



Australian Government
Department of Education

Our Ref: EC25-002931

Deputy Secretary
Ben Rimmer

Ms Joanna Abhayaratna
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Dear Ms Abhayaratna

Impact Analysis – National Higher Education Code to Prevent and Respond to Gender-based Violence – Second Pass Final Assessment

I am writing in relation to the attached Impact Analysis (IA): National Code to Prevent and Respond to Gender-based Violence. The IA is required for the creation of the legislative instrument of the same name under the *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (the Act).

Gender-based violence (GBV) is a systemic and persistent issue in the higher education sector that demands government intervention. Data confirms that within the higher education sector there are high rates of sexual harassment, high rates of sexual assault and dissatisfaction with institutional responses (2017 *Change the Course* report, 2021 *National Student Safety Survey*, and 2023 *National Tertiary Education Union* report). Higher education providers are failing to keep students and staff safe.

To address this, the recommendation reflected in the IA is the introduction of a legislated National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code), that seeks to establish a consistent and enforceable framework across the sector in relation to GBV. It seeks to reduce the prevalence of GBV, improve responses and support, ensure accountability, and foster cultural change that aligns with the *National Plan to End Violence Against Women and Children 2022–2032*.

I am satisfied that the Department of Education (the department) has addressed the concerns raised in your letter of 25 August 2025, following your First Pass Final Assessment. The IA at second pass has been significantly redrafted and expanded. It has addressed the issues raised in Attachment A of your letter including:

- Providing definitions for ‘person-centred’, ‘trauma-informed’ and ‘disability’
- Clarifying the application of the National Code in relation to TAFEs
- Including the break even analysis in the executive summary and one page summary

- Clarifying the regulatory costs compared to operational costs
- Consideration of international schemes
- Including the status of the IA at major decision points
- Including the full cost-benefit analysis as an attachment to the IA.

Additionally, we have provided further explanations and details on suggested areas including:

- How the policy problem affects different stakeholders (such as students and staff of different cohorts and roles)
- Analysing the limitations and barriers of government intervention
- More thoroughly comparing the proposed options
- Analysing limitations and barriers of implementation
- Providing detail on the evaluation design and framework
- Areas of agreement and disagreement throughout the consultation process and how these have been addressed in the National Code.

A comprehensive analysis was conducted to assess the costs and benefits of the National Code. Total costs over a ten-year period are estimated to be \$1.2 billion (including government costs), with an average annual regulatory burden of approximately \$173.2 million.

The regulatory burden cost is estimated to be \$1.16 billion (i.e. total costs excluding costs to government), as shown in the regulatory burden estimate table below.

Total regulatory costs - \$ million in present value over 10 years					
	Higher education providers	Staff	Students	Volunteers	Total
Regulatory costs by stakeholder	\$754.1	\$305.9	\$71.7	\$23.7	\$1.16 billion

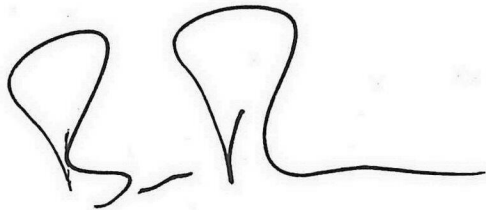
The total benefits over a ten-year period are approximately \$3.5 billion, with an average annual benefit of approximately \$533.7 million (measured against the three economy wide benefit streams - prevention of GBV, improved responses to disclosures and formal reports, and enhanced safety within higher education environments).

Total net benefits over a ten-year period are approximately \$2.3 billion, with an average annual net benefit of approximately \$355.8 million. If all three benefit streams above are realised, the National Code will have a benefit-cost ratio of 3, meaning for every \$1 spent there is a \$3 return. The break-even analysis (BEA) determines the point at which the costs and benefits of a policy intervention are equal. It is difficult to estimate specific timeframes in which the benefits of preventing and responding to GBV will occur. Instead, what the BEA analysis identifies is that preventing just 1.2% of physical and sexual assault cases on campus (approximately 414 cases annually across 211 providers) would be sufficient to offset the National Code's implementation costs. This represents the minimum effectiveness required for the National Code to deliver net benefit based on prevention alone.

Other matters listed in Attachment A to your first pass response letter of 25 August 2025 have been systematically addressed. The department worked in a close and iterative process with OIA to bring this IA to second pass stage.

Accordingly, I am satisfied that the IA is consistent with the six principles for Australian Government policy makers as specified in the *Australian Government Guide to Policy Impact Analysis*.

I submit the IA to the Office of Impact Analysis for formal final assessment.

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line and a small flourish.

Yours sincerely,

Mr. Ben Rimmer
Deputy Secretary
Higher Education, Research and International Group

2/09/2025