

# Management and accountability

## Risk management

UTS enterprise risk management framework aligns with international standards (ISO 31000:2018, Risk management – Guidelines). This framework encompasses all aspects of university operations, including academic activities, research, change initiatives, financial planning, and legal compliance.

In 2023, UTS continued to strengthen risk maturity across the university in response to changes in the operating environment and external risk landscape. By fostering a risk-aware culture, UTS aims to enhance decision-making, protect its assets and maintain stakeholder confidence.

All staff members at UTS play a crucial role in risk management, ensuring that risks are understood, assessed and addressed within defined boundaries of risk appetite. Informed risk-taking, guided by UTS's risk appetite, contributes to the university's continued growth and success.

We made significant enterprise risk management framework improvements in 2023 including:

- incorporated periodic external threat landscape scans as part of the risk identification and reporting processes
- developed risk taxonomy covering strategic, operational, academic and compliance risks
- developed risk assurance mapping that recognises various assurance activities undertaken across the university
- strengthened risk governance with clear roles and responsibilities of UTS Council and its committees and the university leadership team in risk oversight and monitoring effectiveness of risk mitigation strategies
- rollout of on-the-job training of staff on risk management during periodic risk and opportunity review processes.

In 2023, UTS took a synergistic approach to integrate insurance as a financial protection against risks. This allowed UTS to strengthen risk mitigation strategies that balance prevention, control and financial protection for risks that cannot be fully mitigated.

UTS maintains a comprehensive insurance program to cover the university and its controlled entities. These include:

- financial lines (including directors and officers, cyber, medical malpractice, commercial crime, professional indemnity, employment practices liability)
- public, products and environmental liabilities
- property and asset protection and business interruption
- accident and health (including travel insurance)
- staff and students international health and security management through International SOS.

## Freedom of Expression Attestation Statement

This annual statement attests that the UTS Council is satisfied that the university:

- has a policy that upholds freedom of speech and academic freedom as paramount values, as required under the Model Code
- maintains an institutional environment in which freedom of speech and academic freedom are upheld and protected
- addresses questions in relation to the management of freedom of speech and academic freedom issues promptly, actively and in good faith.

UTS respects and promotes academic freedom and freedom of speech primarily through its Academic Freedom and Freedom of Expression Policy (and supported by commitments outlined in other university-wide policies) and its enterprise agreements.

The Academic Freedom and Freedom of Expression Policy makes clear UTS's position to uphold freedom of speech and academic freedom as paramount values that directly aligns with the requirements of the Model Code.

In 2023, UTS continued to support a culture committed to academic freedom and freedom of speech. We promote academic freedom via a dedicated UTS website to ensure an institutional environment in which freedom of speech and academic freedom is protected. The website outlines the rights of staff, students and visitors in exercising their academic freedom and gives clear guidance on how UTS addresses questions on the management of freedom of speech and academic freedom, including reporting any incidents of intimidation or harassment when exercising academic freedom.

In providing this statement of attestation, Council was advised of examples in the past 12 months that demonstrated UTS's commitment to freedom of speech and academic freedom.

## Statement on Voluntary Code of Best Practice for the Governance of Australian Public Universities

The Voluntary Code of Best Practice for the Governance of Australian Public Universities provides a framework to assess performance and to ensure transparency and accountability in a university's governance arrangements. It contains 14 protocols, each of which have several sub-components. For protocol 12(b), regarding the independence of controlled entity board directors, UTS has chosen in some instances to not adhere to the protocol's requirements. This approach has been the case since the code's adoption.

In 2023, UTS was fully compliant with 13 of the code's protocols and, noting the above exception, partially compliant with the remaining protocol. The university reviews its compliance on an annual basis.

# Statement on Voluntary Code of Australian Universities Vice-Chancellor and Senior Staff Remuneration Code

The Australian Universities Vice-Chancellor and Senior Staff Remuneration Code is a voluntary set of principles and processes designed to ensure fair and appropriate remuneration for university leadership that is understood and supported by the sector.

UTS acknowledges the importance of ensuring the remuneration of its Vice-Chancellor and senior leaders is competitive, appropriate and transparent.

Remuneration needs to appropriately reflect the value that high quality leaders bring to the university, and the broader economy and society, while also acknowledging the role of universities as public purpose institutions.

Transparency is a vital part of good practice remuneration ensuring that decision-making bodies, processes and outcomes are openly explained and readily available to all stakeholders.

UTS has a Remuneration Committee comprising the Chancellor, Deputy Chancellor and one Council-appointed person whose term of appointment is not about to expire.

The committee advises Council on the Vice-Chancellor's and Provost's performance and remuneration. In addition to the Remuneration Committee of Council, UTS also has a Vice-Chancellor's Remuneration Committee that considers Senior Executive Management performance and remuneration.

The Remuneration Committee of Council and the Vice-Chancellor's Remuneration Committee meet biannually to review remuneration. Once to determine variable performance pay outcomes and once for annual remuneration setting.

In determining performance pay outcomes, each committee considers institutional and individual performance. Institutional performance is reviewed against the UTS corporate plan and annual KPI scorecard, which includes a range of financial and non-financial targets. Individual performance reviews are required to be undertaken annually and consider individual performance from a leadership, culture and risk management perspective. Recommendations are submitted to the relevant committee for determination and approval.

In setting remuneration, an annual remuneration review is completed for the Vice-Chancellor, the Provost and Senior Executive Management to ensure remuneration is competitive from an attraction and retention perspective and within range in comparison to higher education sector relativities. Sector remuneration and benefit benchmark data for comparable roles as well as market observations and movements are provided to the relevant committee for determination and approval.

## Senior executive remuneration

Band	2022		2023	
	Female	Male	Female	Male
Band 4 (Vice Chancellor)	-	1	-	1
Band 3 (Provost)	1	-	1	-
Band 3 (Deputy Vice-Chancellor)	2	2	2	2
Band 3 (Chief Operating Officer)	-	1	-	1
<b>Total</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>

Band <sup>1</sup>	Range	2022	2023
Band 4 (Vice-Chancellor)	\$900,000-\$999,999	1	1
Band 3 (Provost, Deputy Vice-Chancellor and Chief Operating Officer)	\$500,000-\$699,999	6	6
<b>Total</b>		<b>7</b>	<b>7</b>

1. Bands are reflective of total remuneration (inclusive of base salary and superannuation; and, where applicable, performance payments).

## Legal change

### New legislation

#### Ensuring students are better supported through their learning journey

In response to the Australian Universities Accord Interim Report, the Higher Education Support Act 2003 was amended to extend eligibility to demand driven higher education courses to all Indigenous students, remove the '50% pass rule' requirement for students to continue to access Commonwealth assistance for their course, and require higher education providers to have and comply with a policy to ensure supports are available, assure students are aware of these supports, and processes to identify students who might benefit from extra support and guidance.

The university has published a Support for Students Policy, which consolidates current provisions and activities in place to identify students who may not complete their units of study, implemented a program to connect these students directly with support services, and established a single source of truth website for students to support them in accessing relevant information.

#### Fair Work Legislation Amendment (Closing Loopholes) Acts

The Australian Government's 'Closing Loopholes' workplace reforms were enacted through amendments to the Fair Work Act 2009. The changes include the introduction of a new federal criminal offence of wage theft and allowing the Fair Work Commission to make (same job, same pay) orders requiring 'labour hire' employers to pay their employees no less than the full rate of pay that would be payable to those employees if the 'host' employer's enterprise agreement applied to them. Further significant changes to the Fair Work Act were passed in early 2024, which will impact the higher education sector.

#### Positive duty to eliminate workplace sex discrimination and harassment

The Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 amended the Sex Discrimination Act 1984 (Cth), introducing a positive duty on employers to eliminate workplace sex discrimination and harassment. New regulatory powers have been conferred on the Australian Human Rights Commission (AHRC) to investigate and enforce compliance with this positive duty, which commenced in December 2023. The AHRC is now able to initiate an inquiry into an employer's compliance with the positive duty if it 'reasonably suspects' that an organisation is not complying. As part of the package of amendments, the Fair Work Act 2009 (Cth) was also amended to expand the previous protections around sexual harassment in the workplace from 6 March 2023.

The university has established the Respect.Now.Always. Steering Committee to be in line with its Sexual Harm Prevention and Response Policy to ensure collaboration and continued learning from the university's sexual harm prevention strategies and response mechanisms.

### New gender equality reporting requirements

The Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023 made amendments to the Workplace Gender Equality Act 2012 (WGEA) and associated legislative instruments. These reforms expand reporting requirements on prevention and response to sexual harassment, harassment on the ground of sex, or discrimination in the workplace.

The WGE Act now requires chief executive officers to share their organisation's WGEA Executive Summary and Industry Benchmark Report with their board or governing body and to declare that they complied with this requirement in their 2023–2024 Gender Equality Reporting.

In addition, from 1 April 2024, employers are required to provide more detailed workforce data to help close the gaps in the WGEA dataset for better understanding gender inequality in Australia.

### A new Mandatory Notification of Data Breach Scheme for NSW

A Mandatory Notification of Data Breach Scheme (the MNDB Scheme) impacts the responsibilities of agencies under the Privacy and Personal Information Protection Act 1998. Under the changes, the NSW Privacy Commissioner must be notified in the event of an eligible data breach of personal or health information. Individuals affected by data breach must also be notified, pending any exemptions. The university has updated relevant policy and procedures to reflect the new requirements, including introducing a new Data Breach Policy.

### Significant cases

#### Monash University v National Tertiary Education Industry Union [2023] FWCFB 181

In September 2022 the National Tertiary Education Industry Union (NTEU) initiated proceedings in the Federal Court of Australia against Monash University (Monash).

The NTEU alleged that Monash violated section 50 of the Fair Work Act 2009 (Cth) by failing to compensate casual teaching associates for student consultations conducted outside tutorial delivery at the prescribed rate specified in the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 (the agreement).

In October 2022, Monash filed an application under section 217(1) of the Fair Work Act 2009 (Cth) requesting the Fair Work Commission vary the terms of Schedule 3 of the agreement to define 'contemporaneous consultation' as consultation associated with a tutorial occurring proximate in time to the tutorial itself.

On appeal, the Full Bench of the Fair Work Commission dismissed Monash's application to clarify and vary section 217(1), and the original interpretation of the agreement prevailed. Contemporaneous consultation between academics and students encompasses face-to-face and email interactions prior to, and following, tutorials and lectures.

## **JMC Pty Ltd v Commissioner of Taxation [2023] FCAFC 76**

JMC Academy (JMC) engaged a qualified sound engineer and technician, Mr Harrison, to deliver teaching services for courses in the Bachelor of Creative Technologies (Audio Engineering and Sound Production). JMC paid Mr Harrison at an hourly rate under short-term written contracts without making superannuation contributions, on the basis that he was an independent contractor.

The Commissioner of Taxation issued assessments of superannuation guarantee charges to JMC on the premise that Mr Harrison was an employee within the ordinary meaning of the word at common law and extended statutory definition in the Superannuation Guarantee (Administration) Act 1992 (Cth) namely that Mr Harrison had worked 'under a contract that [was] wholly or principally for [his] labour' (section 12(3)). JMC contested the assessments under Part IVC of the Taxation Administration Act 1953 (Cth).

On appeal, the Full Court found that Mr Harrison's right to subcontract, assign and delegate alongside his control over the delivery of his lectures supported the finding that Mr Harrison was an independent contractor and the contract was not principally for the labour of Mr Harrison, but for the provision of teaching services.

## **Cybersecurity**

The cybersecurity posture and maturity of UTS continued to be a focus during 2023. The Chief Information Security Officer reports to the Audit and Risk Committee at least quarterly, and there is an annual cybersecurity report to Council. These reports cover progress in delivering the ongoing cybersecurity improvement program; any cybersecurity incidents that had any impact on UTS; and changes in the cyber threat landscape relevant to UTS.

During 2023 UTS suffered no serious cybersecurity incidents.

UTS applies the National Institute for Standards and Technology Cybersecurity Framework (NIST CSF) and conducted an independent assessment of the capability maturity against the CSF in early 2023. This demonstrated an improvement in overall cybersecurity capability and outlined priority areas for improvement. These areas are continuing to be addressed in work across UTS.

UTS has a Cybersecurity Incident Response Plan in place, which is regularly reviewed and adapted as required. The Emergency Management Team conducted a cybersecurity exercise during 2023, which showed improvement in capability across senior executives for UTS handling a serious cyber attack. Many operational cybersecurity exercises were also conducted within the IT Unit, all focusing on different aspects of potential cybersecurity attack scenarios.

The cybersecurity improvement program incorporates an emphasis on continuously improving the ability to identify any risks stemming from cyber threats and to manage these more effectively with clearer responsibility and accountability assignments for each risk. The IT Unit continues to work on improving disaster recovery capabilities with a focus on the most critical assets.

Overall the UTS cyber program improved the resilience of the organisation to cyber incidents during 2023 and the prioritised program for 2024 will continue these efforts.

Selected 2023 milestones:

- Endpoint detection and response was implemented across all managed servers, improving detection capability.
- Developed a blue print for a storage repository with additional security controls for the storage of confidential and sensitive personal information data.
- Conducted tabletop exercises with teams across UTS and university senior leadership to embed the muscle memory of activities undertaken during a real incident.
- A 'Red-Team' penetration test was completed to test UTS's cyber defences against a simulated sophisticated adversary and learn from what the 'attackers' achieved.
- The UTS Cyber Champions Network was established, which includes membership from all faculties and major business units.
- Completed the uplift of the cyber architect risk assessment workflow, which includes embedding the use of a service to assess and monitor the security posture of third-party suppliers.
- Enabled multi-factor authentication with the provider Diligent Board for all UTS directors in governance forums.

## **Speak up culture**

As a public university, UTS is committed to maintaining the highest levels of integrity. As a community, we work together to maintain high standards and ethical behaviour to deliver on our obligations to each other, our students, our partners and the wider community.

We encourage our community to come forward and speak up about any serious wrongdoing they may be aware of. To ensure this, we implemented a new Whistleblowing and Public Interest Disclosures Policy this year.

The policy was developed to comply with the new Public Interest Disclosures Act 2022 (PID Act 2022), which came into effect on 1 October 2023.

### **Public interest disclosures**

UTS operated under the PID Act 1994 until 30 September 2023. Under this Act, and the PID Act 2022, UTS received one public interest disclosure in 2023.

## **Land disposals**

UTS disposed of no land in 2023.

## **Overseas travel and promotion**

UTS paid \$8,965,000 for overseas travel in 2023 (compared with \$5,197,000 in 2022). These payments supported a wide range of activities, including attendance and presentation of research papers at international conferences, staff development, research and teaching at affiliated institutions.

# Privacy

UTS is bound by the 12 information protection principles contained within the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act). This Act covers the university in relation to how it manages personal information on or after 1 July 2000, and health information on or after 1 July 2000 until 1 September 2004.

UTS is also bound by the 15 health privacy principles contained within the Health Records and Information Privacy Act 2002 (NSW) (HRIP Act). This Act covers the university in relation to how it manages health information on or after 1 September 2004.

Although UTS is not directly covered by the Privacy Act 1988 (Cwlth), its principles may apply in certain circumstances in relation to university activities that are governed by other federal legislation or codes of practice, as well as data breach reporting in relation to certain types of information. Similarly, in some cases, provisions of the European Union's General Data Protection Regulations (GDPR), China's Personal Information Protection Law (PIPL), or other cross-jurisdictional privacy laws in other countries, may apply to data in some limited activities.

## How UTS manages personal and health information

The management of personal and health information is primarily governed by the university's Privacy Policy and the Privacy Management Plan.

The Privacy Management Plan is required under the PPIP Act and is essentially a statement of how UTS complies with both New South Wales privacy acts.

The plan includes information for both members of the public and UTS staff about:

- UTS policies and practices that govern privacy
- information and training programs for staff
- how UTS complies with information protection and health privacy principles including details of how UTS collects, uses and protects information, and examples of when information may be disclosed
- the university's internal review process, and
- a summary of the types of information UTS collects and holds.

Both the policy and the plan are publicly available on the university's website. Privacy is also supported by the Data Breach Policy, the Data Governance Policy, the Records Management Policy, the Artificial Intelligence Operations Policy, and other policies that may include privacy requirements where appropriate.

More specific information may also be provided to individuals through privacy notices (collection statements), provided to individuals at the time their information is collected. These notices will explain what is being collected, how that information will be used, if it is expected to be disclosed, and an individual's rights. Key privacy notices can be readily located from the privacy link in the university's website footer.

## Activities during 2023

- The new Mandatory Notification of Data Breach (MNDB) Scheme under the PPIP Act was introduced on 28 November 2023. Significant work was undertaken to prepare for the new scheme, including development of the new Data Breach Policy, updates to internal data breach response plans and cybersecurity plans, education and training programs, updates to web content, reporting mechanisms, and required updates to the Privacy Management Plan. A process of education and awareness will continue into 2024 to ensure suspected data breaches are reported and appropriately managed.
- There was a continued focus on building privacy into information system design and development as part of the project planning stage. Privacy is of high importance by project teams in this space where a new system may involve personal or health information.
- Our Privacy Contact Network continued with 2 sessions held for our privacy champions.
- Work continued on streamlining and refining some of our key privacy notices. Our marketing privacy notice that was revamped during 2022 was published in 2023. To support access to information, our website footer privacy link was repurposed in early 2023 to present key privacy content, including key privacy notices, improving people's access to locate the information. Further work in streamlining privacy notices and content will continue into 2024.
- We continue to improve data retention by reviewing records and data collections to ensure they can be destroyed when they are no longer required to be retained, and ensuring they are stored in appropriate systems while ongoing retention is required.

## Internal reviews

UTS completed no formal internal review in 2023 under section 53 of the PPIP Act.

## Data breaches

UTS had no eligible data breaches for mandatory notification in 2023 under Part IIIC of the Privacy Act 1998 (Cwlth) or under Part 6A of the PPIP Act (MNDB Scheme).

# Right to information

## Review of proactive release program

Under section 7 of the Government Information (Public Access) Act 2009 (NSW) (GIPA Act), agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

UTS's program for the proactive release of information involves decisions made at the business activity level routinely regarding what information to make public on the university's website. Consideration of proactive release is undertaken on an ongoing basis, and considered annually by the right to information team.

Information relating to ongoing business and key projects and activities considered of interest to the wider community is proactively released on the UTS website.

- **News:** The UTS Newsroom includes news stories of interest, including media releases, and informs the public of activities happening at UTS.
- **Sustainability:** UTS strives to continually improve its sustainability performance. Information is available on the UTS website (and in this report) relating to our targets, sustainability-related activities and performance.
- **Facts, figures and ratings:** Information known to be of interest to the public includes information on the university's ratings against other universities, and facts and figures including information on student numbers, diversity, performance and completion rates, and graduate employment. This information is released for the benefit of past, present and future students, as well as donors, partners and supporters.
- **Governance:** The GIPA Act requires certain governance information to be made public, such as policy documents. These are available on the UTS website. Additional governance information is proactively released to inform staff, students and members of the public about the governance frameworks at UTS and important university decisions. Governance information proactively released includes information about the UTS Council and Academic Board and associated committees.
- **Strategy:** The UTS 2027 strategy was shaped by ideas from staff, students, alumni and industry partners. The strategy is available on the UTS website.

In addition to the above, the review focused on trends identified through requests for information, including applications under the GIPA Act. Any information available regarding informal requests was also considered. No trends in requests were identified. As a result no further information was proactively released.

## Number of access applications received

In 2023, UTS received a total of 8 access applications, all of which were or became valid access applications. Five applications were amended and one application was withdrawn before it was decided. (Note: The withdrawn access application has not been included in the statistical information.)

Applications were completed on time or as negotiated with applicants.

No applications were carried over from 2022, or forward into 2024.

## Number of refused applications for Schedule 1 information

During the reporting period, no applications were refused due to a conclusive public interest against disclosure under Schedule 1 to the GIPA Act.

## Statistical information about access applications

Table A: Number of applications by type of applicant and outcome<sup>1</sup>

	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
Media	2	2	0	0	0	0	0
Members of parliament	0	0	0	0	0	0	0
Private sector business	1	0	1	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0
Members of the public (application by legal representative)	1	0	1	1	0	0	1
Members of the public (other)	1	1	1	0	0	0	0

1. More than one decision may be made in respect of a particular access application. Where this is the case, each decision is individually recorded.

Table B: Number of applications by type of application and outcome<sup>1</sup>

	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
Personal information applications <sup>2</sup>	1	0	2	1	0	0	1
Access applications (other than personal information applications)	4	2	1	0	0	0	0
Access applications that are partly personal information applications and partly other	0	1	0	0	0	0	0

1. More than one decision can be made in respect of a particular access application. Each decision is individually recorded.

2. A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the GIPA Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	Number
Application does not comply with formal requirements (s 41)	1
Application is for excluded information of the agency (s 43)	0
Application contravenes restraint order (s 110)	0
<b>Total number of invalid applications received</b>	<b>1</b>
Invalid applications that subsequently became valid applications	1

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the GIPA Act<sup>1</sup>**

<b>Overriding public interest against disclosure</b>	<b>Number of times consideration used</b>
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Information about complaints to Judicial Commission	0
Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015	0
Information about authorised transaction under Land and Property Information NSW (Authorised Transaction) Act 2016	0

1. 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).

**Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of the GIPA Act<sup>1</sup>**

<b>Public interest considerations against disclosure</b>	<b>Number of occasions when application not successful</b>
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	3
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate freedom of information legislation	0

1. 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).

**Table F: Timeliness**

<b>Timeliness</b>	<b>Number of applications</b>
Decided within the statutory timeframe (20 days plus any extensions)	6
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	1
<b>Total</b>	<b>7</b>



**Table G: Number of applications reviewed under Part 5 of the GIPA Act (by type of review and outcome)**

<b>Type of review</b>	<b>Decision varied</b>	<b>Decision upheld</b>	<b>Total</b>
Internal review	0	0	0
Review by Information Commissioner	0	0	0
Internal review following recommendation under section 93 of the GIPA Act	0	0	0
Review by NSW Civil and Administrative Tribunal	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table H: Applications for review under Part 5 of the GIPA Act (by type of applicant)**

<b>Type of applicant</b>	<b>Number of applications for review</b>
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (s 54)	0

Note: Includes where an application for review was lodged with the IPC and where an internal review was also completed.

**Table I: Applications transferred to other agencies under Division 2 of Part 4 of the GIPA Act (by type of transfer)**

<b>Type of transfer</b>	<b>Number of applications transferred</b>
Agency-initiated transfers	0
Applicant-initiated transfers	0