

PRESENT: Chancellor (Lieutenant General Grey AC) (Chair), Deputy Chancellor (Hon. P Lindsay), Vice-Chancellor (Professor Harding), Chairperson of the Academic Board (Professor Naylor), Ms Cannon, Ms Caswell, Mr Charlton, Mr Dodge, Mr Gilliver, Mr Haddrick, Mr Harridge, Mr Kirkwood, Mr Landy, Professor Leggat, Associate Professor Leicht, Ms McLaughlin, Mr Mosch, Mr Phillips, Dr Smorfitt, Mr Twomey and Ms Walker.

ATTENDANCE: Mr Kern (Secretary).
Professor Cocklin and Ms Brand (Permanent Advisors).
Professor Stewart Lockie (Item 6).
Dr Cherrell Hirst (Item 9 and 10).

APOLOGIES: Apologies were received from Dr Tyrell.

WELCOME: The Chancellor welcomed Ms Caswell to the membership of the Council following her election as a General Staff Member.

1. DECLARATION OF CONFLICTS OF INTERESTS:

The Deputy Chancellor had a conflict of interests in respect of Minute Item 9 and Confidential Minute Item 10.

2. MINUTES

2.1 The following Minutes were adopted as a true and correct record:

N-G&CS Ordinary Minutes of Meeting (6/15) held on 3 September 2015 as confirmed by the Chair.

2.2 Confidential Minutes of Meeting (6/15) held on 3 September 2015 as confirmed by the Chair.

2.3 Circular Minutes of Meeting (5/15) approved on 15 October 2015 as confirmed by the Chair.

2.4 Circulating Resolution – John Flynn College – Dining Hall Extension, dated 15 September 2015 and approved 16 September 2015.

3. BUSINESS ARISING FROM THE MINUTES:

The Chancellor brought to the attention of Council that it was his view that a response from Mr Mosch and Mr Haddrick remained outstanding following their request to sight in-house legal advice used in the preparation of amendments to the *Code of Conduct – University Council*. It was agreed that Mr Mosch and Mr Haddrick would provide their comments on the legal advice during consideration of the proposed amendments to the Code at Item 9.

4. MATTERS NOT YET FINALISED:

4.1 FINANCIAL REPORTS AND STATEMENTS FOR PERIOD 7 ENDING 10 JULY 2015

Council recalled at its Meeting (5/15), it had noted the Financial Reports and Statements for the period ending 10 July 2015, Finance Committee's comments and its request for a more detailed breakdown of 'Other Expenses'.

Council noted that the Deputy Vice Chancellor, Services and Resources had provided a detailed breakdown of 'Other Expenses' to Council and provided a verbal explanation as to how the 'Administration' line item listed under 'Other Expenses' was budgeted for, reallocated into other line items under 'Other Expenses' and an indication as to the final

expected 2015 year-end balance. A further more up-to-date analysis, reallocation and forecast for 'Administration' and remaining 'Other Expenses' items would be considered at the November Finance Committee Meeting.

A question was taken on notice in relation to why Advertising, Marketing and Promotion expenses were forecast to decrease by \$600,000 for 2015 when the University had indicated it was employing strategies to increase its spend in this area.

5. CHANCELLOR'S REPORT

The Report was noted.

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RESOLVED:

that the Chancellor's Report, be noted.

6. VICE-CHANCELLOR'S REPORT:

The Report was noted.

Presentation by Member of Senior Staff

Professor Stewart Lockie gave a presentation on the Cairns Institute.

The Chancellor thanked Professor Lockie for the job that he was doing and for his presentation and enthusiasm. The presentation was received with acclamation.

N-SEC

RESOLVED:

that the Vice Chancellor's Report, be noted.

7. REPORT TO COUNCIL FROM CHAIRPERSON OF ACADEMIC BOARD

The Report was noted.

The Chairperson advised Council that JCU would be hosting the Chairs of Academic Boards and Senates and Secretaries (CABSS) Conference being held 11–13 November. On present indications around 50 delegates would be in attendance.

N-SEC

RESOLVED:

that the Chairperson of Academic Board's Report, be noted.

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

The Chairperson, Health, Safety and Environment Committee, Mr Haddrick, addressed his tabled report.

The Chairperson alerted Council to the request for advice and a recommendation to be provided by the Deputy Vice Chancellor, Services and Resources, to the next Health, Safety and Environment (HSE) Committee meeting on the various mechanisms that could be deployed to undertake the twin assessment objectives (compliance and processes) as noted in the HSE Committee's Minutes of Meeting (3/15) held on 11 September 2015.

N-SEC

RESOLVED:

that the tabled Chairperson of Health, Safety and Environment Committee's Report, be noted.

9. CODE OF CONDUCT – UNIVERSITY COUNCIL – AMENDMENTS

The Deputy Chancellor, Mr Lindsay left the room for consideration of this item.

Council recalled that, at its Special Meeting held 2 June 2015, it had requested that the *Code of Conduct - University Council* be expanded to broaden its scope to have application to members when not acting in their official capacity as a member.

Amendments had been proposed at the Meeting (5/15), held on 9 July 2015, to the *'Intent'* and *'Scope'* of the Code of Conduct to give effect to this wider scope. However, concerns were raised in relation to the proposed amendments specifically in relation to whether in respect of breaches of the Code, the proposed wording presented a question of justiciability. Mr Haddrick and Mr Mosch had sought access to the legal advice obtained during the drafting of the proposed amendments to the Code for their perusal and comment.

Having been provided with the legal advice, Mr Haddrick commented to Council that the legal advice had not addressed the issue of enforceability and accordingly he had proposed additional amendments for consideration by Council. Mr Haddrick had provided a letter with regard to the proposed amendments.

Mr Mosch commented to Council that he believed there was broad support for the broadening of the scope of the Code beyond members acting in their official capacity but recognised concerns about capturing conduct in a member's private life and the enforceability of such provisions. Having been provided with the legal advice, together with an explanatory email from the University Secretary, Mr Mosch commented to Council that he had confirmed that in-house legal had only been requested to review the wording of the proposed amendments and had not reviewed the policing and justiciability concerns first raised by Mr Haddrick at the July meeting. Mr Mosch, who was neither consulted about or involved in the drafting of Mr Haddrick's letter outlining the basis for the proposed amendments to the Code, advised Council that it was a good letter. Mr Mosch concluded by advising Council that he believed the proposed amendments appropriately addressed the issues of authority and application into conduct of a private nature.

Council noted that amendments were being proposed as follows:

- under *'Intent'* – *"the community expects"*, be replaced with, *"University staff, students and stakeholders and the wider community expect"*;
- under *'Intent'* – *"ethical conduct in carrying out our duties in our working relationships and in our private lives"*, be replaced with, *"ethical behaviour in performing our roles as Members and in our private capacities"*; and
- under *'Scope'* – the following words be added *"and directly covers our behaviour at all times whilst acting in our official capacity when representing the University. It also covers any conduct (for example, disgraceful or improper conduct) in our private capacity which might be perceived as undermining public confidence in the good name or integrity of the University"*.
- under *'Intent'* after, *"highest standards of ethical conduct"*, – insert, *"as University staff, students and stakeholders and the wider community expect us to be above reproach and to adhere to high standards of conduct in performing our roles as Members and in our private capacities in so far as they reflect upon our roles as members of the University community"*;
- under *'Scope'* – replace, *"The Code of Conduct applies to all Members while acting in their official capacity as Members"*, with:

"The Code of Conduct applies to all Members and directly covers our Members' conduct at all times whilst acting in their official capacity when representing the University, or attending University events. It also covers any conduct (for example, disgraceful or improper conduct) in their private capacity which:

- (a) ought to be perceived as undermining public confidence in the good name or integrity of the University; and*
- (b) is an impediment to Members' ability to undertake their role as a Member of Council .*

For the avoidance of doubt, this Code of Conduct does not apply to conduct that would ordinarily be considered to be of a purely private nature, or which does not constitute an impediment to Members' ability to undertake their role as a Member of Council."

Council noted the University Legal Office had reviewed the amendments and was satisfied that the amendments did not render the Code of Conduct as falling outside the *Public Sector Ethics Act 1994*.

RESOLVED:

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1. that the proposed amendments to the Code of Conduct – University Council be lifted off the table; and
2. that the revised proposed amendments to the Code of Conduct – University Council, be approved.

10. SEE SEPARATE CONFIDENTIAL MINUTES

11. COUNCIL – PROPOSED SUITE OF 2016 KPIS AND PIS

Council noted the refreshed suite of proposed 2016 KPIS (Key Performance Indicator) and PIs (Performance Indicators).

Council noted the process undertaken in 2015 to review and develop a refreshed suite of proposed 2016 performance measures, which are overseen by Governance Committees. Included in the consultation process were Council, and those Committees of Council that participated in the performance management process, and the University Executive.

Feedback was compiled and the refreshed 2016 suite was developed based on the collective feedback.

Council further noted that the term of 'University Level Performance Measures (ULPMs)' would be retired and changed to KPIS and PIs being a more recognisable term to internal and external parties.

Council noted that in the end result there had been an increased number of performance measures identified as follows:

	Current 2015	Proposed 2016	Difference
KPIS	13	15	+2
PIs	42	56	+14
Total	55	71	+16

The process for setting and confirming the 2016 targets for KPIS and PIs would be undertaken after Council had approved the proposed 2016 suite. The target setting process would involve an agenda of proposed targets being presented to the UE (University Executive), and then to each major Committee of Council throughout October / November, culminating with Council's approval of KPIS at its final 2015 meeting on 3/12/2015.

Council noted that a new Human and Intellectual Capital KPI: *Unscheduled Absence Index (Average Days)* had been introduced and it was queried whether or not it would be an 'index' and if so, which year will become the base year. The Vice Chancellor took the question on notice.

Council further noted that in respect of the Organisational Effectiveness KPI: *TEQSA Compliance (Threshold Standards)* which was intending to adopt a toggle approach i.e. a 'yes'/no' assessment, the Chancellor had requested that Council be kept informed on major areas of non-compliance.

Council considered and approved the proposed suite of 2016 KPIs and PIs.

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RESOLVED:A-EO-
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1. that the proposed suite of 2016 KPIs and PIs (not targets) be considered and approved; and
2. that the Vice Chancellor confirm whether the Human and Intellectual Capital KPI: *Unscheduled Absence Index (Average Days)* was an 'index', and if so, which year will become the base year.

12. HEALTH SAFETY AND ENVIRONMENT HAZARD, INCIDENT, INJURY AND RISK MANAGEMENT 2ND QUARTER REPORT 1 APRIL TO 30 JUNE 2015

The Council noted the passage of the *Hazard, Incident, Injury and Risk Management 2nd Quarter Report, 1 April to 30 June 2015* through the various committees and the feedback that had been provided.

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RESOLVED:

that the *HSE Hazard, Incident, Injury and Risk Management 2nd Quarter Report, 1 April to 30 June 2015*, be noted.

13. COUNCIL – MEMBERSHIP – SIXTEENTH COUNCIL – ELECTION OF GENERAL STAFF MEMBER – REPORT

Council noted a report on the Election of a General Staff Member onto the 16th Council of the James Cook University conducted in accordance with Statute No.2 – Conduct of Council Elections and Section 20A of the JCU Act, to fill the casual vacancy caused by the resignation of Ms Jane Polak Scowcroft, with effect 7 September 2015.

During the course of the election a scrutineer was required to be replaced following his resignation from the University.

Following the declaration of the results of the ballot, the Returning Officer provided a copy of the Declaration statement to the Vice Chancellor, the successful and unsuccessful candidates and published the declaration of the results to all general staff of the University by email.

The results of the election was as follows:

- one member elected by the General Staff
(ballot concluded on 12 October 2015 and Declaration on 13 October 2015)
- Ms Julie Caswell
- 305 votes were cast out of a possible 1167 resulting in a turn-out of 26.14%.

In accordance with Section 22 of the Act, Ms Caswell's term of appointment would be from the declaration of the election date (13 October 2015) to the end of the life of the 16th Council on 19 April 2018.

The Council decided to appoint Ms Caswell to the following Committees of Council:

- Finance Committee
- Futures Committee

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RESOLVED:

1. that the report on the General Staff election to the Sixteenth Council, be noted;
2. that the election of Ms Julie Caswell as a General Staff Elected Member for the period 13 October to the end of the life of the 16th Council on 19 April 2018;
3. that Ms Caswell be appointed to the Finance Committee and Futures Committee, be noted.

14. 2016 - COUNCIL AND ITS COMMITTEES MEETING DATES AND PATHWAYS - PROPOSED

The Council approved the proposed 2016 meeting and workshop dates for Council as follows:

- 25 February,
- 8 April – Workshop 9 April (Townsville)
- 26 May,
- 7 July,
- 1 September,
- 21 October – Workshop 22 October (Cairns)
- 1 December.

The Council noted that the Workshops would be held on a Saturday morning and would follow the Friday night Council meetings.

Council noted indicative meeting dates for Council in 2017.

Council noted that the Committees of Council and Sub-Committees would be considering their respective proposed dates for meetings in 2016 and final dates would be presented back to the December meeting.

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RESOLVED:

1. that the proposed 2016 Council Meeting Dates, be approved;
2. that the proposed indicative dates for 2016 Council Committees and Sub-Committees, be noted; and
3. that the indicative 2017 Council Meeting Dates, be noted.

15. MINUTES – COMMITTEES OF COUNCIL

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RESOLVED:

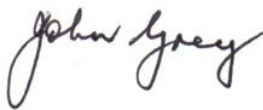
that the attached Minutes of the following Committee meetings be noted:

- Ordinary Minutes of the Health, Safety and Environment Committee Meeting (3/15) of 11 September 2015; and
- Ordinary Minutes – Academic Board Meeting (7/15), held on 28 September 2015.

16. GENERAL BUSINESS

There was no general business.

The Meeting closed at 9.21 pm



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Chair 17/11/2015