

**IN-CAMERA PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON SOCIAL ISSUES**

**INQUIRY INTO NEW SOUTH WALES UNIVERSITY SECTOR**

**CORRECTED**

Resolved to be published by the committee on 17 December 2025

**At Macquarie Room, Parliament House, Sydney, on Friday 7 November 2025**

**The Committee met in camera at 16:00.**

**PRESENT**

The Hon. Dr Sarah Kaine (Chair)

The Hon. Anthony D'Adam

The Hon. Rachel Merton

The Hon. Emily Suvaal

**PRESENT VIA VIDEOCONFERENCE**

Ms Abigail Boyd

The Hon. Sarah Mitchell (Deputy Chair)

The Hon. Bob Nanva



Evidence in camera by **Dr ROBERT CZERNKOWSKI**, Elected UTS Council Member (Elected by and from the Academic Staff), University of Technology Sydney, sworn

Evidence in camera by **Professor THALIA ANTHONY**, Elected UTS Council Member (Elected by and from the Academic Staff), University of Technology Sydney, affirmed

**The CHAIR:** Welcome to this in-camera session of the inquiry of the Standing Committee on Social Issues into the New South Wales university sector. The evidence in this session is confidential. This means your evidence is not being broadcast and the transcript of your evidence is confidential to the Committee. In certain circumstances the Committee may find it valuable to publish some or all of what you say. If so, the Committee secretariat will consult with you about this, taking into account your circumstances. Ultimately, the decision as to what is or is not published rests with the Committee. Parliamentary privilege applies to the evidence you give today. However, it does not apply to what you say outside of the hearing. I urge you to be careful about any comments to the media or to others after completing your evidence. Do any of you wish to make a short opening statement?

**THALIA ANTHONY:** I'm in the privileged position to have served on two university governing bodies: the Senate of the University of Sydney as an elected postgraduate fellow from 2001 to 2003, and now the UTS Council as an elected academic member. Although my experience on senate was not perfect and the composition of the senate has since changed, it gives me insight into how UTS is falling short of good governance. The composition of the senate then comprised 14 elected fellows, which constituted 64 per cent of the senate. It enabled debate, incisive and informed questioning of management, and accountability to the university community. With this composition, the senate in 2001 made the bold and correct decision to remove the chancellor for misconduct.

By contrast, five of the 18 members of UTS Council are elected. This amounts to merely 28 per cent of the council. The remainder are predominantly external members appointed by council itself. They have all served as management executives. Their identification with management prevents a scrupulous check on university managers. External members lack professional experience with the university sector and rarely engage with staff or students to apprise themselves of the impact of their decisions. Furthermore, on the senate there was capacity for elected members to put motions, place items on the agenda, sit on committees, sit on selection panels for management and provide input into university submissions on funding.

Currently at UTS there is no capacity to do any of these things on the part of elected members. There is no voting on council that I have ever seen and there is no noting of dissent by individual councillors, which I have often expressed. There are six changes that the New South Wales Parliament should have recommended to it. First, elected members should comprise at least 50 per cent of non-official council members. A greater number of elected members, including elected alumni, would allow council to better assess the risk of its decisions, including on the culture, character and reputation of the university, and be better placed to understand UTS as a public institution that does research and teaching with the legislated purpose of meeting community needs.

Second, no more than 50 per cent of external members should be appointed by council. The remainder should comprise elected representatives from the graduate cohort and ministerial appointees. The amendment will prevent council from reproducing its own culture. Third, the university community should be able to nominate external people to serve on council and in the position of chancellor. The current process is that the nominations committee comprising the chancellor, the vice-chancellor and one council member determines who is recommended to council. There is very little debate as to who is appointed to council. Fourth, there should be at least one elected member on each committee of the council. Currently, no committees of the council—no substantial committees, finance governance, audit et cetera—have any elected or unelected staff or students.

Fifth, the terms of external council members should be three years only and renewed merely once unless there are exceptional circumstances to allow renewal on council. This should be staggered so there is continuity and corporate memory retained. Finally, there should be detailed minutes, with names put to contributions published, to provide a full and public record of council meetings. In addition, council members should be able to share agendas and papers to get meaningful feedback from their cohorts. Members of the university community should be able to observe council meetings. At present we lock the doors for each council meeting. There is no capacity for any interaction with anyone outside of the council. There is no accountability. We cannot wait for these changes to be initiated by council. I would implore the Committee to recommend these proposals.

**The CHAIR:** Anyone else with an opening statement?

**ROBERT CZERNKOWSKI:** I will. Members will forgive me for not having a pre-written one. A bit of context on where I'm from—I've had a lot of non-profit experience, also third sector. I've been involved in credit unions and the club movement. I've been on finance committees. What particularly surprised me—firstly, let me just point out that I fully endorse absolutely everything has said. The issue with UTS governance is that we are now in the position where we are turning to the press and the political dimension to resolve issues that are internal. That is what we're resorting to. If the changes that recommends were put through, that avenue would still be open. In other words, changing university governance cannot make it worse; it can only make it better.

My view of the way that council works—it has been said that these people put their integrity on the line. Questioning and participation is perfunctory. They go through the motions but they nod their heads to whatever is presented in front of them. Chair's very relevant question about TEQSA standards requires or encourages members of governing bodies to make independent inquiries to verify whether information they have received is correct. When I joined council, I went around and spoke to all the deans, the heads of schools because I did not want my narrow experience to colour what I did in council. The thing that shocked me—I reached out to other members of council and invited them to meet with academics—was that the only response I got was, "Oh, no. I don't think that would be appropriate." I think that some of the questions that you addressed to Dr Steele today reflected the fact that members of council, particularly external members, do not know what's going on.

In order not to drone on, there are a few issues I would just like to flag that you might wish to question me about, if you determine that there's time. In particular, I think that you have been misled about the way a skills matrix functions, so I could address that. I think you have also been misled about the extent of technical debt in the IT area and whether the amount of renewal that is required is in fact required. Because I actually talk to people around university—their advice is not taken. You could also ask me about what level of credibility I put in the university accounting system. If you wish to pursue issues such as palliative care, I am of the view that cross-subsidisation is an inherent part of what universities do.

But OSI, strangely enough—and you can query me on this as well—is actually killing some of the most profitable per-student units of the university. How do you expect to cross-subsidise courses that are socially useful, like palliative care—we don't have music—if you're not making profits somewhere else? I'm in the business school. We're the most profitable faculty. We are being cut. Is that logical? I invite members of the Committee to query on any of those issues.

**The Hon. EMILY SUVAAL:** Thank you for your introductory remarks, Robert. I hope it's okay if I continue in that line.

**ROBERT CZERNKOWSKI:** Yes, please. I insist.

**The Hon. EMILY SUVAAL:** And thank you for your helpful suggestions. In terms of the OSI, it's useful that you also make the point of the issue of cross-subsidisation. When I was having a look at the list of proposed subjects, the irony of proposing to cut things like the master of financial analysis, for example, or behavioural economics, to me seemed quite relevant to the issue at hand. Indeed, financial analysis was something that we were talking about quite extensively with your panel. What is your level of credibility that you put into the current accounting being used?

**ROBERT CZERNKOWSKI:** I have access, which is not public access, to something called the academic course viability numbers. We've had many arguments with the vice-chancellor about what numbers are relevant and are fixed costs relevant for discontinuing a course. Of course they're not, unless you blow up the building in which the course is taught, the costs of carrying the building continue. That's an argument I've had with the vice-chancellor, and he just does not get it. But let me give you a tangible example. Accounting 1A, or whatever it's called this semester, has, I think, 2,400 students. We've looked at the people we employ. Direct labour costs that we have counted in the discipline are about \$600,000 per semester. That's what it costs in direct labour costs—lecturers, tutors and so forth. According to the ACV system, the university costing of that subject is \$1.7 million per semester.

When I raised this with the vice-chancellor, he basically said, "Well, I know the numbers are probably a little bit not quite perfect, but they give us an ordering where we can rank best to worst." Peter Docherty, who was here earlier today, did a simulated university where he used ACV costing to determine which faculties to cut. He cut the two that were least profitable and, surprise, the overall profit of the university went down, which suggests that that metric is a bad metric. Any financial basis for making any of these decisions is—and I'll use a technical accounting term—rubbish.

**The Hon. ANTHONY D'ADAM:** Can I ask why you have elected to give in-camera evidence? What's the concern about putting evidence on the public record?

**ROBERT CZERNKOWSKI:** It goes to my earlier point of councillors. Sorry, I should have let my colleagues go first.

**The Hon. ANTHONY D'ADAM:** That's a question that should be answered by each of them.

**ROBERT CZERNKOWSKI:** Since I've started, it goes to my earlier point of council members not speaking to academics. I've realised that my role in council—on council—as \_\_\_\_\_ has indicated, does not let me achieve a lot. But what it does is it makes me a lightning rod for people around the university to come and talk to me. I have heard stories from people who \_\_\_\_\_ are still suffering trauma. I've heard people from the \_\_\_\_\_ because they are giving professional advice that is not taken. I have some people whose names are willing to go on record; I have some people who really cannot risk their jobs.

I will go just briefly back to the UTS Governance Project, which the Chair mentioned earlier. The leader of that is a senior, well-respected professor. We're all communicating via signal because many members of that group are paranoid, and I would suggest—"paranoia" is probably incorrect, because they really are out to get you. There is a track record of vindictiveness. I could give you a list of deans and a list of people who have been pushed out, not because they were not competent but because they said things that the vice-chancellor did not want to hear. If you asked me about those things, I would like to speak frankly. I still won't reveal the names—maybe in private conversation, but people have trusted me with their jobs and with their lives.

**The CHAIR:** Can I just note there, \_\_\_\_\_, that the secretariat will get in touch with you, and if you are prepared for your part of the transcript to be made public, then that is something, I think, we can facilitate. Also, that's the same with you, Robert, that we can publish in part or without names et cetera. If you would like that, you can take that as a consideration. I just want to let you know that.

**The Hon. ANTHONY D'ADAM:** Your testimony here is covered by parliamentary privilege, so any attempt to take retributive action against you is contempt of the Parliament. You have some degree of protection in terms of your testimony here.

**The Hon. ANTHONY D'ADAM:** I think Mr Howes can afford to take a bit of time.

**The CHAIR:** Thank you very much for that evidence. We were in a slightly different position, but not on everything, I was an associate professor. I felt exactly the same. There's nothing different about you. I felt exactly the same. I just want to assure you that it is not a pleasant experience, but there's nothing that you've done. Thank you very much for being here and discussing that with us today. I'm going to pass over to my colleague Sarah Mitchell.

**The Hon. SARAH MITCHELL:** Thank you all for being here. —equally impressive as a lot of our colleagues. I'm sure you're doing a good job on the council. Remember that, because it's an important role that you have. Thank you for what you do. You touched on this a little bit, but you also spoke, , in your opening comment about the meeting process, with dissent not being recorded and concerns about what that looks like. I'm happy for all three of you to speak to the way that a meeting should function in terms of governance, what gets recorded for future minutes and not having things like dissent recorded. Can you talk a bit more about why you think that's important and why you've been getting pushback on doing things like that?

**The Hon. ANTHONY D'ADAM:** Is the chair a bully?

**The CHAIR:** I'd concur, having been on that council.

**The Hon. SARAH MITCHELL:** I apologise for my ignorance; I've never been on a university council. In terms of any sort of minutes of proceedings et cetera, are they made public? You're elected by the academics—and I see you're shaking your head. . There's no recourse for you to be able to go back out to the people who elected you to say, "I actually took a different view." You're sort of lumped in with the messaging of council. Is that what you're saying, in a sense? I'm happy for any of you to answer.

**ROBERT CZERNKOWSKI:** If I may, I might field that. In terms of the information that goes out publicly—this has already been mentioned today—there's usually a two-page report that summarises salient points from council deliberations, whereas the minutes are probably 30-odd pages. As was noted this morning, the reappointment of the vice-chancellor in the last meeting before we joined was in the minutes but clearly wasn't significant enough to let staff know. I'm a great believer in transparency, and I always feel very uncomfortable—people argue commercial in confidence. There might be circumstances where you're negotiating a contract where that is relevant but, once arrangements are in place, there is no reason for the light of day not to shine on all of these things.

Going back to point and also to , that level of intimidation, I think we all feel it. You could characterise it as intimidation, but you could also characterise it as groupthink. There are certain issues on the agenda, and God forbid you bring in anything else. This may be relevant or may not be. The chancellor called me into her office. The chancellor—how shall I put this?—is an interesting individual. I wanted to meet with all members of council before I joined, and some did, but some decided, "Oh, no, clearly not significant enough." She reached out to me in May, called me into her office and just wanted a general chat. This was a week after a council meeting. She said, "How are you feeling? How do you think council's going?" I said, "I came out of that meeting a little bit despondent." She twisted my words to say, "Well, if you're despondent and despair about life in general, maybe you should reconsider your position in council and your career strategy and so forth." I found that very intimidating.

This goes to one point that I would have liked to have made, and I will make it. Up until 2017, there was an annual town hall with council where academics and students would come in and talk to council members. That was suspended. The last one was in 2017. I have heard semi-officially that the reason was that the current vice-chancellor decided it was no longer useful. I have heard quite unofficially that the chancellor was so flustered by not being able to answer questions about the running of the university that she did not want any further meetings. What you've heard this morning through all the sessions is that these people may be genuine, they may be people of high intensity and they may be people of high skills, but they don't engage. Beyond listening to the vice-chancellor and the people dependent on him, they do not seek any other information. That goes to the heart of governance at UTS, but I suspect probably at other institutions as well.

**The Hon. RACHEL MERTON:** Thank you to the three of you. I really appreciate your interest in, your prioritising of and your contribution to this important discussion. Your submission talks about concerns regarding oversight and reporting mechanisms. A reference is made to the New South Wales Audit Office. It says that the university has an obligation to report to it on its activities. However, concerns were also registered about what have been termed "maladministration issues" that are not being captured in that financial reporting arrangement. I think you've touched on some of them, but what would be the stand-out concerns in terms of maladministration?

**ROBERT CZERNKOWSKI:** I think there are two. Firstly, I think there's a problem with the Audit Office. I went to speak to the UTS audit team and they said, "We're concerned about the probity of the financials. But in terms of maladministration and such issues, we just give broad, sectoral reports and do not identify particular institutions." I will use an example that was alluded to earlier by some of my colleagues. We know that there is substantial maladministration in IT procurement. Until two months ago, I didn't know the following word: shelfware. Shelfware is software you buy and never use. It turns out we have that at UTS. We have duplication. We don't have an overarching strategy. We have procurement practices that are inefficient.

How do I know this? I know this from somebody who worked as a who left the uni because he was annoyed about how things were going. But he cares about the uni; he cares particularly about the student experience. He spoke to us and he described a whole bunch of things that I don't need to get into now that point to waste and maladministration. I thought, "Okay, how can I address this?" The most appropriate course of action would be to take it to the chair of council's infrastructure committee. I took it to Mr Fleming, who was here earlier today, and he seemed to take that on board.

He called me later that week. I can't recall exactly why, but he made the comment to me, "I hope you're not trying to enrol me in some sort of revolution," which was a little bit strange. But then I heard no more about that. I then spoke to my informant. , so he's safe from the vice-chancellor's vengeance. If I am reporting an infrastructure procurement problem to the chair of the infrastructure committee, it doesn't necessarily need to go to council, but something needs to be done.

I will make one last point about the procurement issue. Although I wasn't happy to hear that there was procurement mismanagement, it did give me some assurance that we could cut back. In fact, we need to reset our procurement practices and pull back on some procurement until we sort that mess out. That gave me assurance, as part of the group of six, that our assertions that we could cut back on some of this expenditure actually made sense. That was a good part of it. The problem is that reporting mechanisms—internally, people are scared. Going through members of council is your next best option. If the members of council aren't engaged—and I think the external ones aren't—then nothing gets done.

**The CHAIR:** You might have heard earlier that I asked one of the other groups of councillors about whether they had been instructed to refer any correspondence or questions about OSI or other operational issues to the vice-chancellor's office. The answer that I got from two people under oath was that they were not instructed, that they had voluntarily just done that.

**The CHAIR:** I did wonder about that. And you're saying that was an email sent to every—

**ROBERT CZERNKOWSKI:** I received it.

**The Hon. EMILY SUVAAL:** Is it something that we could table and consider publication of, or to keep confidential?

**ROBERT CZERNKOWSKI:** Just on that point, when we get these emails they're always blind CCed. For the first few months of being a member of council, I assumed they didn't want me to know what the other councillors' emails were. Eventually I extracted them from a calendar invite. But it almost seems to be that councillors talking to each other is a bad thing.

**The Hon. EMILY SUVAAL:** Who is the secretary? Given that it's come from a generic secretary, who is the secretary?

**The Hon. ANTHONY D'ADAM:** Are they like the company secretary or an administrative person?

**The CHAIR:** You're building quite the picture there of how council works. Are there any other elements about the council's meetings that you think it would be worth us from the outside—I mean, I've been to council meetings, but the rest of the Committee haven't—that it's worth explaining in terms of how it works, like subcommittees? We heard from that there are no elected members on any of the subcommittees. Are you encouraged to attend these? Can you explain a bit more about that?

**ROBERT CZERNKOWSKI:** If I might elaborate on that, I had the interesting experience of attending the finance committee. I asked for permission—I think there was an assumption that I would need to ask for permission, which to me as a councillor seems a little bit strange because I would think if I have overall

responsibility for the university, we should theoretically be allowed to go anywhere and observe any process, saving things that involve public health, safety inductions or personal data. Yet I attended finance committee. It's the only one I've attended. And I was surprised at—how should I put it?—the extremely high level of the discussion.

You might have presumed from hearing witnesses earlier today that council members—or at least those on the committees—are across all of the detailed costings, business cases et cetera. I've seen some of the GIPAA documents; I haven't seen a business case for any of this. When they assert that they have detailed knowledge of what's going on, I suspect the reason they don't is not because they don't look for it but because it simply does not exist. I am concerned about our ability to attend. I will correct on one point. Theoretically, observers can attend council, but the process involves asking for permission and ultimately the decision is the university secretary's, based on whether there is room and whether it's convenient. So even though a process may exist, those psychological barriers do play a role.

**The CHAIR:** When you say people are allowed to observe, do you mean students or academics? What about concerned members of the public or concerned members of Parliament?

**ROBERT CZERNKOWSKI:** I think this was from the by-laws, and clearly I was looking from my own situation, so I didn't fully—

**The CHAIR:** We can look those up, thank you.

**The CHAIR:** I suspect it won't be forthcoming.

**The Hon. ANTHONY D'ADAM:** Can I ask about the election to committees? Is there a process in terms of calling for nominations? Is there a ballot of members of the council in terms of allocation to committees?

**ROBERT CZERNKOWSKI:** Can I tell you why we can't answer that question? Committee allocations were done at the last meeting before the three of us joined council—yes, interesting. The other interesting about it is one of my predecessors in the previous term was also an accountant. I would think that professional accountants, especially professional accountants who understand universities, would be valued on a finance committee but that's clearly not the case.

**The Hon. ANTHONY D'ADAM:** What's the term of a committee?

**ROBERT CZERNKOWSKI:** Sorry?

**The Hon. ANTHONY D'ADAM:** Is there a term for the committee?

**ROBERT CZERNKOWSKI:** I don't think the committee per se has terms, but people are allocated to it for a term.

**ROBERT CZERNKOWSKI:** It is important to note, by the way, that we are an outlier. The university sent us to Australian Institute of Company Directors courses over summer. And, having had an opportunity to speak to elected members of the University of Sydney Senate and the New South council, there was no such restriction on those institutions.

**The Hon. ANTHONY D'ADAM:** Not if you're not remunerated.

**ROBERT CZERNKOWSKI:**

Students sit on many of our boards, from academic boards to faculty boards. I had you

and somebody else reach out to me about getting access to the change proposal papers. I was reluctant to disclose anything that was confidential, so I turned to Sarah Meaney. I don't know what her job is, but I said, "These students are co-deciding with us. They should have access to the same information." After close to a week, I got a reply saying, "Sorry, they're confidential to staff only. Students don't get them."

**The CHAIR:** Thank you for that last bit, which is disturbing to say the least. Unfortunately, we have come to the end of our time. We so greatly appreciate you being here but also the work that you are trying desperately to do for UTS and the New South Wales community more generally. We thank you for that; we appreciate it. We may have asked for some things on notice, but we also might have supplementary questions for you. The secretariat will get in touch about that issue regarding the transcript.

**(The witnesses withdrew.)**

**(Evidence in camera concluded.)**

**(Public hearing resumed.)**