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Mr Ben Rimmer  
Deputy Secretary, Higher Education, Research and International Group  
Australian Department of Education  
GPO Box 9880  
CANBERRA ACT 2601  
By email: [nationalgbv.code@education.gov.au](mailto:nationalgbv.code@education.gov.au)

Dear Mr Rimmer

**RE: Consultation on the National Higher Education Code to Prevent and Respond to Gender-based Violence**

The University of Technology Sydney (UTS) appreciates the opportunity to provide feedback regarding the *National Higher Education Code to Prevent and Respond to Gender-based Violence* (the National Code) released by the Australian Department of Education (the Department). UTS supports efforts to strengthen provider accountability through the requirement of a whole-of-organisation approach to prevent and respond to gender-based violence.

UTS understands that the National Code is an integral component of the *Action Plan Addressing Gender-based Violence in Higher Education* (the Action Plan), being an extension of the *National Plan to End Violence against Women and Children 2022–2032*. In our submission to the Department earlier this year, UTS expressed its support and commitment to the principles articulated in the Action Plan, recognising our unique role as higher education providers in driving broader social change. We are particularly supportive of the principles articulated in relation to the importance of prevention activities, co-design, intersectionality, trauma informed and evidence-based approaches, and transparency, which have all been front of mind in our own work in this space to date.

It is important, however, to recognise that creating sector wide change across many providers, tens of thousands of employees and hundreds of thousands of students is a major undertaking for government, providers and student accommodation providers. It is critical that the proposed National Code is focused on supporting providers to do better, both individually and as a sector, while recognising resourcing constraints and the limits to which we can extend our influence to effect change in the community around us.

In this respect, the Department should foster collaboration within the sector to lift our collective capability (including leveraging our research expertise) to ensure that we all succeed, as failing to do so could perpetuate financial disparities that ultimately affect the quality of services each provider offers to their students, staff and the community. For example, convening communities of practice and, or, supporting academic research networks to ensure that evidence-driven approaches are evaluated and adopted to eradicate gender-based violence from our communities.

**Proposed Standards**

UTS fully supports the establishment of a dedicated, expert led Unit within the Department tasked with ongoing administration of the National Code which will play a key role in building capacity across the sector and will strengthen the coordination of information sharing between the Unit, TEQSA and the National Student Ombudsman. However, universities need advice now in order to make the 1 January 2025 compliance deadline.

UTS has assessed its current procedures against the potential Standards and suggested requirements, and is at varying levels of readiness to implement and achieve compliance. Provided below are our broad comments and feedback regarding the proposed Standards and where UTS would appreciate the Department's guidance:

- **Standard 1 – Accountable governance and leadership:** It may be useful to provide examples of the expectations in this Standard, particularly in relation to what the Department considers to be the benchmark governance requirements to facilitate full compliance with the National Code.
- **Standard 2 – Policy and practice:** Ensuring adequacy and consistency of policy in high-risk areas such as clinical placement and student accommodation is clearly critical and is an area in which the Department should highlight current best practice as a way of assisting providers to meet the requirements.
- **Standard 3 – Trauma-informed, safety-first procedures:** As a fundamental element of the National Code, we would appreciate definitional clarity of 'trauma-informed' practices to ensure that we navigate incongruous obligations appropriately.

For example, it would be useful for the Department to clearly articulate expectations, or best practice examples, in relation to information sharing procedures that both reduce the need for victim-survivors to repeatedly disclose their story and the alleged perpetrators rights to confidentiality and procedural fairness. Additionally, clarify how providers should manage privacy requirements across associated entities such as housing providers, student clubs, sporting, representative associations, other jurisdictions (both onshore and offshore) and domains of interaction (e.g. digital and physical).

It may be useful to further clarify expectations around the provision of 'independent professional advice, advocacy and other support to parties' and the use of non-disclosure agreements. For example, to clarify how legal teams should navigate and interpret the role of universities while an external police investigation is underway.

Finally, the provision of support to perpetrators to help them change their behaviour is something that some providers may not have experience or expertise in delivering. Increased clarity around the expectations for perpetrator interventions in a higher education setting would be very helpful.

- **Standard 4 – Evidence-based education and training:** While we are very supportive of the need to maximise the effectiveness of prevention and response efforts, UTS, like many other providers is likely to experience challenges in rolling out additional levels of mandatory training to all members of our community.

Currently, every UTS student and staff member is required to undertake one-off mandatory online training relating to safe and consensual relationships but scaling this to ensure iterative, collaborative, targeted and repeated training to close to 60,000 individual students and staff members will present a significant challenge. In addition, providers should be able to prioritise the most relevant training offering for their institution. Prescribing unconscious bias training, for example, may not be the most appropriate offering in all different settings and risks diminishing a whole-of-organisation commitment to performative acts of compliance. In this area, it would be helpful if the Department could provide advice about what evidence-based education and training is effective in eradicating gender-based violence from our communities.

- **Standard 5 – Expert and timely support services:** UTS agrees that it is crucial that support services be available to provide a range of immediate and ongoing support, as well as cohort-specific support, and that these services are "expert" and "trauma-informed". However, it would be useful for the Department to clarify their expectations so that we can ensure that we are aligned in the design of our internal systems, such as having a single-point of entry for complaints, to ensure it is fit for purpose. Not only because the design of such systems requires careful, long-term planning but also because the system will be highly interdependent on organisational resourcing to achieve maturity.

- **Standard 6 – Transparent data and reporting:** It is critical that the expectations around data collection, prescribed metrics and timing of reporting are made available to providers with sufficient lead-in time to allow new systems to be established and other relevant activities such as prevalence surveys and qualitative surveys of victim-survivors. Ideally, model reporting documents which meet the requirements of both the National Code and closely related reporting requirements (e.g. the AHRC Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment / Respect@Work) would be provided by the Department as soon as possible to allow providers to ensure they are building systems and processes that collect the required metrics. The NSW Ombudsman has provided similar guidance in relation to implementation of the Public Interest Disclosures Act 2022 which may be worth examining by the Department.
- **Standard 7 – Safe student accommodation:** UTS fully owns and operates its student housing on campus, consequently the implementation of the National Code at UTS will flow through as intended by the whole-of-organisation approach. In terms of standalone providers, there are 14 purpose-built student accommodation facilities within walking distance of UTS. We encourage the Australian Government to prioritise the introduction of a new regulatory framework for these providers to ensure alignment of policies, processes and practice in relation to gender-based violence to the extent possible.

### **Response to the consultation questions**

UTS is pleased to provide further comment on consultation questions 1, 3, 7, 8, 9 and 10:

1. *For the purposes of defining gender-based violence in the context of the National Code and as part of associated compliance activities, what are key considerations for the Department?*

To assist providers, the Department should provide additional guidance in relation to expectations around provider's scope of responsibility. This would be useful in both assisting providers to meet the requirements but also in managing expectations of students who have been impacted by gender-based violence. For example, a student who has experienced gender-based violence in a context unrelated to a provider can still be provided with trauma informed support, however, there will clearly be limits on the extent to which a reported incident can be acted on by the provider.

3. *Do the potential Standards cover all aspects of a 'whole-of-organisation' approach and what is necessary to protect and promote the safety of students and staff? Are there other standards to include? Please detail what they are, and why.*

UTS would appreciate more guidance in three areas: the community domain, how to manage perpetrators and offshore campuses.

- The Standards could better cover disclosures and reports related to the public domain. This might include coverage and scope of provider responsibilities in relation to areas such as sexual harassment on public transport or in student workplaces outside of the university.
- Standard 2 mentions the need for policies to address perpetrators who have been the subject of a report related to an incident of gender-based violence. However, in order to adequately address such situations, there needs to be some kind of data sharing framework supported by the Department that addresses 'institution hopping' by perpetrators.
- With many providers offering teaching and learning both on and offshore, some greater clarity would be appreciated from the Department about the capacity of universities to enforce our objectives in relation to gender-based violence in international jurisdictions.

7. *Beyond the National Code, what additional resources and materials would be required by providers to support implementation and ongoing compliance?*

The Department should consider the following options to support implementation and ongoing compliance:

- Increased funding for community responses and support services for victim-survivors. This will be particularly important to ensure providers can adequately meet the needs of high-risk groups – for example people with disability, the LGBTQIA+ community, Indigenous people and people who have a first language other than English. It is unlikely that providers alone will be able to meet the specialist needs of all such cohorts and therefore partnerships with community-based organisations will be critical to our ability to facilitate nuanced support.
- Reporting and guidance documentation for universities (e.g. management guidance, posters for staff, model policy, requirements of systems that could be applied to tender process) such as that produced by the NSW Ombudsman for the introduction of the *Public Interest Disclosures Act 2022*.

8. *What else needs to be considered in the Department's approach to regulating the National Code?*

In taking on this significant piece of work, the Department could also consider supporting the sector to develop evidence based leading practice. This could be though offering research/practice grants to build the evidence base and supporting institutions through formalised communities of practice.

9 *How often should the National Code be reviewed and updated.*

The Department should commit to a comprehensive process and impact evaluation of the National Code after 3 years and again at the 5-year mark to ensure it is achieving its objectives and delivering meaningful and lasting change. This will also allow for adjustments to be made to the Code and its implementation to address any negative impacts or unintended consequences for staff, students and higher education providers.

10. *What are examples of good practice that can be drawn on to inform the design and implementation of the National Code.*

As noted above, the introduction of the *Public Disclosure Act 2022* by the NSW Ombudsman is an example of effective implementation of new regulatory arrangements where agencies were well supported with guidance materials, including model policies, minimum requirements and training videos and webinars.

UTS appreciates the opportunity to contribute and would welcome future engagement regarding this consultation. Please do not hesitate to contact me directly ([vicki.chen@uts.edu.au](mailto:vicki.chen@uts.edu.au)) or Danielle Woolley, Head of Government Affairs and External Engagement ([Danielle.woolley@uts.edu.au](mailto:Danielle.woolley@uts.edu.au)) should you wish to discuss this submission further.

Yours sincerely,

Professor Vicki Chen FTSE  
**Acting Vice-Chancellor**  
**Provost and Senior Vice-President**