



National Higher Education Code to Prevent and Respond to Gender-based Violence

Department of Education



The policy problem and preferred policy approach

Gender-based violence (GBV) is a systemic and persistent issue in the higher education sector. GBV is prevalent but underreported, and has significant impacts on the health, wellbeing, educational attainment, and career progression for students and staff. Data from the higher education sector confirms high rates of sexual harassment and sexual assault, and dissatisfaction with institutional responses (2017 *Change the Course* report, 2021 *National Student Safety Survey*, and 2023 *National Tertiary Education Union* report). GBV disproportionately affects women and girls, particularly those experiencing intersecting forms of inequality and discrimination. Higher education providers (Providers) responses to GBV are failing to keep students and staff safe. Previous efforts to address GBV within the higher education sector have been fragmented and under-resourced, and the current regulatory framework lacks the accountability required to drive meaningful change.

To address this, the recommendation is the introduction of a legislated mandatory **National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code)**, that seeks to establish a consistent and enforceable framework across all Providers in relation to GBV. The National Code has seven standards including leadership and governance, safe environments, trauma-informed support services, data collection, and student accommodation. 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*.



Impact Analysis

Impacts

Introducing a mandatory National Code will deliver significant net benefits relative to the status quo.

Costs

The estimated total costs of the National Code over a ten-year period are approximately \$1.2 billion, with an average annual regulatory burden of approximately \$173.2 million. These costs include staff training, system upgrades, data collection, and compliance activities across Providers, students, staff and volunteers. Costs vary depending on Provider size, resources, and existing capabilities.

Benefits

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

Net benefits

The estimated total net benefits of the National Code 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 gender-based violence 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.

Impacts

The National Code has broader impacts and benefits including improving women's workforce participation and leadership, improved student satisfaction and retention, increased community awareness, and the ability to change social norms. The National Code will improve the higher education sector by strengthening leadership, building the national data base of GBV, embedding trauma-informed support services, and implementing inclusive practices for groups that are disproportionately affected by GBV (including First Nations students, students with disability, and LGBTQIA+ individuals). The estimated costs, benefits and net benefits are supported by consultations with Providers, students, staff, victim-survivors of GBV, advocacy organisations, and student accommodation providers.

Who is impacted

Higher Education Providers	Staff	Students
Providers will bear the majority of the costs and operational responsibilities of the National Code. These include costs related to compliance, updating systems and processes, staff training, and resource allocation. While the initial and ongoing costs to Providers are significant, Providers will also benefit through the implementation of the National Code. The potential benefits include a reduction of GBV and improvement of safety for students and staff, enhanced institutional reputation, improved student attraction and retention, and the potential to lead broader social change in relation to GBV.	The National Code mandates that staff participate in GBV training, complete safety checks, and participate in consultation processes. While these obligations involve time costs, they are expected to contribute to safer, more inclusive workplaces. The National Code also strengthens staff rights across all employment types. It embeds processes and procedures for protecting staff in relation to GBV and supporting their career objectives. Enhanced support services and trauma-informed responses are also designed to lower barriers to disclosure, strengthen staff wellbeing, and improve job satisfaction and retention.	Students will have limited direct costs under the National Code. Costs include time spent undertaking activities required such as education and training, and time spent in consultation and collaboration on policy development. The National Code is expected to deliver substantial benefits to students through improved safety and wellbeing and improved educational outcomes. Overall, a reduction in harm is intended to yield a wide range of physical, social, and emotional benefits to students.



Other considerations and implementation

The Impact Analysis considered three policy options: (1) maintaining the status quo; (2) a voluntary National Code; and (3) introducing a mandatory National Code through legislation. The status quo was deemed inadequate due to its failure to address the systemic nature of GBV and a lack of enforceable standards. A voluntary National Code was also assessed to be insufficient, as it lacked the accountability and enforcement mechanisms needed to drive cultural change.

The recommended option - a mandatory legislated National Code - was selected for its ability to establish enforceable, sector-wide standards, and to drive cultural and structural reform. Implementation will be phased beginning on 1 January 2026 for Table A and B providers under the *Higher Education Support Act 2003* (Cth), followed 1 January 2027 for all other providers registered under *Tertiary Education Quality and Standards Agency Act 2011* (Cth). Oversight and regulation will be monitored by the specialist GBV Reform Branch within the Department of Education. The GBV Reform Branch will provide guidance and education, as well as being responsible for enforcing compliance with the National Code.