



Professor Nick Klomp  
Vice-Chancellor & President  
CQUniversity Australia  
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The Hon Robert S French AC,  
Suite 2, Level 13,  
Allendale Square,  
77 St George's Terrace,  
Perth WA 6000  
[suicjs@bigpond.com](mailto:suicjs@bigpond.com)

Dear Mr French

Thank you for the opportunity for CQUniversity Australia to comment on the draft model code for freedom of speech in higher education.

CQUniversity supports the ideal of academic freedom. Currently this ideal is prominently represented in our Enterprise Agreement.

Academic Freedom is informed by scholarship. That is, it is the difference between stating a personal opinion or stating an opinion formed by intellectual inquiry. Both can still offend people, though intellectual inquiry gives reasons for that opinion and for those wishing to argue against it. This is a critical point of clarification that is lacking in the proposed code.

Having said that, the notion of a voluntary code is valid. A voluntary code or a set of guiding principles could be customised to our institution to show our continued support of free intellectual inquiry.

Our Enterprise Agreement s43 deals with 'Intellectual and Academic Freedom', which guarantees 'intellectual and academic freedom' and other rights.

- pursue critical and open inquiry
- participate in public debates and express opinions about their discipline, general social issues and higher education issues
- participate in decision making processes within the University via appropriate representation on University committees
- participate in professional and representative bodies, including trade unions, without fear of harassment or intimidation and undertake all aspects of their role without fear or harassment, bullying, intimidation or unfair treatment.

Employees have the right to express unpopular or controversial views, but this does not mean they have a right to harass, bully, vilify or intimidate (s.43.2). These rights are linked to the responsibilities of employees and students to support the role of CQUniversity as a place of independent learning and thought, where ideas may be put forward and opinion expressed freely; and as an institution which must be accountable for its expenditure of public money, and which upholds the values of truth, accuracy, honesty, civility and courage.

If staff feel that the above rights are limited in any way, they have the right to pursue the grievance process.

Specifically in relation to the draft Model Code, we offer the following comments:

- The definition of academic freedom, as outlined in the draft code, is silent on the need for academics (whilst being 'free') to also ensure that they meet the standards outlined in various University policies and codes– and do not bring the university into disrepute. Academic freedom is desirable but not at the risk of university reputation.
- Further clarification is required on the code being included in the University's delegated legislation. A code, in our opinion, is a guideline and our Enterprise Agreement would override this code as it's a legal undertaking between the University and our staff as approved by Fair Work Australia. The code should be a guiding document rather than enforceable.

I would welcome the opportunity to further discuss this matter should you feel necessary and thank you again for the opportunity to contribute to your review.

With kind regards

A handwritten signature in black ink that reads "Nick Klomp". The signature is written in a cursive, slightly slanted style.

Professor Nick Klomp  
Vice-Chancellor and President  
CQUniversity