

26 February 2019

The Hon Robert S French AC,
Suite 2, Level 13,
Allendale Square,
77 St George's Terrace,
Perth WA 6000

By email: suicjs@bigpond.com

Dear Mr French,

Re: Response to draft model code on freedom of speech in higher education institutions

Thank you for the invitation for Universities Australia to comment on the draft model code.

The UA Plenary has carefully considered the proposed code in the context of the enduring commitment of every university leader in the nation to the principles of academic freedom and freedom of expression. Once again, university leaders have reaffirmed this profound commitment in their discussions today.

At the outset, we acknowledge your assessment that there is no 'free speech crisis' at Australia's universities. This is crucial context. Despite the assertions of a handful of critics to the contrary, a culture of lively debate and free expression of a wide array of ideas is very much in evidence on our campuses across the nation.

We thank you for your diligence in consideration of these matters in a short timeframe.

We also appreciate the careful way in which you have distinguished between the concepts of freedom of expression and academic freedom. The Plenary was further pleased to note your intention to emphasise the importance of institutional autonomy. Such autonomy is foundational to the success of the nation's universities, their distinctive character and diversity.

It is our considered view that further interrogation of the detail in these proposals by the sector, drawing on expertise in our midst, would be beneficial. We would welcome a discussion in relation to a range of concerns and next steps, including the possibility of set of high-level principles.

Our concerns include:

- the complex interplay of policies and industrial instruments, and the importance of upholding institutional autonomy and diversity whilst affirming shared high-level principles;
- a proposed model code could over-ride a broad range of university policies and procedures that have been carefully constructed – balancing rights and responsibilities – over many decades by university governing councils; and
- many of the issues we face are amplified by the increasing use of social media platforms by academic staff and students, the use of which is not currently dealt with in the proposed model code.

UA and its member universities would welcome the opportunity to discuss these matters, and others raised by our members in further detail.

Thank you for the considered approach you have taken to this work. We look forward to continuing a constructive dialogue with you on this topic.

Yours sincerely,



Catriona Jackson
Chief Executive