ensure Council had the most current information.

At its meeting (1/17), held 27 February 2017, Council resolved:

that the Deputy Vice Chancellor, Services and Resources would investigate whether a short-form of reporting, based on variance and exception reporting, could be implemented for the periods between the three forecasts that occurred each year.

The dashboard outlined the financial highlights as at Period 6, ending 9 June 2017. Mr Phillips, Chair of the Finance Committee, explained the format and layout to members and commented that the numbers were compared to the Budget Review (Minute 9, Meeting (3/17) refers) and also Period 6 of 2016. Mr Phillips requested feedback on the structure and context.

Council noted that:

- student numbers for JCU Brisbane and JCU Singapore were below those forecast in the Budget Review but in both cases the year was divided into trimesters and not semesters so student numbers would increase across the year as each intake occurred. Second semester student numbers for JCU proper were also not included at this point as these are not available until after census date in late August;
- Capital Grants (State and Federal), were still anticipated to reach the target of \$12.330m;

- depreciation figures were higher than anticipated as the revision downward of depreciation expense, as reported to Council at its meeting (3/17), held 1 June 2017, had not yet been included as the Queensland Audit Office had not yet confirmed the revised figures;
- Capital Spend was \$30.274m year-to-date against a Budget Review forecast of \$100.432m. It was expected that the remaining \$70m or so would be spent before year-end as it related, in the main, to the Cairns Student Accommodation, Cairns Innovation Centre and The Science Place projects; and
- research income was close to target.

Council agreed that the Dashboard report, as presented, also be included in the three forecast reports that occurred each year and commended the report and the staff who had produced it.

RESOLVED:

N-DVCSR that the dashboard report, outlining Financial Highlights as at Period 6, ending 9 June 2017, be noted.

10. REVISED ACADEMIC AND STUDENT DELEGATIONS REGISTER

The Chairperson of the Academic Board, Professor Naylor briefed Council and the following was noted.

There was one new delegation in relation to articulation agreements that had not been picked up in the Financial Delegations Register and other amendments to the Academic and Student Delegations Register had largely been around aligning delegation band levels commensurate with policy and the JCU Act, in relation to committees holding delegations. There had been some inclusions of academic and/or professional and technical staff at commensurate bands to meet the requirements of professional accreditation.

Professor Naylor clarified the distinction between the discontinuation of a course and the discontinuation of a discipline, the latter being reserved by Council for their decision, whereas the authority to make decision on the former had been delegated to Band 7 staff (Deputy Vice Chancellor, Chairperson of the Academic Board and Head of the Research and Innovation Division). Despite Council's authority over the introduction of a new discipline being clearly stated in Policy, the *Curriculum Approval, Monitoring, Review and Improvement Policy and Procedures* would be amended to recognise Council's authority over the discontinuation of a discipline.

The Secretary also reminded Council that, as a Delegations Register, it listed the powers Council had delegated to a member, committee or staff member. However, if a power wasn't listed it remained a power reserved by Council.

Another member had identified some issues with the Register, including the apparent exclusion of Higher Degree by Research (HDR)-related delegations contained in HDR-related policies, and undertook to provide a list to Professor Naylor.

RESOLVED:

1. that the Revised Academic and Student Delegations Register, be approved;
2. that Council's reserve power to approve the establishment and discontinuation of disciplines, be noted; and
3. that section ix of the *Curriculum Approval, Monitoring, Review and Improvement Procedures*, be amended to recognise Council's authority over the discontinuation of an existing discipline in addition to the establishment of a new discipline.

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Ms Caswell dissented.

11. HUMAN RESOURCE DELEGATION REGISTER – AMENDMENTS

Council noted that the new Human Resources Delegation Register, implemented on 1 June 2017, needed some minor amendment to better align its use with responsible business practice. Consequential amendments that were required to be made to the Human Resources Policy had been approved by the Human Resources Committee, at its meeting (2/17), held on 30 June 2017, subject to Council's final approval of amendments to the Human Resources Delegations Register.

Council also approved correction of two minor administrative inaccuracies in the document that was circulated in the agenda papers representing amendments made by the Human Resources Committee that had not been accurately reflected in the amended document presented to Council. Two further minor administrative amendments in the document that was included in the agenda that had not been considered or approved by the Human Resources Committee were also approved.

A member expressed concern that it appeared as though delegations to a particular band of officers could also potentially be exercised by officers in all higher bands. Council noted advice that, as was the case with Financial and Student and Academic Delegations, the cascading approach to delegations underpinned the Delegations Framework. There were some exceptions in Policy where a prescribed officer was specifically delegated authority to carry out identified responsibilities. Council understood that, in practical terms, a Deputy Vice Chancellor who was responsible and accountable for an entire Division would be able to exercise all delegations for that Division, including those delegated to subordinate staff. Council further noted that the “one-up” rule would continue to apply in circumstances where a decision maker had a conflict of interest or was otherwise precluded from making a decision that they had delegated authority to make.

RESOLVED:

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1. that the amendments to the Human Resource Delegation Register, be approved; and
 2. that the revised Human Resources Delegation Policy, be noted.

Ms Caswell dissented.

12. **ULAB TRANSITIONAL ARRANGEMENTS INCLUDING COUNCIL MEMBERSHIP - GOVERNOR-IN-COUNCIL AND ADDITIONAL POSITIONS - TIMETABLE**

Council noted the *University Legislation Amendment Bill 2017 (ULAB)* remained on track for passage through the Queensland Parliament in either the late August or early September 2017 sittings. If the Bill was passed and received assent prior to the 7 September 2017 Council Meeting, the JCU Council would be in a position to consider a new membership composition, pass a Membership Resolution, notify the Minister and populate the new JCU Council all before 20 April 2018. Council was requested to note the variables and timelines associated with the anticipated passage of the *University Legislation Amendment Bill 2017 (ULAB)* and the timetables associated with populating the membership of the new JCU Council, which was expected to commence on 20 April 2018.

Council noted the timetable included an action whereby the Chancellor would extend an invitation to existing Appointed members and the Additional member to indicate their interest in seeking re-appointment and to Co-opted members of Council committees seeking appointment and agreed that it be amended to include eligible Elected Convocation members. Council also approved some minor amendments to address some grammatical errors in the criteria for the assessment of JCU Council member skills, knowledge, experience and capabilities.

RESOLVED:

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1. that the variables and timelines associated with the anticipated passage of the *University Legislation Amendment Bill 2017 (ULAB)*, be noted;
 2. that the timetable for the appointment process of Governor-in-Council and Additional member positions, as amended, be approved; and
 3. that the proposed newspaper advertisement to commence the appointment process above, be endorsed.

13. **REVISED COUNCIL AGENDA**

Council recalled that at the Council Workshop (2/16), held 22 October 2016, a list of proposed improvements had been discussed in relation to strategic discussions and review/monitoring functions. Council agreed to consider options for the re-ordering of the Council Agenda to facilitate and place greater emphasis on the discussion of strategic matters. At the 1 June 2017 Meeting, the Secretary had provided a briefing on options for the re-ordering of the Council agenda to facilitate the discussion of strategic matters. The options were noted and it was agreed that they would be submitted to a meeting of the Chancellor’s Committee before being considered at a future Council meeting. The Chancellor’s Committee, at its meeting (5/17), held 30 June 2017, considered the above factors and brought Council’s attention to the following:

- there should be a triage process so that matters could be vetted by the Chancellor and University Secretary. Some matters could be dealt with prior to the meeting, so that meetings were not unnecessarily prolonged;
- that Strategic Matters should be placed at Item 5 (before the Chancellor’s Report) as a trial. This could then be reviewed by the Chancellor’s Committee at its final meeting of 2017 and feedback sought from Council Members;
- more time should be spent on strategic discussion rather than routine matters and there should be a more rigorous process for agenda items that could be placed into Part B;

- there needed to be a balance during meetings between fostering strategic discussion and avoiding excessive commentary which reflected individuals' preoccupations;
- whilst there would always be some flexibility for items of a strategic nature, Council Members should be encouraged to apply discipline on the amount of time taken up in meetings; and
- that the approach to dealing with strategic items at Council would be mindful of the need to avoid unduly burdening Council Members, the Secretariat or other staff with significant additional workload.

Council approved the above approach, noting that it would be implemented at the 7 September 2017 Meeting.

RESOLVED:

A-UNISEC that the re-ordering of the Council agenda, with a Strategic Matters section at Item 5, be approved on a trial basis and be reviewed at the end of 2017.

14. JCU'S 50TH BIRTHDAY ESTABLISHMENT OF STEERING GROUP

Council noted the establishment of the James Cook University 50th Birthday Steering Group and that it had held its Inaugural Meeting earlier that day.

RESOLVED:

N-COS that the establishment of JCU's 50th Birthday Steering Group, the Terms of Reference and the Expression of Interest process, be noted.

15. MINUTES – COMMITTEES OF COUNCIL

RESOLVED:

N-SECT that the Minutes of the following Committee of Council, be noted:

- Human Resources Committee – Ordinary Minutes of Meeting (2/17), held 30 June 2017.

16. GENERAL BUSINESS

There was no General Business.

The Meeting closed at 5.05 pm.

Confirmed:



Chair, 18 August 2017