

## **Statement by the Australian National University Council following its meeting on Friday 8 May 2026**

The Council of the Australian National University (**ANU**) met in Canberra today, Friday 8 May 2026, to receive and commence consideration of the report of Dr Vivienne Thom AM ("the Thom ANU Report").<sup>1</sup>

The Council recognises that the matters examined in the Thom ANU Report have been distressing for many members of our community, and we acknowledge the impact this has had on staff, students and the ANU Community. The Council is committed to working in a highly inclusive, respectful and collegiate manner with the entire ANU community and with each other. We do not want the matters investigated by Dr Thom to occur again.

The terms of reference for Dr Thom's investigation, issued on 1 October 2025, are at Attachment 1. The ANU has adopted procedures designed to maintain strict confidentiality throughout Dr Thom's investigation to protect the privacy and wellbeing of those who participated and to safeguard the integrity of the process. Prior to issuing this statement, the ANU has made no comment in relation to the content of the Thom ANU Report.

The Thom ANU Report made a number of important findings and recommendations, which are fully accepted by the Council. In particular, Dr Thom made a serious threshold finding of maladministration in relation to the ANU complaint handling process for Council members.

As a Council, we hold ourselves to account for taking immediate and necessary action. This includes the actions from the Nixon working groups and the Mental Health and Wellbeing Strategy. Our work will also be supported through the University executive and broader community, with regular reporting on progress.

### **The Thom ANU Report**

The Council thanks Dr Thom for her report.

In its discussion today, Council noted that Dr Thom has extensive experience in public sector governance and integrity, including as a senior leader in Commonwealth Government organisations, and particularly noted her strong track record in undertaking complex and sensitive inquiries.

The Council noted that the Thom ANU Report relates to two public interest disclosures involving 36 allegations spanning a period prior to 12 August 2025. Applying the relevant standard of proof and assessing the available evidence, Dr Thom made findings of fact in respect of each allegation and made 12 recommendations. Dr Thom's findings and recommendations are hers alone. They have not been subject to comment, editing or change by either the Special Governance Committee (SGC) or the Council.

The Council acknowledges the distress individuals shared with Dr Thom, as outlined in her Report, and regrets the experience of those individuals. The Council commits to fully implementing Dr Thom's recommendations and to building trust and confidence in the ANU.

The Thom ANU Report considered a number of matters and made one finding of disclosable conduct in relation to the ANU. This finding related to the ANU procedures for managing complaints raised by or about members of the ANU Council. The ANU takes this finding extremely seriously and will work diligently to address the recommendations of Dr Thom.

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<sup>1</sup> The Council met at the ANU and the meeting was chaired by the Interim Chancellor, Dr Larry Marshall. All members of Council attended the meeting, apart from the Hon Wayne Martin AC KC, who was unable to attend and was granted leave.

In addition, the Thom ANU Report made five adverse findings in relation to former Council members in respect of their conduct as Council members. While these adverse findings did not rise to the threshold of disclosable conduct under the *Public Interest Disclosure Act 2013* (Cth), there was a recommendation that the Council consider whether the conduct breached obligations under the ANU Code of Conduct Policy. The Council carefully considered this recommendation and notes no further action is able to be taken in relation to former Council members.<sup>2</sup>

The Council noted that Dr Thom ensured procedural fairness was provided to all relevant parties in developing her findings. In particular, individuals who were subject to possible adverse findings were interviewed and later provided with relevant aspects of her draft report and given the opportunity to make submissions in response.

### **Next steps**

In accordance with the requirements of the *Public Interest Disclosure Act 2013* (Cth), the Council noted that copies of the report, with appropriate redactions made to protect the identity of the discloser and the privacy of witnesses, were today provided to the Commonwealth Ombudsman and to the discloser.

The Council recognises that workplace disputes and integrity processes of this kind are complex and invariably sensitive. We acknowledge the stress and uncertainty this matter has caused, and that people may have experienced it in different ways. The Council is committed to responding carefully, respectfully and in a way that supports the wellbeing of the ANU community.

In implementing Dr Thom's recommendations going forward, the Council is also cognisant of its responsibilities as the ANU's governing authority pursuant to Part 2, Division 2 of the *Australian National University Act 1991* (Cth) (ANU Act) and the Council Charter, as well as the responsibilities of Council members under the *Public Governance, Performance and Accountability Act 2013* (Cth).

The Council is particularly mindful of its obligation under section 9(2) of the ANU Act to act in all matters concerning the ANU in the way it considers will best promote the best interests of the ANU.

To promote these functions, the Council agreed that the SGC would continue to operate, in accordance with its Charter, until its functions have been fully discharged.

The Council noted that the Tertiary Education Quality Standards Authority (TEQSA), received an unredacted copy of the Thom ANU Report pursuant to section 63 of the *Tertiary Education Quality Standards Authority Act 2011* (Cth). The Council also noted that reports are expected shortly from TEQSA and the Australian National Audit Office concerning past governance and financial management at the ANU and that these reports will require careful consideration by the Council.

As a Council, we are holding ourselves and our senior executives to account for implementing the recommendations from the Thom ANU Report and related reports.

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<sup>2</sup> The ANU Council Charter provides that Council members are expected to adhere to the Code of Conduct while they hold their position.

### **Information note on the Special Governance Committee**

The Special Governance Committee (**SGC**) was established by ANU Council to manage the University's response to the matters raised in the Senate Education and Employment Legislation Committee on 12 August 2025.

All members of the SGC attended today's Council meeting to assist the Council.

The Council received a report from the SGC about the discharge of its functions pursuant to the Charter provided to it by the Council on 16 September 2025 (Attachment 2).

The Council thanked the members of the SGC for their diligent work. The Council noted that, individually and collectively, the members of the SGC - Mr Andrew Metcalfe AO, Dr Christine Nixon AO APM, and Professor Joan Leach - have many decades of leadership and governance experience at the highest levels of government and in complex university environments.

The Council noted that the SGC met on 27 occasions and operated independently of the Council. Secretariat, administrative and legal support for the SGC was largely provided externally to the ANU to ensure the robustness of its processes and to avoid any actual, potential or perceived conflict of interest.

## TERMS OF REFERENCE

**(1 October 2025)**

Following matters of concern raised during a hearing of the Senate Education and Employment Legislation Committee on 12 August 2025 (**Senate Hearing**), the Australian National University Council has established a Special Governance Committee (**Committee**) in accordance with section 18(1) of the *Australian National University Act 1991* (Cth) and clause 25 of the Australian National University (Governance) Statute 2024.

Pursuant to the Committee's functions, the Committee, through Lander & Rogers, appoints Dr Vivienne Thom AM (the **Investigator**) to conduct an independent investigation and provide a report (or reports) of the investigation to the Special Governance Committee (the **Investigation**).

### **Scope of the Investigation and Investigator's Engagement**

1. *Liaise with the University and Regulators to determine where the matters of concern raised at the Senate Hearing are already being dealt with and identify matters that are to be included in the Investigation (**the Investigation Matters**)*. The Investigator will:
  - a. identify any existing internal University processes dealing with or arising from the matters of concern raised at the Senate Hearing, including any existing workplace grievance processes in the Investigation Matters, which the Investigator may, at her discretion, assume responsibility for;
  - b. engage with external agencies and/or third parties, as required, to determine if a matter of concern is within the remit of those regulators or third parties. This may include, but is not limited to:
    - i. the Commonwealth Ombudsman;
    - ii. the National Anti-Corruption Commission (**NACC**);
    - iii. the Tertiary Education Quality and Standards Agency (**TEQSA**);
    - iv. the Australian National Audit Officer (**ANAO**); and
    - v. Comcare; and
  - c. following engagement with external agencies and/or third parties, meet with witnesses and/or impacted people and formulate allegations relating to matters of concern which are not otherwise being investigated or reviewed by an external agency or third party and which will be the Investigation Matters.
2. *Undertake the Investigation in accordance with the Public Interest Disclosure Act 2013 (Cth) and any other applicable legislative requirements.*

The Investigator is required to determine whether the Investigation will be conducted in stages, according to the availability of documents and persons requested to attend an interview. If so, the Investigator will inform the Committee of the proposed stages and timing of the investigations.

Further information about the Investigator's powers and the conduct of the Investigation is provided below.

3. *Provide a written report/s to the Committee.*

At the conclusion of the investigation, the Investigator will provide the Committee with a written report.

4. *Provide interim reports and updates to the Committee.*

The Investigator may, at any time, as the Investigator considers appropriate:

- a. make recommendations to the Committee to give effect to measures to preserve the integrity of the Investigation;
- b. refer any matters of concern that the Investigator considers require investigation, but that are outside the scope of the Investigation, to the Committee or the Deputy General Counsel of the Australian National University;
- c. provide interim updates to the Committee during the course of the Investigation; or
- d. request that the Committee vary any of the terms of reference.

### **Matters outside the scope of the Investigation**

The following matters are outside the scope of the investigation:

- a. the governance, leadership and culture of the University generally;
- b. the University Council, outside matters of concern arising from the Senate Hearing;
- c. any allegations or matters that expressly covered by and included in the TEQSA's compliance assessment under section 59 of the *Tertiary Education Quality and Standards Agency Act 2011* of The Australian National University pursuant to Item 2 of the terms of reference released in August 2025;
- d. any current Australian National Audit Office review of the University's Governance and Control Framework;
- e. any matter or allegation referred to, required to be referred to or being investigated by:
  - i. the Commonwealth Ombudsman;
  - ii. the NACC; and/or

iii. Comcare.

unless otherwise approved or agreed with such agencies.

### **The Investigator's powers**

The conduct of the Investigation will be determined by the Investigator as she considers appropriate and may include:

- reviewing and considering relevant University policies concerning workplace conduct, conflict of interest and codes of conduct for employees and Council members;
- conducting interviews and receiving relevant information and submissions from current and former Council members and University employees;
- conducting interviews and receiving relevant information or submissions from third parties;
- determining the location, dates, duration, manner and attendees at an interview, including accompanying support persons or legal representatives;
- requesting and reviewing relevant documents and information from the University, Council members, University employees and third parties;
- liaising with external agencies and third parties, including but not limited to the external agencies and third parties identified at paragraph 1.a; and
- assuming responsibility for and the investigation of existing internal workplace grievances, where the Investigator considers they are appropriately dealt with in the scope of this investigation.

The conduct of the investigation will take a trauma-informed approach and conform with the principles of natural justice and procedural fairness, taking into account where appropriate the procedures set out in:

- the *Public Interest Disclosure Act 2013 (Cth)*
- [\*ANU Public Interest Disclosure Policy\*](#)
- *The Australian National University Enterprise Agreement 2023-2026*
- *The University Staff Grievance Procedure*

### **Confidentiality**

The Investigation will be conducted on a confidential basis.

There will be no public interviews or release of any information in the public domain in the course of the investigation.

During the course of the investigation, the Investigator may obtain assistance as she requires, including independent legal and other

professional advice to inform the University of what responses are required, including but not limited to the management of workplace complaints or grievances and any obligation to refer or report to external agencies.

## **Reporting**

The Investigator will provide a written report/s to the Committee that:

1. addresses findings in relation to the Allegations; and
2. recommends any referrals to any relevant external agency or third party, as required by law.

The Investigator may determine whether the findings will be provided in one report or presented in separate reports.

The Investigator will identify any parts of a report/s that should be treated as confidential or requiring redactions to ensure the safety, welfare and wellbeing of any person.

The Investigation will be completed as expeditiously as a proper consideration of the matters allows.

## Special Governance Committee Charter

Following matters of concern raised during a hearing of the Senate Education and Employment Legislation Committee on 12 August 2025, the Australian National University Council has established a Special Governance Committee (**Committee**) in accordance with section 18(1) of the *Australian National University Act 1991* (Cth) and clause 25 of the Australian National University (Governance) Statute 2024.

1. The Committee is constituted by the following members:
  - a. Mr Andrew Metcalfe AO, Council Member (as Chair),
  - b. Professor Joan Leach, Deputy Vice-Chancellor (Academic); and
  - c. Professor Christine Nixon AO, as an external advisor

### Functions

2. The Committee's functions are to manage the University's response to the matters raised in the Senate Committee hearing on 12 August 2025, including:
  - a. overseeing and determining next steps in relation to the University's response to the matters raised in the Senate Committee hearing on 12 August 2025;
  - b. obtaining external independent legal and other professional advice to inform the University what responses are required, including but not limited to the management of workplace complaints or grievances and any obligation to refer or report to external agencies;
  - c. assuming responsibility for or providing direction for the management of relevant internal workplace grievances;
  - d. if there is an obligation to refer to external agencies— ensuring referrals or reports are made in a timely and appropriate manner;
  - e. engaging with any external agencies or other external bodies currently conducting investigations into the university's workplace culture, governance and leadership (including but not limited to TEQSA and the ANAO);
  - f. appointing an independent investigator to conduct such investigations as required on terms and scope determined by the Committee;
  - g. determining how best to communicate the actions being taken to the persons directly involved, external agencies, the Senate Committee of Inquiry, the Department, the University community and stakeholders; and
  - h. keeping the Council informed of the Committee's decisions and progress.
3. The Special Governance Committee will be established for a period of 12 months and its term may be extended by the Council.

### Power

4. The Committee is authorised to operate independently from the Council members who are potential witnesses or involved in the matters of concern.
5. For the avoidance of doubt, the Committee, within the scope of its role and responsibilities, has the power to:
  - a. obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
  - b. refer any matters to an external agency or body as required by law;

- c. appoint an independent investigator on terms of reference to be determined by the Committee; and
- d. obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the University's expense.

## Roles and Responsibilities

6. The Committee exercises such functions, responsibilities and authorities delegated to it by Council in this delegation and is given all powers necessary and incidental to the exercise of those functions, responsibilities and authorities.
7. The Committee's responsibilities relating to the exercise of its powers and functions include but are not limited to the responsibility to monitor, review and, where appropriate, make recommendations to Council on matters related to the Committee's objective.
8. The Committee is to exercise its powers and functions in a trauma informed manner.
9. Members of the Committee are expected to understand and observe the legal requirements of the *Australian National University Act 1991* and the *Public Governance, Performance and Accountability Act 2013*.
10. Members are also expected to:
  - a. act always in the best interests of the university as a whole, with this obligation to be observed in priority over any duty a member may owe to those appointing them;
  - b. act in good faith, honestly and for a proper purpose;
  - c. exercise appropriate care and diligence;
  - d. not improperly use their position to gain an advantage for themselves or someone else; and
  - e. disclose and avoid conflicts of interest.

## Reporting to the Council

11. The Committee will report to the Council as the Committee determines appropriate.
12. Where the Committee identifies exposure (or potential exposure) to material risk to the University in relation to the Committee's role, the Council is to be notified of the matter.

## Administrative Arrangements

13. The Committee will have independent, external secretariat support but may also be assisted by the University Governance Office (UGO), as required from time to time.
14. The Committee will be assisted by a member of the University Legal Office (ULO) who holds no conflict of interest, as required from time to time

## Conflicts of Interest

15. The Committee members will provide written declarations to Council declaring any material personal interests that could preclude them from being members of the Committee or discharging the Committee's functions.

Approved by resolution of the ANU Council on 16 September 2025 pursuant to s 13 of the *Australian National University Act 1991* (Cth).