

OFFICE OF THE VICE-CHANCELLOR

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The Hon Robert S French AC
Suite 2, Level 13
Adelaide Square
77 St George's Terrace
Perth WA 6000
Email: suicjs@bigpond.com

Dear Mr French

Re: Response to the draft code on Freedom of Speech in Higher Education Providers.

Thank you for the invitation for the University of Southern Queensland to comment on the draft model code.

The University of Southern Queensland has an ongoing commitment to the principles of academic freedom and freedom of expression in a lawful manner and within the capacity of the University's available resources. In our view, there is no crisis in relation to academic freedom. As a result, we welcome your emphasis on institutional autonomy and are supportive of the concept of a common voluntary approach, acknowledging the diversity of regulation across the sector.

We do have some concerns about the potential impact of this draft code on our existing policy and procedure frameworks and in particular note:

1. Queensland's public universities are established by an Act of Parliament and they no longer have subordinate legislative capability, i.e. Statutes, Rules, Regulations, By-Laws etc. In relation to the opening sentence of the "Model Code", there is currently no capacity for an institutional instrument in the State of Queensland, as is suggested, beyond incorporation in policy and procedure. We note there may be elements which conflict with enterprise awards and state awards.
2. Universities entrench academic freedom in their values and beliefs. The scope of some definitions may need clarification. In particular "the freedom of academic staff to teach...without restriction by...institutional policy" (definition 1) is potentially problematic in that it may clash with the autonomy of the institution in relation to its portfolio of courses and offerings (definition 7)

3. Though the model code includes references to external and invited visitors, there is no explicit reference to visiting and adjunct academics and volunteers who may contribute to university activities or who act on behalf of the university, acknowledging that this may depend on how the university defines these roles.
4. Academic staff and students increasingly operate outside institutional frameworks (e.g. social media). Whilst appreciating the freedom of academic staff and student to make public comment in their personal capacities, not speaking on behalf of the university or as an officer of the university (definition 4), we support consideration of such platforms within the model code.

Given the potentially broad impact of the proposed code we would welcome the opportunity to be involved in further discussion of these or any other emerging issues relevant to the sector.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Mackenzie', with a long horizontal flourish extending to the right.

Professor Geraldine Mackenzie
Vice-Chancellor