Submission to the Australian Universities Accord

Response to the Discussion Paper

on The Australian Universities Accord

By

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Public Universities Australia

Executive Summary

Public Universities Australia (PUA) welcomes the Accord, and although pleased that the discussion document offers an opportunity to explore broad and essential issues, PUA does note several vital omissions.

The role of universities as a reservoir of deep expertise available to the nation does not seem to have been understood. There is no mention of academic values in the discussion document or of how the work of universities is achieved through putting academic values into practice. Furthermore, the framing of the Accord demonstrates little appreciation of universities' role in supporting a healthy and robust democracy. There is an over-emphasis in the discussion document on the economic and social role of professional training and job readiness. We agree these aspects are important. However, we are also conscious that the Arts and Humanities are neglected in this framing and more emphasis needs to be placed on rebuilding capacity in this area.

Importantly, there is no recognition in the discussion document that our universities are currently experiencing a governance crisis, whereby the guiding principles are now derived from management and corporate practices rather than academic values. We contend that for universities to serve their full function, they must be governed in a manner that serves and is consistent with academic values.

Because the governance of Australian public universities is increasingly disconnected from academic values, there has been a progressive failure to serve the academic mission. This is not represented in the discussion document. PUA is deeply concerned about the growing number of reports it has received concerning abuses of power and other forms of misconduct by university management, particularly those directed against staff and students.

Although we have not burdened this lengthy document with detailed examples, PUA can provide many examples of misconduct and malfeasance by middle and senior management across multiple universities. Shockingly, such misconduct is widespread, occurs with impunity, and is without accountability. It is self-evident that this erodes the Australian' university system's functions, capacity and reputation. We believe that the Accord must address this issue if genuine reform is to be achieved.

It is of some concern that while the Accord panel has good representation from senior university management, there is no apparent presence of 'feet on the floor' academics to provide the perspective of those who deliver the actual teaching, research and expert opinion for which universities are funded, and for which students attend.

We provide an analysis that is based on the history of Australia's universities and make some recommendations that we hope the Accord panel finds helpful. PUA stands ready to provide further information and support should the panel request them.

Preamble

Public Universities Australia welcomes the accord

Public Universities Australia (PUA, website https://puau.org/) represents a broad range of voices across the Australian university sector and speaks with representation from the following organisations:

- Australian Association of University Professors (AAUP)
- Academics for Public Universities (APU)
- Council of Australian Postgraduate Associations (CAPA)
- Casualised, Unemployed & Precarious Uni Workers (CUPUW)
- National Tertiary Education Union (NTEU)
- National Aboriginal & Torres Strait Islander Postgraduate Association (NATSIPA)
- National Union of Students (NUS)

As such, PUA is well informed from a 'feet on the floor' perspective of the challenges faced by students, academics and the professional staff who do the work of universities, and we welcome the opportunity that the Accord provides for improvement.

We commend the Accord panel that has prepared its initial discussion document in a broad and far-reaching way. However, we do not think it has been adequately informed on several vital issues. For this reason, we have criticized some aspects of how the discussion has been framed and hope this will be received in the spirit of robust critique rather than grievance.

The structure of this document

This preamble discusses general matters in some detail. Following this are specific responses to individual questions in the discussion document. An appendix follows with further information.

There is considerable overlap with respect to the implications of the 49 discussion questions. While every question has been considered in this submission, responses to single questions often include consideration of multiple questions. This submission considers it essential to view the issues raised within a broader contextual framework than that assumed by the discussion paper.

The discussion document has not recognized recent erosion in academic standards and conditions

While the discussion paper acknowledges that education provides benefits far beyond any requirements for employment or the economy,[1] it does not attempt to consider what that implies and what practical implications there may be for such an understanding of education. Also, what might be required to ensure that such benefits remain accessible through the same education system which this discussion paper views almost exclusively from an economic perspective.

[1] See p. 4: 'It delivers endless, intangible benefits to the nation, far beyond any individual qualification or job it provides.'

There are no discussion questions that specifically relate to these broader benefits. Nor is there any recognition of the extent to which the capacity of our universities to deliver those benefits has been eroded and what might be needed to address this problem. Addressing it represents both challenges and opportunities. The failure to articulate the broader societal and personal benefits of a university education is arguably a significant omission.

The discussion document has not fully recognized the role of universities as a reservoir of expertise, the importance of academic values or the role of universities in nurturing a robust democracy

While the discussion document recognises the vital role of universities in teaching and research, a further critical role appears to have been neglected, i.e. providing a deep reservoir of expertise upon which the community, government and industry can draw.

Furthermore, the document does not mention the core academic values that underpin all academic work, and that, when acted upon, deliver the work of universities. Core academic values are readily listed: rigour in expertise; commitment to advancing and promulgating knowledge; collegiality; freedom of speech; robust intellectual discourse; freedom of academic research; and truth in all academic works. We argue that the work of universities is undermined unless these values are adhered to across governance, teaching, research and professional and community service. These academic values are critical for a further important role of universities: supporting a vigorous and effective democracy. The discussion document does make passing reference to democracy, but only insofar as it relates to access and equity in higher education. The Accord should recognise the important role of universities in the democratic process, including as a source of frank, fearless and expert advice; as a training ground for robust civil debate; and as a place where new and potentially unpopular ideas can be safely explored and tested.

The discussion document has not recognized the current crisis in university governance that undermines the national democratic ideal

Concerning university governance, it is pleasing that the discussion document recognises stakeholders' concerns regarding governance and the composition of university regulatory bodies. The severity of current difficulties, however, does not seem to have been appreciated, in that there is now an almost complete dissociation of university governance from academic values which has caused great harm to Australia's public universities and their academic mission.

PUA can provide numerous examples of how university management, increasingly comprised of people with little or no academic experience, fails to manage in accordance with academic values. Such university managers cannot lead by example because they have either not been trained to lead, or have insufficient academic experience. They are also often unable to lead by persuasion because they lack any detailed understanding of academic work beyond their own disciplinary training and consequently fail to articulate arguments that respect academic norms or the academics they are paid to lead. The only resort for such senior managers is to impose their will through blunt authoritarianism. Academics committed to academic values have no

choice but to resist unreasoned authoritarian determinations and are thus brought into unwilling conflict with management.

Enjoying the delegated powers of senior management positions, it is now commonplace for extraordinary abuses to occur in our universities. PUA can provide examples and refers the Accord panel to its submission and Hansard' testimony in the recent Tasmanian Parliamentary Inquiry into the *University of Tasmania Act 1992*.

We submit that the lack of accountability of university senior managers profoundly undermines the capacity of universities to serve their purpose. Of special concern is that rather than training our students to respect and engage in the democratic process, the example set by senior university management, and the evident damage done to academics who dare to oppose authoritarian behaviour in our universities, provides a poor example to both Australian and international students. If those who bow to unreasoned power and seek advancement through fawning flattery and proximity to the empowered are those who tend to get promoted and given decision-making authority, our universities' independence and ability to genuinely serve society are seriously eroded.

The discussion document does not seem to have fully appreciated the importance of the arts and humanities

The document recognises the value of the sciences, vocational education and research but places little emphasis on the role of the arts and humanities.

In view of the enormous harm that has been inflicted on our arts and humanities faculties over the past 30 years, and the fact that those faculties bear no comparison with better-valued and properly funded arts and humanities faculties in many other comparable countries, the derogation of our arts and humanities faculties have also contributed to Australia's current skills shortage. It cannot be complacently assumed that nothing needs to be done in this respect. Government *must* confront the present situation and the legacy of recent decades and respond explicitly to this problem if it genuinely believes that education bestows much more comprehensive benefits on the individuals who receive it and the wider society in which they will subsequently work, especially given the fact that those wider benefits are a particular concern of the arts and humanities.

This is not simply an 'academic' issue. Both Menzies and Whitlam accepted that a national university system should ensure that citizens also derived other benefits from it, and in doing so, they embodied a bipartisan attitude which appears now to be sadly lacking. They did not deny the contribution that education, training, and research should make to employment and economic growth, but not at the expense of culture and society per se. With the Hawke Government, however, there occurred a decisive shift in attitudes and practice. Upon release of the Dawkins Green paper in 1987, there was concern expressed that the implications of Dawkins' proposals could spell the demise of the arts and humanities in Australian universities and that education was being redefined to mean that anything that did not qualify people for jobs and contribute to economic growth and development was not worth funding and would be reduced to a rump.

Such‘ concerns have proven to be far from groundless. Because arts and humanities are not perceived to qualify people for specific professional careers such as law and medicine, their benefits cannot be readily quantified in terms of GDP or profits. Because we are also vulnerable to continued ‘culture war’ attacks on arts and humanities departments (which continue to be made from political, ideological perspectives, despite being untenable), arts and humanities faculties have been decimated. In reality, arts and humanities graduates have just as high an employment rate as other professionals. Their knowledge and skills are reportedly also valued and in demand by employers, and with better funding and investment, they could also make a more significant economic contribution to the country.

John Dawkins was forced by the negative reaction to his overly economistic preoccupations in his Green Paper to state in the preamble to his White paper the same acknowledgement that the present discussion paper makes, i.e. that education does have wider social and cultural benefits.[2] Nothing in the implementation of Dawkins’ ‘reforms’ or in our national tertiary education system over the past 30 years suggests that what Dawkins said then actually means anything today. It is a dead letter.

The *Bradley Review* (2008) made the same claim for more comprehensive educational benefits in 2008 but then did nothing to ensure that any of that became a reality or to reverse the consequences of Dawkins ‘reforms’. The Job Ready Graduates policy of 2020 introduced by the Morrison Government once again mirrored this pejorative attitude towards arts and humanities by financially discriminating against anybody who studied those subjects other than for teacher training. Paradoxically, even though in practice government appears to have no adequate conception of what those alleged benefits might be or any willingness to defend them, it still apparently believes that those subjects should continue to be taught in our schools. They are poorly taught in our schools because our universities do not train our schoolteachers to teach them well. Education students today receive very little direct exposure to arts and humanities subjects as a result of the siloing of students within faculties’ in the wake of the Dawkins ‘reforms’.

The ill-defined ‘other benefits’ of education reflect the same attitude concerning the importance of good teacher-student ratios in our universities. This issue has been regularly emphasised in tertiary education reviews over several decades as being essential to good pedagogical practice. This principle is likewise recognised – if not consistently practised - in our secondary education.

[2] E.g. Hon. J.S. Dawkins, ‘Higher Education: A Policy Statement’ (1988), p. 5: ‘Where concerns or criticisms of the Policy Discussion Paper [1987] arose, they related more often to issues of balance or priorities … The concern was commonly expressed, for example, that the Government’s proposals for reform and reorientation of higher education should not distort the system’s traditional functions of intellectual inquiry and scholarship; likewise, that an increased emphasis on science, technology and business studies should not jeopardies the important role of the arts, humanities and social sciences. Many respondents [among more than 600 written responses] were concerned to avoid a situation where higher education courses would be tailored to narrow vocational or ‘instrumentalist’ objectives; others that quality should not be compromised for the sake of quantity; … the Government readily acknowledges the legitimacy of concerns expressed by many respondents. [p. 7] Higher education has much to contribute. It is a primary source of the skills we need in our *cultural, artistic, intellectual* and industrial life [emphasis added]. It acts to gather and preserve knowledge. It promotes greater understanding of culture, often at odds with majority attitudes and, in doing so, supports the development of a more just and tolerant society.’ We would be at pains to identify much of this in reality today. *The Dawkins Revolution: 25 Years On*, ed. Gwilym Croucher et al. (Melbourne: Melbourne University Press, 2013), unfortunately fails to identify and confront any of the problems that that ‘revolution’ as caused.

Nevertheless, *nothing* has been enforced to ensure that our universities properly and continuously employ sufficient numbers of academics relative to student numbers to ensure that such an optimal ratio is maintained across all forms of teaching in all disciplines. With every increase in student enrolments, there should be a proportionate increase in the number of full-time continuing lecturers employed. Due to well-founded fears of retribution or retrenchment, academic staff have generally tolerated the worsening casualization of the lecturing workforce, which is completely incompatible with optimal teacher-student ratios. We have also tolerated mass redundancies of tens of thousands of academics who have never been replaced or re-employed, not only since 2020 but over more than a decade preceding the COVID pandemic. It is not, however, academics who are responsible for this situation. It is a situation brought about by the decisions of senior managers who have no respect for good pedagogical practice. Consequently, how does any government take its ostensible concern with good pedagogical practice seriously based on optimal teacher-student ratios? There is irony in calls to increase the training of PhD and other higher degree candidates while overseeing the diminution of the academic environment that trains and employs such graduates.

The current government's new culture policy should require that the arts and humanities remain an essential and integral part of our education system. Furthermore, our universities should employ on a fulltime and permanent basis sufficient academics in their arts and humanities faculties, and ensure that research in these fields is adequately funded and recognised as making a valued contribution to the country.

Whatever wider benefits might be derived from a tertiary education, equal respect should be given the arts and humanities. Contrary to the claims of some, an arts degree does not disadvantage students in pursuing employment nor does it undermine economic growth, including the profitable expansion of the education sector itself. No federal cultural policy is viable without the capacity of our universities and arts colleges to teach the full range of arts and humanities disciplines, which they are currently not capable of doing.

There are many more significant issues at stake here, including how we conceive of a society (or not) as being nothing more than an economy, rather than something that respects and values and supports the contributions that everybody can make to it. Such respect and value should be forthcoming regardless of whether or not that contribution can be quantified in terms of profit and growth or as an essential service. A society is *more* than an economy. The 'economy' is merely a constitutive element of and support for society; they are *not* coterminous or equivalent, nor should they be assumed to be. (In this sense, people have the right to a life that is not defined by their employment or economic contribution, and they ought to be valued as human persons, not as economic operatives and sources of profit).

Our arts and humanities faculties continue to be subjected to 'culture war' attacks and fall victim to other controversial challenges, including the erosion of democratic principles and freedom of speech, which attest to the fact that not everybody in Australia values and respects their role. This is a cyclical process: it should be precisely our arts and humanities that teach every Australian to be responsible, informed, respectful and tolerant citizens, to teach them the principles of democracy and human rights so that they will embody and protect them. We

currently have a seriously defective understanding and practice of these principles and the values upon which a civilised society should be founded. Those principles and values continue to be challenged and eroded daily in this country and, sadly, within our universities. They cannot be better inculcated unless our arts and humanities faculties are restored to the purpose and capacity they deserve in a democratic pluralist society.

The arts and humanities are as important to the history of humanity and the pursuit of knowledge as the natural sciences. The role they have played throughout history cannot easily be distinguished. Suppose we ostensibly value the contribution of the sciences in their pursuit of knowledge. That is only possible through cognitive and cultural practices (including the function of imagination) that are shared with the arts and humanities. They are not ontologically different, and education for most of the history of humanity made no distinction between 'two cultures.[3] It has been long understood that the arts and humanities and the natural sciences are interdependent. The fact that we now arbitrarily distinguish between them and ascribe unequal importance to them is predicated upon a false conception of what human knowledge is and how it is acquired.

The arts and humanities, rather than the natural sciences, define what it means to be a human person in terms of our civilisation and our national cultural identity. By failing to guarantee comprehensive teaching and research in the arts and humanities, we undermine *everybody's* understanding of what it even means to be 'Australian'. None of these subjects should be politicised. They should not provoke irreconcilable polarisation of viewpoints but be a matter of principled agreement and consensus.

It is widely reported that many employers value more broadly educated employees who have acquired an education not limited to specific employment or professional requirements. It is generally recognised that the much lauded but defined virtues of 'critical thinking' and 'problem solving' require a far broader and more profound education than one designed merely for a specific job – and to which the arts and humanities play an essential role, It is being increasingly recognised that the arts and humanities play an essential role in our mental health and well-being, as well as being the bases of diverse therapies. Just as the social sciences contribute in multiple ways to public health, the arts and humanities are central to all of the other cultures represented by our multicultural society, and should therefore be fully represented in their diversity in our universities. The social sciences are the principal discipline areas essential to the development of government policy areas, data collection and other research upon which such policy work should be based. It is equally recognised that inculcation of more tolerant, respectful and inclusive social values, as well as an understanding of human rights and democracy (including the necessary role that journalism should play in defending democracy rather than undermining it), qualifies citizens to practise and respect these things and also depends upon the arts and humanities. Even when governments express interest in these values, they seem not to consider what is required for an education system to be capable of delivering on them or how our

[3] Reference to C.P. Snow, *The Two Cultures* [1959/1964], ed. Stefan Collini (Cambridge: Cambridge University Press, 1993); F.R. Leavis, *Two Cultures? The Significance of C.P. Snow*, ed. Stefan Collini (Cambridge: Cambridge University Press, 2013), and the international debate that attended Snow's lecture and publication.

existing system has been so denuded as to be incapable of doing so. Where exactly do political commitments lie concerning these questions?

Alternative university models might be required but are not desired

Our current Australian Higher Education System (AHES) should be reformed in such a way as to provide appropriate employment for academics on liveable salaries with acceptable workloads, conditions, and lifelong, secure career pathways.

The AHES should also be ensuring that students are provided with the support and education they deserve, that current management and governance arrangements fully embody and respect academic values, including transparency, accountability and freedom of speech, and that abuse and misconduct by senior managers and executives will not be tolerated.

Academics are routinely excluded from decision-making about the core academic responsibilities of universities by poorly informed managers. There are no good reasons for this situation to continue If it does continue, however, new universities will need to be established in Australia where these principles can be guaranteed.

This would not be an unprecedented possibility, as there is a range of alternative models for university governance and growing support for such an option among disenfranchised academics and students. We hope that the Accord makes such developments unnecessary by addressing our concerns.

Responses to specific questions posed in the discussion document

Q1 How should an Accord be structured and focused to meet the challenges facing Australia's higher education system? What is needed to overcome limitations in the current approach to Australian higher education?

It is important to note from the outset that academics, students and administrative staff comprise the university, and management should be there to serve their interests. A university is legally constituted by its academic staff, students, and broader public community. It exists for the core purposes of providing education and undertaking research, which should include research that supports that teaching and not be confined to research whose outcomes are deemed profitable in a national economy. In addition, a university establishes a reservoir of deep expertise that government, business, industry and the wider society can access and from which they all benefit.

Academic staff deliver both teaching and research, and are a significant cohort of those in whom expertise resides. University managers and executives, as well as their support staff, exist to *support and facilitate* these tasks. Their roles should therefore be subordinate to those who exercise those tasks. Academic staff should be empowered to make all decisions about the university's work in this sense, and decisions reasonably made by others, such as administrative staff, should not adversely affect those activities or those tasked with engaging in them.

Academic freedom is critical for optimal academic function

The basis for academic empowerment is not on the basis of rank but expertise. Academics acquire their roles through a long commitment to their academic disciplines. While there is often overlap and congruity between cognate disciplines, it is also the case that mastering each academic discipline entails the development of nuanced skills and sensitivities specific to the discipline. An architect, for example, will have developed skills and sensitivities quite different to those of a dentist, accountant, doctor, musician or historian, and any academic serving in any of these areas will have highly developed abilities unique to their discipline. University managers and executives should therefore trust the expertise of their academics when deciding how and what to teach students, and also how and what to research.

That trust is captured by the term 'academic freedom', in that academics are best able to deliver their service of teaching and research when trusted and given the academic freedom to teach how they know best. This includes recognition of academics' expertise in raising students' capabilities and researching essential and answerable research questions.

It makes no sense for any person who does not have a deep disciplinary understanding of academic experts to enforce their less informed opinions and priorities on academic teaching and research. However, that is precisely what current governance arrangements in Australian universities currently allow and enable.

The model of university governance based on trusted academic expertise is not how our university sector currently functions. To improve on this, the Accord should substantively change university governance, including both Commonwealth and State & Territory legislation about university governance (a Model Act is included below in an Appendix that covers these matters).

Aspects that should be considered regarding governance

An accord assumes a balance of power and an agreement that serves a defined end. The defined end is the delivery of education and the undertaking of research. Any such agreement should then be entirely conducive to that end and ensure that the university's environment in all parts should facilitate this, whether that be for the academics and researchers employed there, for the students who study there, or for the support staff who facilitate their work. The entire nation should also benefit from that teaching and research, irrespective of whether or not individual Australians study or work in a university or are engaged in any graduate employment. As Australians contribute to funding our universities, the broader community, in its diversity, should also be represented in any such agreement, thereby having representation in decisions made by university governing bodies. Like all forms of public governance, university governance and reporting should be transparent and fully accountable to the Australian people. It should also be able to be changed when it is demonstrably not performing as it ought to. Representation should not consist exclusively or disproportionately of members of the business community, political appointees, other well-connected individuals or vested interests, nor should any of them or university managers exercise dominant decision-making powers.

The outcomes from this Accord will depend upon what government perceives to be the purpose of the education and research undertaken by Australian public universities. It will also depend upon how the purported 'limitations in the current approach to Australian higher education' are defined. The two principal 'limitations in the current approach' that are envisaged by this submission are the chronic under-funding of the sector by the government and the corporate managerial governance of our universities, their respective practical consequences, and the unquestioned assumptions and particular conception of what education is, upon which these are based. These limitations have been imposed unchecked, but with considerable assistance from Commonwealth and State and Territory governments, without interruption since the Dawkins 'reforms' initiated in 1987/8.

These issues will be further discussed in responses to the questions below.

An Accord must include a permanent commitment by the Government, which in the first instance means the Commonwealth, to fund our universities so they are fit for purpose. That includes the full-time continuing employment of all academic and support staff under acceptable terms. It would also mean restoration of majority governance of universities by elected academic, support staff and student representatives. Following the model of many successful European universities, the Vice Chancellor should be a career academic elected for a fixed term from the university community they lead. Rather than the enormously inflated salaries such positions currently enjoy, vice chancellors and other senior executives should be on a fixed award academic salary. Under no circumstances should vice-chancellors or other university executives be 'revolving-door' managers or businesspeople with no specific higher education qualification or proven competence.. The remaining administrative and governance bodies and their associated costs should be forensically examined and reduced, with corporate management confined to its sphere of purported expertise and responsibility. Extraneous expenditure that does not demonstrably serve the core activities of the university, i.e. teaching and research, should be reduced or cut entirely. Real estate and other assets that are not directly used for teaching and/or research, and the revenue from which does not directly fund that teaching and research, should not exist. Australian universities are registered charities. Consequently, they should not be managed as if they are for-profit business enterprises.

<u>Current university governance is autocratic and undermines the academic mission</u>

The existing conduct of some senior management has caused caused considerable levels of disaffection and psychological harm to university staff and students. As is argued in greater detail below, university managers frequently fail to abide by academic values and do not maintain the quality and standards essential to providing high quality tertiary education. 'Consultation', when it does occur, generally involves no credible 'agreement' between the relevant constitutive groups, i.e. academic and support staff, students, and the general population. The current hierarchical and despotic system disenfranchises both staff and students. University managers routinely ignore the principle of academic freedom and frequently disrespect the expertise of their own academic community by hiring 'consultants' whose

expertise is of dubious relevance or merit. This situation cannot be described as an ‘Accord‘ in which all parties participate willingly and equally.

Improvement requires government intervention

In order to address these systemic problems, the powers of management will inevitably need to be reduced. That will not occur voluntarily and must therefore be imposed by government. A new agreement should be designed so as to ensure that our universities function to their full capacities and specifically for the purposes for which they were originally constituted. The balance of decision-making powers should reflect the relative importance of those exercising that power within that system, as well as the purpose for which it is exercised. That should include genuine representation for those who constitute the university community and those who depend upon and benefit from it.

The purpose of ’the AHES should remain essentially unchanged from what it has always been, namely, to educate domestic students both to make diverse contributions to our society and to qualify for professional employment. Academic research should not only support our national economy but also the needs of the wider Australian community, serving as a reservoir of expertise that can be drawn upon by the nation. It should be funded, overseen and regulated by the government so that it fulfils these roles as well as possible.

The emphasis of reforms should not be limited to workforce development

This submission rejects the notion that the appropriate response to the current ‘challenges‘ faced by the AHES should include continuing to approach universities as businesses and tertiary qualifications as consumer commodities. Given the fact that public universities are not-for-profit charities, their primary goal should not be to generate profits (euphemistically described by university senior managers as ‘operating surpluses’) either domestically or through expanding international education delivery, especially if those profits are not directly re-invested in teaching and research.

The Dawkins ‘reforms’ were expressly intended to ensure that this country *never* experienced a skills shortage or a shortage of professionals able to serve national needs. They were also intended to ensure that lifelong education should be possible for all Australian citizens. If, thirty years later, any of these intentions have not been achieved, then this should indicate that the funding and management of our universities have failed in their purpose. Consequently, continuing to maintain any defective or under-performing element of the existing higher education system will not effectively resolve these problems. These objectives can only be achieved by *changing* what is wrong with the existing arrangement.

How is it possible to have such a high per capita completion of higher education and training courses while simultaneously having an intractable skills shortage? These two situations ought to be mutually exclusive, rather than co-existing, which suggests that the current system lacks effective coordination, oversight and direction.

The principal aims of the Dawkins agenda as outlined in the discussion and policy papers (1987/8), as well as in other policy decisions of the Hawke Government, were – at least as far as economic priorities were concerned – reasonable and well-intentioned. If those aims have not been achieved, blame must surely lie with how that agenda was implemented, which is to say, governments and senior university management need to take responsibility.

Virtually all of the reviews of the sector, both by government and independent agencies, as well as the research of academics published over the past thirty years have broadly argued for the same objectives as those articulated by Dawkins.[4] ‘’International debates reflect similar priorities. None of those reviews or discussions have had any noticeable effect on improving our universities’ performance. This should then raise a fundamental question about the apparent disconnect between any such review and those responsible for implementing its recommendations. Clearly, that includes both Commonwealth and State and Territory governments, their education ministers and departments, other relevant regulatory agencies, and university managers.

Why have they failed to identify and resolve significant problems within the AHES? Why have they failed to protect those employed and who studying in it? Why have they failed to control and penalise managerial abuses, including inappropriate conduct and poor performance? Academics are routinely subjected to performance reviews by management and students, and yet managers receive no such scrutiny by academics. If the AHES had been genuinely responsive to the critical content of those reviews, it should have ensured a continuing calibration of the

[4] E.g. Allan Bloom, *The Closing of the American Mind: How Higher Education has Failed Democracy and Impoverished the Souls of Today’s Students* (New York: Simon & Schuster, 1987); Jacques Derrida, *L’université sans condition* (Paris: Éditions Galilée, 2001); Frank Donoghue, *The Last Professors: The Twilight of the Humanities in the Corporate University* (New York: Fordham University Press, 2008); Fareed Zakaria, *In Defense of a Liberal Education* (New York: W.W. Norton, 2015); Michael S. Roth, *Beyond the University: Why Liberal Education Matters* (New Haven: Yale University Press, ^{2}2015); Stuart Macintyre and Anna Clark, *The History Wars* (Melbourne: Melbourne University Press, ^{2}2004); *Getting Smart: The Battle for Ideas in Education*, *Griffith Review* 11 (2006); Stuart Macintyre, *The Poor Relation: A History of Social Sciences in Australia* (Melbourne: Melbourne University Press, 2010); Martha C. Nussbaum, *Not For Profit: Why Democracy Needs the Humanities* (Princeton: Princeton University Press, 2010); Donald Meyers, *Australian Universities: A Portrait of Decline (AUPOD, 2012)*; Stefan Collini, *What Are Universities For?* (London: Penguin, 2012); idem, *Speaking of Universities* (London: Verso, 2017); Hannah Forsyth, *A History of the Modern Australian University* (Sydney: NewSouth, 2014); Glyn Davis, *The Australian Idea of a University* (Melbourne: Melbourne University Press, 2017); Tom Nichols, *The Death of Expertise: The Campaign against Established Knowledge and Why It Matters* (Oxford: Oxford University Press, 2017); Raewyn Connell, *The Good University: What Universities Actually Do and Why It’s Time for Radical Change* (London: Zedbooks, 2019); *Death of the Public University? Uncertain Futures for Higher Education in the Knowledge Economy*, ed. Cris Shore and Susan Wright (New York: Berghahn Books, 2019);.Richard Hil, *Whackademia: An Insider’s Account of the Troubled University* (Sydney: NewSouth, 2012); idem,*Selling Students Short: Why You Won’t get the University Education You Deserve* (Sydney: Allen & Unwin, 2015); Richard Hil, Kristen Lyons, and Fern Thompsett, *Transforming Universities in the Midst of Global Crisis: A University for the Common Good* (London: Routledge, 2021); *The Free Speech Wars: How Did We Get Here and Why Does It Matter?*, ed. Charlotte Lydia Riley (Manchester: Manchester University Press, 2021); Peter Fleming, *Dark Academia: How Universities Die* (London: Pluto Press, 2021); John H. Howard, *Rethinking Australian Higher Education: Towards a Diversified System for the 21st Century* (Canberra: Howard Partners, 2021); *Learning Curves*, *Griffith Review* 75 (2022); *Australian Universities: A Conversation about Public Good*, ed. Julia Horne and Matthew A.M. Thomas (Sydney: University of Sydney Press, 2022); Bryan Alexander, *Academia Next: The Futures of Higher Education* (Baltimore: Johns Hopkins University Press, ^{2}2022); Ulrike Ackermann, *Die neue Schweigespirale: Wie die Politisierung der Wissenschaft unsere Freiheit beschränkt* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2022); *It’s Time: The Re-form of Australian Universities*, *Social Alternatives* 41 (January, 2022); Jill Blackmore, *Disrupting Leadership in Entrepreneurial Universities* (London: Bloomsbury, 2023); Allan Patience, *The Idea of the Public University: Discovering and Teaching Knowledge in a Confused World* (London: Routledge, 2023);

system such that no significant realignment – such as that of the present Accord – should have been necessary.

Q2 How can the diverse missions of Australian higher education providers be supported, taking into account their different operating contexts and communities they serve (for example, regional universities)?

This question requires clarification of the term 'mission', as there is a significant discrepancy between the 'mission statements' of universities and how they behave. This submission will interpret that term in the sense of what we believe the mission of our universities *should* be: teaching, researching and establishing a reservoir of highly specialized knowledge to serve the wider society.

A new book just published and based on ten years of research about access to higher education[5] suggests several areas concerning regional universities and TAFE colleges that can be improved. These include poor local transport connections to regional campuses and other suitable infrastructure to support local communities around educational institutions.

The inadequacy of suitable and affordable accommodation is now a national problem that affects regional and urban settings alike and both domestic and international students.[6] This is an issue that cannot be ignored by the government, which must find solutions in the immediate term. If the government is keen to maintain a student population of 1.6 million or more, then it must accept responsibility for the housing (and for all of the other needs) of all of those students, irrespective of whether they are full- or part-time enrolled. (This is part of a more significant national housing crisis of long-standing that governments have helped to cause more than they have helped to prevent.) *Every* student should be able to access and afford appropriate accommodation for their studies, whether in individual apartments, shared houses, or university-provided accommodation. It must be affordable concerning whatever income or financial assistance they receive. In European contexts, university communities have affordable, government-funded student accommodation on large scales. We do not have such a system in place in Australia, which would include repurposed buildings and complexes capable of accommodating significant numbers of students in communal housing, and in some cases purpose-built subsidised accommodation.

It is also reported that regional and remote economic investment and development are not proportionate to their urban counterparts. Students who might enrol in regional higher education cannot expect to find jobs in their areas using the qualifications on offer and therefore see no

[5] ''Why would you go to uni?' A new study looks at what young Australians do after school' — https://theconversation.com/why-would-you-go-to-uni-a-new-study-looks-at-what-young-australians-do-after-school-200073

[6] https://www.abc.net.au/news/2023-03-01/harbour-bridge-three-myths-international-students-housing-crisis/102034128?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web; https://www.theguardian.com/commentisfree/2023/mar/15/unstable-housing-has-held-me-back-all-my-life-australia-needs-a-genuine-safety-net?CMP=share_btn_link; https://www.theguardian.com/australia-news/2023/mar/24/early-career-essential-workers-unable-to-afford-house-prices-anywhere-in-sydney-and-melbourne?CMP=share_btn_link; (no affordable housing anywhere in Sydney or Melbourne for early career essential workers) 'Yes, the 1.5 million Australians getting rent assistance need an increase, but more public housing is the lasting fix for the crisis' — https://theconversation.com/yes-the-1-5-million-australians-getting-rent-assistance-need-an-increase-but-more-public-housing-is-the-lasting-fix-for-the-crisis-200908

need to do so. Their only opportunities for subsequent and appropriate employment would be to leave their regions and move to the cities. If the government continues to envisage a meaningful role for regional and rural institutions it must also develop and implement strategies to improve job opportunities for graduates in those regions that are appropriate to the qualifications that those graduates have earned. If the best opportunity for local employment is as a shop assistant, there is no need to spend three to four years at university to qualify for that job. It should be a question of access to higher education in regional centres and what you can do with that education once you have completed it.

One suggestion that should already have been implemented as part of earlier strategies is that medical, nursing, mental health, social welfare and other service personnel could be fully educated in regional institutions and then employed in regional and remote health services.[7] Because of the highly inadequate public health services in regional and remote Australia, this proposal seems sensible. However, in practice, regional universities are often inadequately staffed with discipline experts to achieve a suitably high standard of training. Similarly, local infrastructure is often inadequate.

Solutions to this difficulty may include establishing shared academic appointments across institutions, rotation of discipline experts for 'block teaching' where appropriate, and improved regional rotations of specialist trainee clinicians at the registrar level to serve the community and educate local students. Incentives to encourage expert academics to work in regional areas would also be helpful, including tax exemptions, regional loadings, extended leave, and bi-annual sabbatical support to conduct research in more fully equipped centers.

All of these professions require hands-on practical training, which requires more funding and university staff. Consequently, many of these courses cannot be taught online or solely in regional tuition hubs. Given the poor investment in regional planning and development over decades, and the difficulties of re-developing such communities when their principal employers (often mining companies, for example) have left, new approaches and more significant financial commitment would be required here.

Q3 What should the long-term target/s be for Australia's higher education attainment by 2030 and 2040, and how should these be set and adjusted over time?

As implied in the preceding response, any higher education targets depend to a considerable degree upon employment opportunities for those graduates. It seems that governments have completely ignored the worsening employment opportunities for graduates, while the Dawkins/Hawke agenda made assumptions about the country's economic development that have proven unfounded. There has been a failure to correctly anticipate national needs and create

[7] https://www.abc.net.au/news/2023-02-24/gp-regional-training/102019902?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web; https://www.abc.net.au/news/2023-03-20/central-queensland-university-medical-students-work-local-region/102109512?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web; https://www.abc.net.au/news/2023-03-19/indigenous-education-program-with-huge-results-nasca/102103774?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web

training positions related to those needs. An improved national statistical and demographic analysis seems required.

In Australia, we have a severe shortfall in the profession of medicine. Career opportunities for many doctors have become unattractive because of insufficient government funding of the public health system; extremely toxic working environments in our hospital system that are driving a suicide rate among doctors of twice the national average.[8] The numbers of GPs are in decline, and we have other long-standing specialist shortages (e.g., psychiatrists). The same is true of nursing and teaching, and similar problems affect many other traditional careers for tertiary graduates. This same problem now affects the majority of university lecturers and researchers who are expected to provide the education for all of these other prospective professionals because their own employment and working conditions are now just as unsustainable and toxic as those of doctors, nurses, teachers, and others.

Suppose the government is unwilling to properly and permanently invest in all of these areas and to ensure that they are attractive and liveable for all employees instead of being highly toxic, harmful to people's physical and mental well-being, and financially unsustainable between excessive workloads and casualised or insufficient remuneration relative to costs of living (including housing). In that case, there is no incentive for highly motivated people to complete education in such disciplines. These were once secure, life-long careers that were highly satisfying and rewarding, but they no longer are, and as all of these are primarily public sector careers dependent upon government funding and regulation, it can only be concluded that all of these problems have been caused directly by governments.

While there are certainly questions to be asked about our universities' capacity to educate all of these professionals properly, and while there is growing demand caused not least by high levels of avoidable attrition, the principal issue here has to do with employment and working conditions.

The same is true for aged care. The other once attractive area of graduate employment was law, but unlike in medicine, the country now has a surfeit of law graduates, and it is increasingly difficult to find career opportunities with law firms. This is despite our legal system being extremely slow and inefficient,[9] similar to backlogs and delays in other sectors of public services, which were already unresolved problems before being made worse by the pandemic.
Successive governments have particularly encouraged students to study STEM disciplines, but many STEM graduates do not find appropriate employment using those degrees. This is partly because the government has cut many STEM jobs in both portfolio departments and the CSIRO. Innovation is also not sufficiently invested in this country because we do not have any manufacturing or other sector capable of permanently employing significant numbers of STEM graduates. Infrastructure sectors tend to require relatively few STEM graduates and often employ them only on contracts but not permanently. We have no domestic manufacturing sector that

[8] https://www.theguardian.com/commentisfree/2023/mar/09/a-more-caring-workplace-for-health-professionals-can-save-lives-not-only-patients-but-also-doctors?CMP=share_btn_link

[9] https://www.abc.net.au/news/2023-03-04/court-delays-not-meeting-national-benchmarks/102044662?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web

depends upon domestic R&D, unlike many other OECD economies, and we do not produce anything in secondary industries that the rest of the world wants to buy as high-end quality and reliable finished products. Every globally competitive advanced economy does this, but we do not.

However, despite our universities' capability of generating valuable research outcomes and innovation, much of that does not attract any local government or business community investment that would result in a significant domestic economic contribution. The primary failure here has always been not the lack of research and innovation, however difficult it is to obtain sufficient secure long-term research funding, but the lack of venture capital investment in onshore manufacturing, development and marketing of those outcomes.

To give one example: all of the countries that were considered in Australia's plan to purchase new submarines to replace the Collins Class have invested their own money in all of the R&D for their respective designs, the development of all of the technology, weapons systems, hulls etc. required, as well as in maintaining their skilled workforces to build those submarines.[10] Precisely the same kind of long-term public investment in R&D to support manufacturing economic sectors that are globally competitive and world-leading is equally applicable in every other such area – including in the respective national development of high-speed trains, the technology required for them, the manufacturing and infrastructure construction, which Japan had achieved by the 1960s. This would also include our pharmaceutical and other medical technology sectors, national recycling, and IT sectors. Australia is not a manufacturing country in this league. Nevertheless, we would expect significant numbers of STEM graduates to be employed in areas like this. In such sectors, we would expect highly skilled workforces to be maintained and continuously employed and for government or private employers to ensure those workforces continued to be upskilled while still employed, as appropriate.

The new announcement that our nuclear submarine programme could require an additional 20,000 skilled workers with technical skills again illustrates a failure to maintain a permanent skilled workforce. Had Australia preserved a more robust and better-skilled workforce in our shipbuilding sector we would already have the capacity for this. Terminating significant numbers of workers due to cost-cutting and downsizing based on 'demand', for example, has also been manifestly self-defeating.[11]

Government and the private sector must decide to develop specific, targeted sectors with a long-term plan and then spend the hundreds of billions required to develop a comparable economy, or we stop assuming that we need to produce more STEM graduates. It is irresponsible for governments to continue encouraging STEM enrolments when it cannot guarantee that many graduates will ever have reasonable life-long career pathways with those qualifications. There is no correlation between anticipated future needs, projections, encouragement of enrolments, and

[10] 'Progress in detection tech could render submarines useless by the 2050s. What does it mean for the AUKUS pact?' — https://theconversation.com/progress-in-detection-tech-could-render-submarines-useless-by-the-2050s-what-does-it-mean-for-the-aukus-pact-201187; 'With AUKUS, Australia has wedded itself to a risky US policy on China – and turned a deaf ear to the region' — https://theconversation.com/with-aukus-australia-has-wedded-itself-to-a-risky-us-policy-on-china-and-turned-a-deaf-ear-to-the-region-201757

[11] https://campusmorningmail.com.au/news/australias-nuclear-science-shortage-is-about-to-get-worse/

real-life employment opportunities, and there will not be until there is more venture capital investment, concrete longer-term economic planning, and effective implementation of such planning by governments.

Successive governments have assumed that if our universities produced more STEM graduates, there would be a natural, automatic increase in demand for those graduates. This assumption is false. Without government leadership, long-term national economic strategies, substantially more business community investment and fewer short-term profit obsessions, there will never be significant demand for STEM graduates. Furthermore, if the demand does not exist before we expect students to enrol in these degrees, and if they do not have reasonable chances of transitioning immediately into full employment upon graduation and remaining on those career paths, we cannot reasonably expect either any significant economic growth to result from such graduates or to attract more students to enrol in those degrees.

It is unreasonable to expect people to lose jobs and retrain partly at their own expense while losing earned income, with no assurance of obtaining new employment with an additional qualification, multiple times throughout a working life, and without sufficient support. It should be a reasonable expectation that everybody can enter a secure career pathway upon graduation and expect to be able to advance within that chosen career and in the process to increase their incomes proportionately, to increase in experience, knowledge and expertise while in employment, that they will be able to obtain a new job in the same area if one job is lost, at the same or a higher level, that their qualifications and experience will be valued, and that they will be able to earn sufficient from that employment from their first day, to be able to fully cover their living costs, to afford a mortgage or rental accommodation, to be able to adequately support a family, and to save for retirement (including superannuation and medical costs). This should be possible for *everybody*, whether they are tradespeople or professionals, and it should be possible without accruing significant and unaffordable household debt.

It also needs to be recognised that Australia is the only OECD country to have had a 'brain drain' for over 60 years. We still have this problem, and we have the largest per capita ex-pat population of any developed economy, including the US. The government does not appear to appreciate the significance of this fact. This has occurred despite successive governments since the later 1940s recognising – at least on paper – the need for Australia to develop and grow our economy. The fundamental reason for this 'brain drain' is that governments have not sufficiently invested in these people or what they offer; they include innovators, researchers, other academics, businesspeople, and diverse members of the arts community. In some cases, these people have been unable to obtain local investment for the on-shore development of innovation or research outcomes, which they have then taken abroad where other countries have been willing to provide the venture capital investment, which has then resulted in job creation and revenue generation that has benefited other countries. Variations on this pattern of short-termism and refusal to adequately fund and invest including with a substantial percentage of CSIRO achievements and university-based research. It does not matter how much innovation or how many research outcomes this country produces: if the government does not invest in the on-shore development of those outcomes once they have been achieved, then there will be no benefit to our domestic economy, there will be no jobs or tax revenue generated from them, and those

outcomes will either be wasted or they will be sold off to other countries and multinationals to develop at our expense. This has been a consistent pattern of failure by Australia for decades, and until this is understood and resolved, no amount of new STEM graduates will make the slightest difference because there will not be jobs and funding for them.
The current government transition to renewable and alternative energy will generate many jobs for STEM graduates. The most recent projection of a Melbourne University study that expects 1.3 million jobs required to achieve 2050 energy targets, one-third of whom will require tertiary qualifications, is misleading. Will all of those be full-time continuing career jobs that will enable people to plan for their futures, support families and purchase houses, or will they be temporary contract positions after which those people will struggle to obtain more employment using those qualifications? Will they be jobs replacing other jobs being lost and offering opportunities to redundant qualified graduates? How much of this transition has already occurred? How many of those jobs will be for local R&D and innovation?

Such forecasts appear to be similar to the fallacy that increased use of IT in workplaces would generate almost as many new jobs in the development and maintenance of that IT as were lost to it; that has also not happened, nor would it have happened as long as most of that IT continues to be developed not in Australia but abroad, and as long as so much employment is contract and casual instead of being full-time continuing on liveable incomes. In contrast, other jobs are outsourced offshore without compensating investment in more domestic jobs. The technology used for this energy transition is not being developed in Australia but overseas, and neither its erection and installation nor its maintenance requires significant numbers of STEM graduates. Most of this transition will be done by tradespeople and maintained by automated systems. Furthermore, over past decades, how reliable have any such forecasts ever been and how successfully have we planned for and met them?

The question, therefore, remains unanswered: why have successive governments attached so much importance to producing more STEM graduates when they have not ensured that all of those graduates will ever obtain suitable careers using those degrees within an economy sufficiently developed even to want them? What false assumptions have underpinned this policy? Moreover, if the fastest projected growth areas in our society will be areas such as aged care and other service delivery, what does that all have to do with STEM? Our university sector is the third largest export ‘industry’, and yet it is majority dependent upon underpaid casualised staff, some not even appropriately qualified, and it continues to shed jobs in a manner that bears no relation to ‘demand’. *This*, not genuine sustained growth and generation of full-time continuing career jobs, is the pattern of Australian business.

The current government also appears to have overlooked that in the wake of the mass redundancies from 2020, some universities have cut STEM teaching positions and courses so that their capacity to teach STEM degree programmes is no longer what it was before the pandemic.[12]

[12] https://www.theguardian.com/australia-news/2020/sep/30/australian-universities-to-cut-hundreds-of-courses-as-funding-crisis-deepens?CMP=share_btn_link

In view of our chronic national economic under-development, successive governments have overseen an economy that has been shrinking for more than 20 years, according to the Harvard Index. Furthermore, given the refusal to invest in development, diversification and sustainable growth in ways that could have generated more graduate careers, it should be asked whether Australia even needs the number of universities it has and the numbers of graduates we produce if so many of them have no real career opportunities using their degrees. Would it not be appropriate in these circumstances to downsize our universities proportionate to need and consider a return to other forms of training, such as the CAE-TAFE and apprenticeship systems that were abolished in the 1980s? Has transitioning many training courses from those systems into universities resulted in better training and education, especially if we still have a skills shortage? Do we need the current system, and are we deriving the maximum possible benefit from it? Many of those older training systems ensured that trainees acquired much more practical experience and skills than the university-based counterpart programmes have ensured, and the same is true with many TAFE courses.

To the extent that higher education is expected to qualify people for professional employment that is appropriate to the degrees they have earned, it should be expected that government ensures that we have sufficient career opportunities for all of those graduates, that is, that there is some correlation between the numbers of graduates and the numbers of appropriate career jobs.

Government' assessments of the job market appear to be based mainly on jobs not requiring tertiary qualifications. There are data collected about graduate employment, but these are of limited value and are not closely integrated with other policy areas, including necessary government investment in public service delivery or industrial relations and the financial sustainability for workers of the conditions of their employment. The situation for graduates in different areas varies considerably, but overall, graduate employment within professional areas relative to qualifications is not high and will foreseeably worsen.

This Accord question asks what targets the sector should have and whether adjustments should be made over time. A national university system should be capable of educating the population on any subject of their choice, and such 'demand' can never be reliably predicted. It should be capable of educating people in discipline areas irrelevant to economic projections. Furthermore, it should be a permanent national knowledge asset that requires continued funding and career employment. In order to function in these roles, our universities should maintain permanent academic staff capable of satisfying any such demand. If we refuse to employ academics permanently but instead employ them temporarily only on contracts when it is periodically determined that they are needed and leave them to rely upon Centrelink the rest of the time, as in any other sector, so also in our universities, that contributes to shortages because those people cannot financially support themselves. They cannot advance in their careers when they are only employed intermittently in this manner. They will then seek better and more reliable employment elsewhere and cease to be available 'on demand'. It is not the case that there is *never* demand, but only that demand fluctuates due to diverse factors that are not predictable. Either we permanently employ academics to satisfy that demand regardless of how modest or considerable it is, or we guarantee that we have shortages.

University staffing capacity should not be cut insofar as sufficient capacity and resources should be permanently maintained. However, any significant cut, as has occurred over the past three years with the loss of 35,000 + academics and professional staff, cannot be repaired in less than a decade, which is how long it takes to train an academic.

Until the 1980s, Australia had the best per capita distribution of doctors globally. Forty years later, we have a national shortage estimated in the thousands in one of the two once most desired, respected, and lucrative professions in the country, and we have been anxious to recruit overseas-trained doctors – a practice not without problems. How is that possible? How is it possible that we have not been capable of continuing to maintain that optimal per capita distribution, that we have not been capable of matching projected demand and supply? Who and what is responsible for this failure? The national need for doctors should be one of the easiest things to predict and far more straightforward than predicting how many engineers and which types we might need in five or ten years. How many doctors we need should be a constant that increases incrementally with population growth but allowing for people to remain in careers for approximately 30-40 years once they are qualified. So why have we not managed to guarantee that we always have the doctors we need? Why have we also not been capable of managing our supply of teachers, nurses, aged-care workers, and other service providers, all of whom should be comparatively known quantities and not subject to the same vagaries as some other sectors? If we cannot manage that supply, what value is there in attempting to predict and fulfil anything else?

Q4 Looking from now to 2030 and 2040, what major national challenges and opportunities should Australian higher education be focused on meeting?

See previous response.

The question should be asked what is understood by ‘opportunities‘ within this context? All public education that serves a society should be viewed as a ‘public good’ Viewing higher education as a consumer commodity and a source of profit, or at least as a sector to be managed like a corporate business, has directly contributed to failures in this sector and its purpose for society. The fundamental national challenge is to reform and rebuild a national education and training system that is fit for purpose, which is only possible by removing it from its current corporate model and restoring the ethos of a public service provider. There should be no ‘opportunity‘ here in any business terms. Such opportunity should instead be viewed in terms of how our national economy could be developed in ways that would then maximise employment opportunities for all higher education graduates and in ways that also actually benefit us all.

Q5 How do the current structures of institutions, regulation and funding in higher education help or hinder Australia’s ability to meet these challenges? What needs to change?

A current and fundamental failing in the regulation of universities is that there is no clear articulation of core academic values that deliver the work of universities and no mechanism for insistence that universities work according to these values. As stated previously, academic

values include: rigor in expertise; commitment to advancing and promulgating knowledge; collegiality; freedom of speech; robust intellectual discourse; freedom of academic research; and truth in all academic works. Although accountability has traditionally been valued in universities, current governance arrangements in universities do not make that a formal necessity, and in fact, demonstrable breaches of these values have become common.

We suggest that there should be an amendment to the various university acts that govern Australian universities, such that the seven academic values we list above are explicitly stated and that there be a requirement that all work in universities is conducted following those values. This would align the administration of universities with the function of universities, provide guidance for making administrative and strategic decisions in universities, and establish a formal basis for accountability for all who serve in universities that relates directly to the formal function of the university.

In his Green Paper, John Dawkins identified academic staff salaries as representing higher education's highest single cost. That was when 90% of all academic staff were still employed in full-time continuing positions with established career pathways and opportunities. Dawkins calculated that those salaries constituted 80% of then university budgets. That situation has now changed beyond recognition, with some estimates placing academic staff salaries at 30% of university budgets when an estimated 55-70% of all lecturers are now in sessional/contract employment and no longer receive comparable award salaries. At the same time, VCs and other senior managers are now paid salary packages far over anything paid in the 1980s, when student numbers have increased enormously proportionate to the population without academic appointments being increased proportionately as they should have been and when a range of other non-core academic expenditures have also become normative. Non-core academic expenditure represents an unsustainable cost to core academic expenditure. This is against the backdrop of the continued reduction of Commonwealth Government funding of the sector, which is directly responsible for the increased financial dependence of the sector upon foreign student enrolments. However, the money derived from those enrolments is not being spent directly on delivering quality education. It is also questionable whether government funding was *ever* adequate, even when the government was committed to fully funding our universities.

Sessional academic staff have no long-term career or employment security. They are employed from one semester to the next, and contracts can be cancelled at the last minute due to reduced enrolment numbers or other reasons. Maximum remuneration for a single contract is not significantly higher than the Jobseeker allowance. They have been subjected to systemic nationwide wage theft and required to do high volumes of work that is not paid or under-paid, the majority of them have little to no prospect of ever transitioning to full-time continuing positions despite mechanisms that are supposed to be facilitating such transition,[13] and for the six

[13] Cf. e.g. 'Here's what the government and universities can do about the crisis of insecure academic work' — https://theconversation.com/heres-what-the-government-and-universities-can-do-about-the-crisis-of-insecure-academic-work-183345, 'Casual academics aren't going anywhere, so what can universities do to ensure learning isn't affected?' — https://theconversation.com/casual-academics-arent-going-anywhere-so-what-can-universities-do-to-ensure-learning-isnt-affected-113567, 'Unis offered as few as 1 in 100 casuals permanent status in 2021. Why aren't conversion rules working for these staff?' — https://theconversation.com/unis-offered-as-few-as-1-in-100-casuals-permanent-status-in-2021-why-arent-conversion-rules-working-for-these-staff-172046, 'Career prospects are grim, say casuals on campus' — https://theconversation.com/career-prospects-are-grim-say-casuals-on-campus-5513, ''Invisible' casual staff get little support

months of the year when they are not paid, they become dependent upon Centrelink or a second job. They are unable to bear the total costs of living, and they are unable to obtain a bank loan because they cannot demonstrate secure financial income to repay it. Many of them eventually leave the sector and seek other employment. This is a situation that has been allowed to worsen for more than 25 years. It is unsustainable, both for those academics affected and for the delivery of quality higher education.

It would be desirable for the government to take full cognizance of the second interim report of the recent Senate inquiry into insecure work and to address its findings.[14]

Universities have been undertaking mass redundancies of full-time academics for more than a decade as a cost-cutting measure and down-grading positions to sessional and contract. Beginning in 2020, they have undertaken a collective cull of an estimated 35,000 positions nationally, resulting in numerous course reductions and closures, including in STEM disciplines.[15] This is even though domestic student enrolments have not proportionately declined. This means that teacher-student ratios have further worsened. It also means that tens of thousands of PhD graduates in this country have been lost because most of them do not obtain comparable positions at other universities, in other government employment, or the private sector, and their entire education and expertise are therefore lost to the country. Their lives and their investment in their education and profession are wasted. It takes an average of 10 years to train an academic, so these losses cannot be replaced in less than a decade. In the meantime,

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[14] https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Job_Security/JobSecurity/Second_Interim_Report; ''Some of them do treat you like an idiot': what it's like to be a casual academic' — https://theconversation.com/some-of-them-do-treat-you-like-an-idiot-what-its-like-to-be-a-casual-academic-201470

[15] https://elifesciences.org/articles/60613; 'Universities had record job losses, but not as many as feared – and the worst may be over' — https://theconversation.com/universities-had-record-job-losses-but-not-as-many-as-feared-and-the-worst-may-be-over-176883; https://campusmorningmail.com.au/news/the-pandemic-finance-hit-that-never-happened/; Michael Sainsbury, Universities in crisis amid savage cuts to staff and services but, hey, big profits are back, *Michael West Media* 01.09.2022; Unis admit underpaying casuals by $83m: report,https://www.afr.com/work-and-careers/workplace/wage-theft-rife-in-university-sector-report-20230217-p5cld3; https://futurework.org.au/wp-content/uploads/sites/2/2022/11/An_Avoidable_Catastrophe_FINAL.pdf

what kind of education will our universities provide? The current government has announced no response to the implications of this loss of so many lecturers beyond an objection that the previous government did not extend the JobKeeper allowance to public universities.

Government reviews of the university sector over decades have consistently recognised the importance of low teacher-student ratios as a condition of quality education. The same principle is recognised in our schools, where small class sizes are desirable. In 1982, that ratio was on average, 1:11, but since then, it has been allowed to rise to an estimated 1:70+ in specific circumstances (e.g., numerous first-year and online courses). However, the averages lie between 1:31-1:65. If the government wishes to improve student experience (as this discussion implies) and the quality of the education provided, then it should ensure that all universities have teacher-student ratios as close as possible to that of 1982. Some international elite universities have teacher-student ratios of 1:1 or provide part of their education under such terms.

This ratio should only be calculated on full-time continuing academic staff, as sessional-casual teaching staff are not paid to provide the out-of-class support that this ratio assumes, which is essential to a positive student (learning) experience. This factor, combined with a range of others listed below, would mean that we should employ approximately four to five times as many full-time lecturers as we currently do for the current student enrolments at our universities. Only the government can pay for that, and that is precisely what every national university system does where student fees are not charged, which do not depend upon high numbers of full-fee paying international students and are still fully funded for the purpose by governments – unlike Australia and the UK and in some but not all instances also in the US.

Some of this cost could be borne under existing funding arrangements if non-core expenditure were dramatically reduced, including lowering all VC and other senior managerial salaries to levels commensurate with academic awards, cutting advertising and rankings costs, reducing real estate portfolio investment that does not directly benefit or serve the universities, ending architect-designed building, eliminating all unnecessary and duplicating bureaucracy, and ending management consultancy contracts.[16] Nonetheless, the full costs of employing sufficient academics to serve the needs of quality tertiary education and the entire community that depends upon it cannot be paid for under current conditions.

Since Australian governments have never been willing to fully and continuously fund public services fit for purpose for decades, which has resulted in a collapsing public health system, a dysfunctional aged care system, an anomalous public-private school system, poor infrastructure investment and roll-outs, as well as never fully implemented policy areas and recommendations across numerous other areas, it seems unlikely that government will seriously consider funding our universities for purpose. That then leaves this discussion potentially redundant. We have been willing to spend inordinate sums of money for proportionately little or no gain on highly punitive policies that have resolved none of the causes of any of those problems, but we have not

[16] Cf. e.g. https://www.abc.net.au/news/2023-03-16/australia-reliance-consulting-firms-high-cost-problem-government/102091810?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web

been willing to spend similar sums of money on more useful responsibilities towards the entire population.

If the government is unwilling to review its entire funding approach to universities seriously, the current system will continue to mirror the worst aspects of tertiary education in other Anglophone countries. However, were we to instead emulate the best practices of several other non-Anglophone Western countries, all of which have fundamentally higher government commitments to fund public goods, Australia could actually harness the talent and expertise that exist throughout the country and start to address the many social and economic problems we have already highlighted. None of those university systems has allowed a corporate managerial takeover of governance in the manner that has occurred here in Australia. Suppose university students in those countries do not pay fees but are provided with relatively better financial assistance than in Australia, including housing. In that case, this should all demonstrate that the current situation in Australia is neither inevitable nor necessary but entirely avoidable. This Accord discussion should inform itself more comprehensively on best international practices and question the situation in Australia in light of that comparison.

Adequate funding for the delivery of all public goods according to need, especially if millions of Australians are no longer paid sufficient to be able to afford their costs of living from earned or welfare income, including bearing some direct costs for university education, is only possible – given Australian governments' preoccupation with balanced budgets and budget surplus – through major equitable tax reform,[17] and by venture capital investment in a more developed and diversified economy capable of appropriately employing every Australian (including all tertiary graduates) on liveable incomes from which tax would be paid and from which it should also be possible to afford costs of living.[18] If the government is unwilling to contemplate achieving both of those conditions, then we can expect a decline in the numbers of Australians enrolling at university. That scenario will also have further negative consequences.

Australian universities, like the government[19] and other organisations, routinely spend millions of dollars of their annual budgets on consultancy firms, of which the 'big four' are KPMG, Ernst & Young, PwC, and Deloitte. If all sizeable organisations and government maintained their pool of expertise and better utilised that which they already have – or should have – access to while further cultivating their own staff's potential, this expenditure would become redundant.

Management consultancy firms recruit from universities, meaning their consultants have been educated in the same institutions that are then employing those firms. Insofar as any consultant

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[17] 'Former treasury head Ken Henry says we need 'big bang' tax reform rather than incremental change' — https://theconversation.com/former-treasury-head-ken-henry-says-we-need-big-bang-tax-reform-rather-than-incremental-change-201962; Before the election I wrote our leaders were dancing on the edge of calamity shutting their eyes to - https://johnmenadue.com/canberra-has-a-revenue-problem-with-no-obvious-solutions/

[18] Mariana Mazzucato, *The Entrepreneurial State: Debunking Public vs. Private Sector Myths* (London: Penguin, 2018), for example, argues the case for the importance of government investment in funding national economic growth, development and innovation. Comparison – or rather contrast – between Australia and every more developed and competitive country would demonstrate the same.

[19] This has now attracted some scrutiny and criticism: e.g. PwC tax leak sparks new Senate inquiry into big four consulting firms (afr.com); Current Senate Inquiries – Parliament of Australia (aph.gov.au): https://www.afr.com/companies/professional-services/nsw-auditor-general-slams-government-over-tahe-20230124-p5cf5w

possesses any particular expertise, aside from the indoctrination of their firm, they do so through universities. So why would universities need to consult external firms to provide the expertise that they should already have? And to what end?

Certainly, there have been multiple problems caused by governments and the public service over a decade. However, it is in the wake of cuts to and politicisation of the APS that consultancy firms have been contracted when the more obvious solution would have been to rebuild the APS itself. Australian spending on consultancies is considerably higher than that for comparable countries and is neither properly regulated nor transparent, suggesting specific national behaviour. Continuous out-sourcing of work that should be core APS business, combined with a self-perpetuating loss of expertise and competence, is not benefitting the Australian public. Consultancies are evidently not providing the kind of service expected of the APS itself.

Management consultancy companies are not reservoirs of extraordinary knowledge and expertise unavailable elsewhere, nor are they true to their own alleged ‘mission’ and values. Consultants frequently have no specialised knowledge or understanding of the areas where they are expected to provide advice or undertake activities. Why do universities not use their specialist academic staff to provide the required analyses and recommendations, including their own business schools and economics and social science departments? Furthermore, why do government departments not recruit, retain and support graduates with specialist expertise in their respective portfolios and departments as a more normative practice? Assuming, of course, that the purpose of the consultancy is positive rather than negative, the actual impact has been overwhelmingly harmful and deleterious in the extreme. These companies are now de facto assuming roles of management and government that should be retained by the respective organisations and not alienated from external mercenary bodies.

Government and other dependence upon consultancies assume that those consultancies can adapt to changing needs and conditions of our societies in ways that our public service is not, which itself raises profound questions, quite aside from the apparent lack of ‘critical thinking’ and ‘problem-solving’ skills in government that then leaves it dependent upon highly problematic ideological paradigms as advice. The ‘specialist skills’ of consultancies are far from evident.

There are severe conflicts of interest arising from the employment of these companies, including the extent to which the management of the bodies employing them are also sometimes former employees of those companies, e.g.the revolving doors between consultancy firms, government, regulatory agencies, and corporate business. Other conflicts of interest are apparent amongst those holding multiple positions on boards of different organisations. All of the major accounting and consultancy firms encourage their clients to use their management software systems, whilst simultaneously advising their clients to engage in tax avoidance, and providing advice to oppressive and corrupt governments, from which they have profited. These conflicts of interest are neither recognised nor resolved by Australian practice. Virtually all of these firms are employed by and provide advice to Australia’s public universities. Indeed, many of them are represented on university governing bodies, with former employees holding senior management and executive postions at a number of our universities, including the position of vice-chancellor.

The cognitive paradigm of 'productivity' and 'efficiency' and the purported means of their achievement now used uncritically in government, including regarding our education and training system, is derived from a management consultancy. This now dictates how people think and behave to the exclusion of any capacity to question their views and behaviour. University managements conventionally deploy a range of business methods that are inimical to transparency, accountability, and respectful treatment of their staff. They routinely prioritise profit over people and quality outcomes.[20] Consequently, the entire theoretical underpinning of higher education policy should be dismantled, critically challenged, and replaced. As long as prevailing assumptions about efficiency and productivity continue to dominate this discussion, we will never improve the actual quality of pedagogical outcomes. Instead, we will persist with a model guaranteed to achieve the very opposite – which we have consistently succeeded in doing now for decades.

Bogdanich and Forsythe's book, *When McKinsey Comes to Town* (2022) is a damning account of how McKinsey has made workplaces unsafe, ditched consumer protections, disembowelled regulatory agencies, ravaged health and social care organisations, plundered public institutions, hugely reduced workforces and increased worker exploitation. […] The primary product sold by all management consultants - software developers and strategic organisers - is the theology of capital. This holds that workers are expendable [including tens of thousands of professional university lecturers and researchers whose expertise cannot be replaced, and all of the other professional attrition causing shortages in this country]. They can be replaced by machines or by harder-working employees grateful they were not let go in the last round of redundancies. Managers are necessary to the functioning of corporations – or universities, or non-profit organisations - and the more of them, the better.[21]

The brave new world of labour discipline is already here, and management consultants' cost-cutting measures and new techniques for the evasion of regulation have ushered it in. […] all the services spoken of as merely helping businesses and government departments run more efficiently - management consulting, audit, software development - are in fact, focused on enabling capitalists to enrich themselves further without the inconvenient interference of workers, taxpayers or regulation. Thanks to the hegemonic model McKinsey and other management consultants invented, these firms not only make and remake businesses and government in the image of their laissez-faire fantasies but see *homo economicus* as the last word in modern selfhood.[22]

Aside from the absence of logic in paying companies substantial sums of money to do less adequate work that universities, governments, and businesses all ought to be perfectly able to do themselves, it is possible to see in the ideology of management consultancy the source of all of the chronic and self-perpetuating failures of education, social and other policies, the toxicity and unsustainability of modern work even in highly skilled professions resulting in mass attrition and

[20] See Christopher D. McKenna, *The World's Newest Profession: Management Consulting in the Twentieth Century* (Cambridge: Cambridge University Press, 2006); Walt Bogdanich and Michael Forsythe, *When McKinsey Comes to Town: The Hidden Influence of the World's Most Powerful Consulting Firm* (London: Jonathan Cape, 2022); Mariana Mazzucato and Rosie Collington, *The Big Con: How the Consulting Industry Weakens our Businesses, Infantilizes our Governments and Warps our Economies* (London: Penguin, 2023);

[21] Khalili, 15.

[22] Ibid., 16.

labour shortages, and the loss of knowledge, expertise, 'critical thinking' and 'problem-solving' ability. These failures ultimately cost more money to repair than the losses they incur. It is estimated that it would take a decade to undo the damage that has been done to the APS through contracting out its expertise and rebuilding it into a functional arm of government. Nothing less than the purification of our entire higher education and training sector of this pernicious ideology is likely to restore that sector to a semblance of what it once was, what we have been erroneously told that it is, and what this country urgently needs it to be.

It is of considerable concern that the parameters of the university Accord process itself appear beholden to precisely the same management consultancy ideology, or at least to be at significant risk of being so. If so, this Accord will perpetuate rather than solve problems affecting the entire country on numerous levels.

Q6 What are the best ways to achieve and sustain future growth in Australian higher education, given the changing needs of the population and the current pressures on public funding?

As argued above, the government must fully commit to our universities' permanent funding and regulation. While some universities have now achieved a substantial portion of their revenues from other means, that income is not fully invested in academic staff salaries and other core-academic business, including better student services. It is, therefore, not serving the purposes for which universities exist. That must change. At the same time, this country's current number of universities cannot all maximise non-government revenue.

However, the assumption that 'growth' is essential in this context should be challenged. Public service delivery can be expected to grow insofar as a population grows and it's needs, therefore, increase proportionately, and in the case of our universities, 'growth' might be a reflection of a national need for more professionals either as part of the delivery of other public services, or because our economy has grown and is capable of employing more significant numbers of graduates, or due to population growth, or to improving participation by disadvantaged demographics. However, this should not be a question of 'growth' in terms of commercial expansionism intended to generate profits for VCs and managers but without benefitting the institutions, their employees, students, or the general community that depends upon them. The conception of any such 'growth' should then be defined and justified.

There would be less pressure on public funding if Australian governments behaved like most OECD governments and accepted a level of public debt relative to economic performance over the medium term. If they implemented appropriate and equitable tax reform that ensured sufficient revenue and reformed industrial relations to ensure that all Australians were paid liveable incomes from which some income tax could be collected, along with more responsible taxation of multinationals and other corporate entities such reforms could contribute enormously to the funding of public service delivery. Likewise, if Australia had a more developed economy capable of generating more high quality, permanent jobs it would also generate more tax revenue. Resolution of these issues requires a serious reconsideration of why Australian governments have behaved as they have done, in ways atypical of every more developed and prosperous international economy, and upon what questionable assumptions they have based

their decisions. The national economy in its current state is not sustainable, quite independently of this discussion, and desperately needs more more far-reaching reform and reconstruction than is currently being contemplated.

The extent to which any needs for tertiary education may substantively change over time requires further definition. Such changes should not be dramatic if all service delivery continues to require graduates in a constant, gradually increasing fashion proportionate to population growth and the ageing population and if there are limited changes in other economic sectors that may dramatically increase or reduce the graduates required who possess particular qualifications. The national economy is shrinking, and foreseeable major growth areas are limited primarily to the renewable energy transition, aged care and other service delivery. As noted above, without long-term national economic strategies, or other foreseeable trends, it is impossible to predict how much needs may change, but education policy cannot be determined solely in these terms. It is the attempt to reduce funding based upon an ill-informed concept of ‘demand‘ or ‘market fluctuations’, which may apply to some degree to some markets but which cannot be applied in the same way to any national asset or public service delivery, that has directly caused the crises we now face, not only in our education and training system but also in our entire national public health system and in other poorly performing government sectors.

Q7 How should the mix of providers evolve, considering the size and location of existing institutions and the future needs of communities?

Private education and training providers have not delivered quality services. In Australia, no privatisation of any service delivery has ever achieved what has been expected and promised, and any for-profit service delivery, or service managed as if it were ‘for profit‘, as our universities have been, will not serve its purpose.

Judging by the poor mastery of English displayed by some international students, English language colleges are not delivering what they are required to deliver. Other private training colleges have been exposed for awarding certificates without substance, which do not qualify those students, but for which they are now out-of-pocket; the government has reportedly prevented them from completing the same courses again through more reliable providers. The capacity of our TAFE system to provide the same quality of education and training that it did until the 1980s has been enormously eroded by mass staff casualisation, the application of business management to its administration, and the loss of resources and assets. At the same time, increased online courses do not deliver the same quality of content and teacher support. The Hawke Government’s training and industrial Accords expected that the private sector would assume responsibility for apprenticeship training, including partial costs, that the government had previously assumed. However, the private sector has reneged on that commitment, and the number of apprenticeships now completed has fallen dramatically. At the same time, many people are being forced to proceed through multiple traineeships and placements without being transitioned into full-time jobs as they previously would have been, often at considerable personal expense and without being properly paid for work they do. At the same time, employers

have profited both from government subsidies and unpaid work.[23] Before the Hawke Government's changes, apprentices were awarded wages throughout their training, could expect to proceed immediately into full-time employment, and were better trained overall. The fact that none of this is true today is a significant factor in the fall in the number of completed apprenticeships, which is, in effect, the same problem that is occurring in other sectors that are also dependent on tertiary and professional education and employment. Moreover, this goes to the heart of the skills shortage problem, which successive governments have created and perpetuated.

This is not, on any account, a satisfactory arrangement and would require more radical and fundamental reform by the government before serious consideration could be given to the question. It displays a highly inadequate level of regulation by the government of quality and standards, as well as of the private sector, whose priority has not been to ensure that the country has the skilled workforce it needs but to maximise its own profit margins at the expense of the country. It also illustrates yet again the expectation that the private sector would act in good faith and for collective benefit, which is patently delusional, and illustrates the chronic tight-fistedness of successive governments that expect to get outcomes they are unwilling to pay for adequately.

A mix of providers can only be justified on the assumption that each provider possesses expertise and competence that others do not and that it serves a particular niche.

Other comments in this submission suggest that if the Australian economy does not expand to be capable of fully and continuously employing all tertiary graduates appropriate to their degrees and choices, then a case can be made for a reduction in the number and size of our universities. This does not solve the problem of what more people without university education should then do. It does not ensure that other training courses will improve in quality and usefulness. Nor does it address the issue we have repeatedly raised that Australia should maintain an education system capable of providing an education for the community unrelated to employment, for the simple reason that it constitutes a significant national knowledge asset whose benefits are not always easy to quantify. However, suppose employment, career opportunities, and conditions cannot be substantively improved over current conditions. In that case, our universities will continue to educate many people who cannot use their qualifications in the jobs that are available to them.

It would be appropriate that at least one university in every state and territory, or all of the universities in each state and territory between them, ensure that they can offer the fullest possible range of discipline courses. This would ensure the necessary concentrations of teaching and resources in each state and territory. Currently, and partly because of continued reductions and cuts, there are numerous areas represented at universities in other countries that are impossible to study or research at any Australian university. This is equally true across STEM and HASS disciplines, whereas in other countries, these courses are considered to be self-evidently important and are therefore adequately funded, including by their respective counterparts to our national research organizations. We do not employ or support specialists and

[23] Cf. e.g. 'Australia needs to do more to arrest the decline in apprenticeships' — https://theconversation.com/australia-needs-to-do-more-to-arrest-the-decline-in-apprenticeships-47942

experts in these fields, and Australia is not positioned to make any international research contribution to them. There are multiple reasons for this. In other countries, it would be expected for all of those discipline areas to be represented at multiple universities and for many of them to be mandatory courses in undergraduate degrees. That would mean in Australia that at least one university in every state and territory should include such disciplines.

The general distribution of our universities, with their concentration in capital cities and relative numbers in different states and territories, reflects national population distribution, with some regional campuses. Given the general decline of the TAFE system, attempts to combine teaching centres between TAFE campuses and universities seem problematic, and there is some reason to think that this model has not been overly successful (see other comments above on regional and remote students). It is still impossible for regional and remote students to undertake all of their studies in those centres, with adequate access to resources, and receive all the teaching support they may require as if they were attending capital city campuses. It is argued elsewhere that online or distance teaching is not a pedagogically optimal form of learning. The regional and remote population is highly scattered, and it seems unlikely that a better distribution, including online learning, could be achieved. However, some improvements in regional investment, funding and staffing, and which courses are available at such regional campuses, could be reviewed.

Q8 What reforms are needed to promote a quality learning environment and to ensure graduates are entering the labour market with the skills and knowledge they need?

Current restrictions on academic freedom limit the capacity of academics to deliver optimal service. As outlined in this document, academic freedom is an expression of trust in the expertise of discipline expert academics to raise students' understanding and conduct research in the way that only a person with their discrete academic expertise knows best. Interference by managers who cannot and do not have a comparable understanding of the discipline is not common. A shift in managerial practice from 'instructing academics how to do their work' to 'trusting academics to do their work' is needed.

The explicit aim of Dawkins 'reforms' were that our education and training system should ensure that Australia had *no* skills shortage. If, therefore, over the last thirty years, we have continued to have such a skills shortage, then this is only possible because education and training providers did not ensure that graduates had acquired the requisite skills, and government regulatory bodies did not compel providers to do so.

These failures partly derive from poor secondary schooling, where students are not adequately taught basic literacy, numeracy, or computer skills. As previous generations were taught better literacy and numeracy, while those standards have declined in recent decades, and despite annual testing, that standard has not been improved over many years, there are systemic failures here, which result from conscious – inappropriate - choices. Our public school system is not functioning well and will decline in the coming years, significantly if the teaching shortage cannot be reversed immediately. This is the responsibility primarily of state and territory governments. At the same time, universities have also failed to lift academic standards or other

skills, have not provided additional tuition and support services to students, and have graduated students who have not demonstrated even essential mastery of the content of their degree programmes or basic literacy. These are preventable problems that have not been prevented.

One aspect of this is the well-known problem of ‘soft marking’, where academics award pass grades to students who have not satisfied minimum requirements because they are under pressure by their universities (and sometimes students) to pass students, and deans or other managers will amend fail grades to passes. This is caused by universities being primarily interested not in maintaining quality and standards but in rates of passes and completions, enrolments and funding. Furthermore, the notion of education as a marketable ‘brand’ requires that that brand be as attractive as possible and pose no disincentives. Failing students are considered a disincentive to be avoided. Interestingly, other countries’ university systems accept lower average grades as proof of the quality of their systems, but Australia does not.

The explicit purpose of introducing some business representatives into the university government was the assumption that those people had practical experience that existing academic staff may not. In contrast, universities were expanding and becoming more administratively complex so that they could complement that perceived deficit (a questionable assumption even if not entirely unjustified) – and ensure that university courses were more appropriately designed to ensure the immediate employability of graduates. That has also not occurred, and that is the fault of the businesspeople who now lead and administer our universities.

Furthermore, the expectation that students should be acquiring ‘necessary skills’ during their studies must be more precisely defined, including the points at which they should be acquired, and how, throughout anybody’s education. It should be the educational institution’s responsibility and any integral or subsequent practical training process to ensure that every graduate is fully qualified and competent to exercise their chosen profession or job. If that is not occurring, then that is a systemic failure of the responsible institutions, the regulatory agencies that should be ensuring quality and standards in those institutions, and the appropriate professional and trade organisations that accredit graduates. Why have all these stages failed to do their job for the past thirty years?

Employers also need to define which skills they require for employment, and accept their own responsibility for providing any additional training and skills acquisition by their employees. It is unrealistic to constantly shift the goalposts or expect universities and training colleges to be continuously adapting to changing expectations without the capacity to do so. It would be expected that employers bore principal responsibility for any additional skills acquired by their staff, such as learning how to use new equipment or programmes, how to complete tasks in different ways or understand changes in laws and requirements. Where, then, are skills still not being acquired that are required, and what skills are they?

It would, ordinarily, be expected that every specific professional degree or college course would ensure that all students in those courses acquire all of the knowledge and skills required to exercise their professions before graduation and that their professional qualifications are a

guarantee to any prospective employer and the public that they have all mastered that knowledge and those skills. Skills specific to any profession or trade should be acquired during that course.

It would also be expected that all high school graduates have mastered basic IT skills because of how much teaching now incorporates such usage. The fact that entire generations are now dependent upon social media without, however, having acquired many other IT skills seems bizarre.

Other skills, such as foreign languages and 'critical thinking', are simply no longer prioritized in this country. Most of the world's population is bi- or multilingual, either by necessity or because of mandatory foreign language learning in public school systems. Australia is one of the few countries that has failed to mandate and make possible the learning of one or more foreign languages in every school to a level of competence by Year 12. There are multiple reasons for this, including insufficient school funding and the incapacity of our universities to train teachers (or anybody else) in foreign languages. Although this could easily be achieved if the political will to do so existed, Australian governments appear to be averse to doing so. The consequences of this failure are not easily seen, but do play a serious role in our ignorance of how the rest of the world operates and our inability to understand and learn from other countries, including in education and training.

Good skills in critical thinking and problem-solving require solid, comprehensive, interdisciplinary training. Because they are generalised skills not specific to one profession or trade, they are primarily HASS skills. They require knowledge to have already been acquired so that it can be immediately drawn upon or quickly accessed and applied in new ways, which requires a highly developed imagination capable of thinking outside of boxes. They both require an understanding of other countries, societies and cultures, which can then be compared and contrasted with Australia to learn from them and then implement what has been learned. They require an ability to recognise limitations upon one's own thinking and cognitive paradigms (which are largely historically and culturally conditioned and usually nationally distinctive) and correct and overcome those limitations. Currently, in many policy areas, we see narrow thinking and no ability to recognise this or improve upon it. Outcomes are predetermined and, thus, too often fail to change anything effectively.

Critical thinking should mean that we are at liberty to pursue any inquiry and engage in any constructive and respectful debate, but neither our media nor our government nor other community actors even apparently know *how* to engage in democratic enquiry that is not distorted by vested interests and prejudices, cherry-picking, evasion and attempts to discredit one's opponent, and which ought to be vulnerable to critique based on evidence and fact. The notion of 'evidence-based' is much vaunted in this country but scarcely practised.

HASS disciplines have not been valued in this country, they remain chronically under-funded and under-valued, and our universities have massively downsized their capacity to teach them. They have also been under-valued because governments have perceived no economic benefit in them. Suppose these skills are a matter of genuine concern, and students are expected to develop them. In that case, our high school curricula must include more HASS content, and our

universities must employ more HASS lecturers capable of teaching both the knowledge necessary to such skills and how to use that knowledge accordingly. More inter-disciplinary content must be incorporated into degree programmes without reducing the core content specific to professional discipline areas.

While these skills can be valuable and should be useful across all disciplines, this matter requires considerably more clarity, specificity, and concrete commitment. In theory, it would have been expected that a sound basic education in our schools, combined with the development of critical methods applied to specific subjects and mastery of additional knowledge at university, should have been sufficient to acquire these skills. The entire content of any university degree is already concerned with problems and their solutions on multiple levels, or it ought to be, and all human knowledge is itself acquired by such processes, so how is it possible to have studied anything and still not have acquired critical thinking and problem-solving skills? How can students have studied through to Year 12 and then three or more years at university without understanding how anything they have studied was learned as a direct outcome of critical thinking and without having acquired the skills to apply the methodologies they ought to have encountered? What has failed in our entire education system that such fundamental and obvious things have not been learned?

Q9 How should Australia ensure enough students are studying courses that align with the changing needs of the economy and society?

It is questionable whether we should even be thinking in terms of ensuring that sufficient numbers of people are studying any given subject. Failed policies and implementation have created the shortages we are now experiencing and could have been avoided. Therefore, a more appropriate answer to this question would be: What factors have caused current shortages, and how can we reverse those factors?

It is remarkable that the Australian Government appears to be not considering the shortage of career opportunities, the financial unsustainability of casualised employment for workers, and the fact that there is no attraction for people to qualify for professions in which they have little likelihood of being able to obtain lifelong employment. It is not a question of people not being motivated or wanting to study those subjects or being gifted in them. Evidence publicly available for more than a decade has already shown that our schoolchildren know this, i.e. there are insufficient opportunities for them to work in those professions in a manner that delivers both liveable earned income and reasonable job satisfaction free from stress, exploitation, insecurity etc. throughout their working lives. This is also a severe issue for academics, as outlined above. These are some of the reasons why we are now seeing mass attrition in many professions.[24] The best solution is to resolve the grievances causing them.

[24] Cf. e.g. https://www.abc.net.au/news/health/2023-03-16/junior-doctors-pursue-multiple-class-actions-work-overtime-free/102067518?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web

'School principals are reaching crisis point, pushed to the edge by mounting workloads, teacher shortages and abuse' — https://theconversation.com/school-principals-are-reaching-crisis-point-pushed-to-the-edge-by-mounting-workloads-teacher-shortages-and-abuse-201777

As long as such problems remain unresolved, they will continue to affect the number of students willing to study concerning future developments and changes in our economy and society. Suppose employment cannot provide people with adequate means of supporting themselves and their families throughout their working lifetimes, guaranteeing reasonable financial security, sustainability, and a degree of personal meaning, purpose, and autonomy rather than toxic stress. Where is the incentive for them to study?

At the same time, the assumption of change and development is problematic. The most significant changes in our society and economy over the past thirty years have been worsening industrial relations, the decline in public service delivery, less distribution of wealth and greater concentration of it in fewer hands, not dramatic technological and other changes that have improved many people's career options. We have adapted poorly to global challenges. Perhaps the Panel could more precisely define what changes and developments it anticipates and the concrete basis for those expectations.

The fact is that an enormous amount of education, knowledge and skills are being wasted in this country. That has been true for more than sixty years with our unparalleled 'brain drain'. Everybody who cannot remain in one career path for the duration of a working life and is forced to re-train to work in an unrelated job, not utilising their previous education, training and experience. The notion of transferrable skills is much less a reality than is assumed.

The 35,000+ university staff who have lost their jobs in the past three years represent an immeasurable scale of waste of their knowledge and skills because few, if any, of them will have obtained a new job in which their previous knowledge and experience could continue to be used and developed. Every academic who cannot obtain a teaching contract or any longer-term employment and financial security or the opportunity to advance in their career, will eventually leave the sector to find a better job elsewhere. This also represents wasted knowledge and skills. The estimated 600 CSIRO scientists who lost their jobs in 2013-2015 and the thousands of mass redundancies of university lecturers in the decade before the pandemic are also wasted. We have also encouraged people for the last thirty years to study STEM degrees, but many of them have then been unable to obtain appropriate career employment using those degrees.

Professionals who have been highly motivated in their work who are now burned out, frustrated by unresolved toxic working and employment environments, and who are now leaving those professions because they have become unsustainable, are also being wasted by the governments responsible for this situation – and none of this is just about COVID-19. The majority of long-term or permanent unemployed Australians (irrespective of their statistical inclusion as 'unemployed') are older Australians, subject to age and gender discrimination that is not being resolved, who typically have decades of experience and a range of skills and qualifications, and yet who are still being left unemployed. That, too, is an unconscionable waste – quite aside from the fact that these people are also discriminated against by being unemployed!

To adapt an expression from Oscar Wilde: 'To lose one may be regarded as a misfortune, to lose two looks like carelessness.' To lose the occasional highly educated, gifted, innovative, motivated person might be a misfortune, or perhaps unavoidable. But to lose hundreds of

thousands of them over decades without interruption, all the while complaining about skills and labour shortages to which, under more favourable circumstances, they would undoubtedly have contributed, looks like sheer incompetence. Is this what we are proposing to continue doing – to continue expecting people to qualify for professions that they will derive insufficient benefit from and entirely possibly leave and then be forced to qualify for something else, all at considerable cost to themselves? Julia Gillard, as Prime Minster, gave a speech in which she anticipated that younger Australians could expect to undergo this process on average five times throughout their working lives, a situation that is unimaginably wasteful, highly opportunistic to the disadvantage of everybody forced to undergo it, and a manifest absurdity when the majority of careers and jobs should still be permanent and continuing.

In view of all of these manifest and incalculably significant failures, none of which is typically acknowledged or confronted, the underlying assumptions about the need for knowledge and skills should be radically re-thought. We are not merely wasting the knowledge and skills in the heads of these individuals and the potential they could still develop and contribute given better opportunities. We are also wasting all of the time and money involved in their acquiring what we then waste, and we are ruining these people's lives and those of their families, whom they cannot support and whose unsatisfactory employment circumstances then cause multitudes of additional and entirely preventable problems. That is not responsible government or leadership. We have been making enormous mistakes precisely based on assumptions such as those included here, without ever understanding why we are making them or doing anything to resolve and prevent them. How can we expect or demand that more Australians continue to place themselves in precisely the same insecure positions that so many hundreds of thousands of Australians have already experienced over decades, merely because we have not learned anything from our mistakes? Are we not guaranteed any greater security or better opportunities for them? This is also, among other things, a demonstrable failure of critical thinking and problem-solving skills by the government.

Q10 What role should higher education play in helping to develop high-quality general learning capabilities across all age groups and industries?

See responses to other questions.

Q11 How should Australia boost demand from people to study in the higher education system?

Education is not an industry or a business: it is a public service that should have benefits far beyond any employment or economic consideration and benefit our entire community and society in multiple ways. As such, it cannot be a commodity that anybody should be incentivised to purchase.

Most people are motivated to study things that they are good at, that they are interested in, and which provide other non-pecuniary benefits to them. Within normal human development, differentiating particular interests and abilities begins in primary school as a natural, not as a forced or manipulated process. It should then be a reasonable expectation that everybody has the opportunity to pursue those interests and abilities through high school and university and into

their working lives. This requires an economy that is sufficiently invested in and diversified that allows everybody to enter and continue in a career or employment path commensurate with those interests. Under favourable circumstances, that should allow both the desired national economic development and self-sufficiency of a workforce and individual satisfaction and meaning for all citizens in their chosen employment.

No democratic government has a 'right' to determine that people should study some subjects but not others and to coerce, penalise, or incentivise them to do so. That is a contravention of our universal human rights and other conceptions of education assumed by this discussion document. Individuals should have personal autonomy and dignity, which governments and society should respect and preserve, not deny.

Unfortunately, over many decades, Australia has failed to develop a society and economy that offers all Australians such opportunities, not even when their interests coincide with national economic priorities. The fact that we have had a 'brain drain' for over sixty years that has forced numerous highly motivated and gifted innovators and researchers to seek employment abroad indicates our failure to provide sufficient opportunities for these people, even though it would be in our best interests to do so. We constantly say we want and need these people yet refuse to invest in them. Beyond that, however, we have also consistently under-valued and attacked the arts and humanities, including sectors that could have been more successfully and profitably developed, such as our film industry. We have also made the working and employment conditions of many thousands of professionally qualified and highly motivated graduates so toxic, so harmful to their physical and mental well-being, and so financially unsustainable that there is no perceived value for them to continue working in those professions.

It has been documented for nearly two decades in this country that our children are highly anxious, particularly about their futures, because they know many will have no desirable futures worth living. This anxiety is the perfectly logical and rational reaction to an intolerable situation in our society, but it has been ignored and converted into a disease when it is no such thing.

One solution for the government would be to ensure that whatever any Australian may be good at, whatever they might be interested in and motivated to study, they should have lifelong opportunities to pursue that choice in secure, valued, and meaningful employment, from which they derive sufficient financial security and income. If the government also commits to investing in and maintaining a sufficiently flexible and diversified, and developed economy, then there should be little need for any significant intervention.

The 1966 *International Covenant on Economic, Social and Cultural Rights*, which Australia ratified in 1975 and should therefore be in full compliance with, explicitly states that 'education shall be directed to the full development of the human personality and the sense of its dignity' (art. 13.1), and 'the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts' (art. 6.1), that everybody should be enabled to support themselves including affording all necessities such as food and housing from their earned income, that welfare support should fully compensate for lost employment and provide what paid employment would otherwise provide, and that it is the responsibility – not of the market, and

not of individuals - but of government – to ensure all of these provisions. On this basis, education and an economy should serve people, rather than people being forced to serve an economy.

It could be argued that the government is refusing to address entrenched economic under-development and under-investment and is instead seeking to reduce problems by placing additional pressure upon citizens to serve the economy when they are increasingly unable or unwilling to do so. As such, the government continues to breach its human rights commitments.

If the government cannot address the more significant problems of a lack of appropriate employment and opportunities, then it is unlikely that many will see much benefit in completing higher education. The government has attempted to 'sell' the notion of higher education as a pathway to better employment and opportunity and then failed to ensure that that is the reality.

Q12 How should an adequate supply of CSPs [Commonwealth Supported Places] be sustained and funded, as population and demand increase?

CSPs may make some difference by reducing the fees which some disadvantaged students currently pay. But how significant is this if students cannot obtain continuing employment using their degree at a level at which repayment of their HECS debt becomes payable? Would it make any difference to them if they obtained a partially funded place at a university? Moreover, CSPs do not assist students in bearing the living costs, including accommodation, food, and study materials.

There are several other aspects to this question that are unlikely to be acknowledged.

(1) If more than three million Australians were not living in poverty while more were not struggling to balance living costs with the income they earn, then it might be reasonable to assume that more parents could financially assist their children through university, which is the case in social democracies. The reported fact that significant numbers of adult children are still living with their parents or have moved back home with them suggests the extent of financial hardship within the community.
(2) The government itself constantly seeks to reduce its expenditure wherever possible, and welfare and similar payments are a typical first port of call for such cuts, whereas such financial assistance should be considered as an investment in the nation's future. If every recipient of such a scheme could be assured of liveable remunerated employment for the rest of their lives, then such an investment would pay for itself. The government's attitude is a problem here. If the economy was genuinely growing, was more developed and diversified than it is and capable of fully and continuously employing everybody in careers of their choice on liveable incomes, more people would be paying taxes and the government would also be deriving more revenue from other sources than it does. The government might also consider major equitable and effective tax reform, including proportionately taxing multinationals and other big businesses. If that were the case, then the government could afford better funding of public service delivery, including higher

education, and it might stop squeezing the already squeezed ordinary Australian to bear ever more costs with ever diminishing means of bearing those costs.

(3) This question is tied to an assumption of ever-increasing demand and population growth. However, Australia's population is not growing significantly when immigration is excluded (people are choosing not to have children or are having fewer children, or having them later. Furthermore, biological fertility is in decline, while people are also living longer. This question is based on the dubious assumption that there will be an ever-growing demand for access to higher education, which is questionable given the lack of employment opportunities in Australia for university graduates. However, it is possible this question is premised on the assumption of increased demand for an Australian university education among international students.

(4) Australia was once willing to provide generous financial assistance to many more students than it now does, which was more than sufficient to cover all costs of living, and which ensured that recipients did not need to work while they studied in order to supplement even that income. Higher education in Australia was free between 1975 and 1988 and is still free in many countries.

Q13 How could an Accord support cooperation between providers, accreditation bodies, government and industry to ensure graduates have relevant skills for the workforce?

See responses to other questions concerning academic freedom and trusting academic expertise.

The role of an accreditation body should be to ensure that every graduate possesses all the knowledge and skills required to exercise their profession. It is apparent that many professional accreditation bodies have not been doing their job, including the Australian Medical Association. At the same time, it should be asked whether these bodies possess sufficient leverage to assert any pressure upon university management to ensure that courses provide that knowledge and those skills and whether the assessment of students is sufficiently rigorous and consistent with the maintenance of professional qualities and standards. Australia should not have a skills shortage, so if, in fact, we do, and if this is not a smokescreen to justify the recruitment of cheaper overseas workers into this country, and if it is not merely confusing the lack of suitable and liveable employment with a skills shortage, then the existing system has failed. Resolving such a skills shortage will not be achieved without first identifying and resolving the reasons for that failure, which will require changes to existing mechanisms.

It should also be asked whether the skills being discussed here are specific to the exercise of any given profession or whether they are extraneous to and not self-evidently necessary for the exercise of that profession. It should be asked who is responsible for providing them and whether employers' expectations are realistic. There has been an extreme lack of clarification and precision in claims about skills shortages.

Because university senior managers are themselves representatives of the business community, and the corporate takeover of our public universities initiated by John Dawkins was explicitly intended to ensure that those managers would ensure that graduates were 'job ready', it is not clear why those managers have not fulfilled their responsibilities in this respect. What should

they have done to ensure they did do it, and why didn't they do it? Qualified academics not subjected to the arbitrary behaviour of those managers are more likely to ensure that students are sufficiently educated and qualified, but they have been prevented from doing that by management that has enjoyed the government's backing. It is, therefore, not a little ironic that government should now be asking what can be done to redress yet another problem of its own making.

The role of government regulatory bodies, including TEQSA, should be to determine the minimum mandatory course content for every degree programme, in direct consultation with the respective professional organisations and specialist academics, and to require every university in the country to ensure that it teaches that mandatory core content. Any variation between universities offering the same degree should be above and beyond that mandatory core content but not affect it. It is unclear what function agencies such as TEQSA serve when they have failed to do this, as this should be an absolute minimum guarantee of quality and standards. University managements have also reduced quality and standards by various means, including the shortening of courses over semesters and terms, which reduces the content covered and hence the level of education mastered by students. This was justified by UNSW, for example, by reference to the three-term academic year at Oxford and Cambridge, but UNSW does not provide or require any of the other elements that constitute part of that Oxbridge model, and its changes are, therefore, mere cost-cutting exercises with no genuine pedagogical gain.

Due to managements' and governments' obsession with cost cutting, what used to be mandatory core course content in Australia has been eliminated so that the teaching of no university degree in Australia today is comparable either with what used to be taught here until Dawkins, or with what is still taught in other countries. We have also eliminated our capacity to teach sub-discipline areas that used to be taught in this country. Ensuring mandatory minimum core course content for every university degree programme would require considerably larger numbers of full-time lecturers than we currently have, which would also require considerably better funding and more appropriate budgetary allocations.

All government regulatory agencies should be beyond the influence and control of university managements. Furthermore, its decisions should be adequately informed by best international practice, including consultation with the professional organisations of every discipline area in question. None of this is currently the case.

Government needs to understand that our universities' current corporate management is inconsistent with high quality and standards. Most European universities are governed directly by their professors, not by managers and administrators. However, those countries do not appear to suffer from any skills shortage: on the contrary, they have better-skilled specialist workforces capable of supporting more complex and prosperous economies—their education and training systems and accreditation work, whereas ours do not. High quality and standards are incompatible with the chronic effort to cut costs wherever possible. Quality costs money and the government should be willing to spend that money, ensuring that it is effectively and wisely spent.

Q14 How should placement arrangements and work-integrated learning in higher education change in the decades ahead?

This question cannot be answered in a generalised manner applied to every professional area.

It should be ensured that the full mandatory core course content of every programme is mastered before graduation and that nobody is permitted to graduate unless they can demonstrate through a standardised system of assessments that they have mastered that content. However, how that is combined with practical placements varies. The hospital-based nursing programme, for example, achieved a considerably higher practical experience and skills during that training and was successfully combined with comprehensive ‘theory‘ intermittently in unit ‘blocks‘. Australian nurses under that system enjoyed an excellent international reputation, and the government fully paid for that training on award wages. Unfortunately, the current nursing programme is not ensuring the same level of experience and competence, while the practical placements required for final qualification are not being adequately supported financially (few if any, practical placements now are, and often tend to be exploitative and entail unpaid work), while they are not providing anything remotely comparable with the same level and range of practical experience achieved in the hospital-based system. That system ensured full-time continuing practical experience totalling 18-24 months with 2-monthly supervised placements across multiple areas of hospital care, but the current system is not offering anything comparable. There are also significant gaps in medical training and practical experience, and doctors appear to be learning fewer skills, including their ability to diagnose conditions quickly and accurately with an initial physical examination, observation and patient testimony. They also have severe gaps in course content, such that medical graduates and GPs are not adequately qualified for their professional practice.

However, another issue here is the willingness or not of employers to provide paid practical experience as part of employment or to provide the four years of an apprenticeship at their own cost to allow for appropriate mentoring, all of which costs them money and reduces their profit margins and productivity. This used to be normal practice, and there were also arrangements between the government and employers to facilitate employees completing university degrees part-time while in full-time employment as a means of upskilling. However, as long as employers seek to reduce their labour costs (irrespective of what they can afford), they are not willing to invest in ensuring that employees acquire skills on the job that they may not have acquired, which is also a factor in current problems. None of this is now regarded as a long-term investment worth making if their needs can be met more cheaply if and when they arise. Education and training as a long-term investment for citizens and the country have been replaced by the short-term variable ‘demand’ model. That is now the default Australian model.

This discussion paper assumes that Australia has needs that are not being met by this now default model while at the same time also assuming that some elements of it should continue. It is therefore seeking a hybrid model that only envisages minimum compromises insofar as necessary to resolve immediate problems but nothing that would qualitatively improve the circumstances of most working Australians or embrace other principles enunciated in this submission or resolve any systemic failures.

If neither government nor employers are prepared to spend the money it costs to ensure that everybody has the skills they all claim they want, then who will, and how can anybody be expected ever to attain those skills? Ordinary Australians cannot be expected to bear more and more costs as 'consumers' without sufficient financial means, which neither government nor employers provide. Employers have also caused other opportunistic problems that have made entering the workforce unnecessarily challenging for many graduates. Government should be capable of mandating that graduates directly enter fully paid jobs upon graduation and that they should not be forced to undertake multiple, poorly remunerated placements indefinitely before obtaining employment – if they ever do. Perhaps the real problem is that government is unwilling to impose minimum requirements and stronger regulation upon the business community when the business community resists such regulation, which hurts graduates and the public.

Q15 What changes are needed to grow a culture of lifelong learning in Australia?

What does the government think 'life-long learning' is? In many contexts, this is not an appropriate concept. One underlying issue here appears that neither government nor employers wish to invest in the continued upskilling and training of the workforce but instead prefer to pass the cost and loss burden as far as possible onto the individual.

In many professional areas, it would be standard practice for those professionals to continue to acquire knowledge and skills about their professions throughout their working lives. We expect doctors, lawyers, academics, researchers and others to do this ordinarily. They do not usually do it by re-enrolling in other university or TAFE courses but via journals, conferences, in-house workshops and seminars, and private study.

This system can fail at several points. It fails when those professionals do not have sufficient time to undertake such study, as when doctors or lawyers or academics are so overworked and stressed by their work conditions that they cannot do this. It should then be the government's responsibility to regulate those working conditions better. Casualised workers in any sector cannot undertake such study because they typically have insufficient financial resources or time to do so, and again, it ought to be the responsibility of the government to eliminate casualised employment as far as possible and ensure that all workers have adequate support to undertake such up-skilling. Regular in-house training sessions can also be a waste of time, a mere box-ticking exercise, as reported on many schoolteacher study days. Opportunities for financially supporting retraining for the unemployed are being missed, beyond cheap and short TAFE Certificates or workshops (some provided by the same mother companies operating job seeker agencies feeding people into them) there is a poor investment by the government in such up-skilling, and it is impossible to undertake university degree courses with Centrelink support.

This means that government support of retraining for the unemployed is as minimalist as possible, which assumes that the unemployed are all blue-collar workers instead of recognising how many unemployed Australians now represent far broader and more diverse demographics and already have tertiary qualifications they are unable to use. All unemployed people receiving

income support continue to be subject to ‘mutual obligations’, which limits any opportunity for retraining where those obligations are not suspended, and no financial assistance is available for some who have already completed tertiary qualifications to complete another degree, no matter how potentially useful it might be. There are other systemic failures in articulating job seeker agencies with employers or sectors.

There is a discernible tendency for employers to cull their workforce periodically. This has been made possible by the relaxation of industrial relations protections in favour of employers and to the disadvantage of workers and is partly predicated upon the economic concept of fluctuating demand. Workers theoretically lose their jobs when demand is reduced. As argued above, this pattern is responsible for some skills shortages. It forces redundant workers to return to university or college to acquire new qualifications when they cannot quickly obtain new jobs with their existing experience and qualifications, hoping that with additional qualifications, they will improve their chances of employment.

This pattern is vulnerable to age and gender discrimination, as well as to a shrinking national economy. There is no guarantee that any qualification will secure employment or experience employers say they want but are reluctant to provide. This results in enormous national wastage of the skills and experience people have already acquired that are not being retained by employers and not channelled into suitable alternative employment by better government economic management.

Previous governments have committed to providing re-skilling training for groups of workers made redundant, for example, in the car industry. However, opportunities have also been lost there, and the success of those schemes still depends upon the economy generating sufficient numbers of new jobs for those re-trained workers – which has not occurred. An additional problem here is whether new jobs occur in geographical proximity to where those workers live: they have invested in family homes in particular locations in the expectation that they had jobs for life, and they cannot reasonably be expected to relocate and lose financially in the process, in order to obtain new employment elsewhere. There is a general problem of insufficient work being available to many within reasonable and easily covered distances from where they live and which are supported by good infrastructure. Given the ever-growing costs of running private transport, road tolls, and issues with public transport, this has become another financially unsustainable burden on households.

It is unconscionable that governments and employers expect people to continue to bear part of the costs of this continuing education and training without either liveable incomes in much existing employment, or support and compensation for lost income while undertaking such training, while also sometimes imposing other additional costs upon them. It is also unacceptable that people should be acquiring multiple additional qualifications, the quality and standards of which are not guaranteed by effective government regulation and, consequently, might not be acceptable to employers.

Currently, the disparities between earnable income over a lifetime, what we should be able to earn from professional employment often requiring multiple tertiary qualifications, and actual

costs of living, including additional costs once borne by the government, employers and businesses, being disproportionately transferred to the 'consumer' are unsustainable and becoming worse even without the latest cost of living crises. It is unacceptable that these disparities worsen and that people continue to be expected to lose income and bear costs for continued learning without assurances of better employment. Without dramatic improvements in these respects, there will be no incentive or perceived usefulness in continued learning. We are encouraged to believe that better employment will reimburse costs incurred. However, for millions of Australians, that is not happening, and it is unlikely to occur in the future without radical improvements in employment opportunities and in industrial relations. Tertiary education is expected to result in tangible benefits but frequently does not.[25]

Many professions should still be careers for life, and there is no justification for either attrition or redundancies in them. The fact that there are significant national labour and skills shortages in those professions can only be considered as the failure of the government to ensure there is reasonable job security, minimum casualization, liveable incomes and opportunities for career advancement throughout working life and that working environments are rewarding and do not become toxic and unsustainable.

The government should also be willing to publicly shame employers that engage in exploitation of their workforces. The scale of systemic wage theft and casualisation, the resistance to increases to the minimum wage (which remains scarcely adequate), the failure to maintain wage growth over the years despite companies posting substantial profits, the misappropriation of government training and other subsidies, the constant cutting of labour costs, as well as the numerous other types of malfeasance, some of which have been exposed by public inquiries and Royal Commissions, should dispel the illusion that most employers and the business community are genuinely interested in national economic growth and developmen.

Many businesses have enjoyed significant tax benefits and engaged in sometimes enormous and sustained tax avoidance, both legal and illegal, and have continued to post substantial profits, and yet at no point has any of the money accrued by those means been convincingly re-invested in their employees or as venture capital investment that would benefit the national economy. Unless effectively constrained and regulated by the government, our business community will pursue its interests at variance with any national government or public interest. Social democracies understand this and behave differently. There has also been a vigorous international discussion of precisely these issues spanning several decades, which appears to have bypassed Australia.

On this basis, it could be argued that life-long learning is a false problem.

On the other hand, the demographic of Australian university students is not limited to recent high school graduates and younger people. There has long been a significant percentage of mature-age students on our campuses who have enrolled for the first time or who have returned to retrain, having previously qualified and worked in one sector and who now choose, or are forced, to qualify in something else, or who have returned after an interruption to pursue graduate

[25] For example, https://www.theguardian.com/commentisfree/2023/mar/11/young-australians-are-struggling-but-improving-their-lives-doesnt-come-at-the-expense-of-older-generations?CMP=share_btn_link

degrees. Some are retired. These mature-age students are not all undertaking studies with a view to conventional employment but are also pursuing their interests, and these are arguably more often in HASS than in STEM disciplines. In this sense, life-long learning is already happening and requires little incentive, assuming the opportunity and financial security exist.[26] They may then make other contributions to the community that fall outside conventional economic metrics and cannot readily be quantified but are nonetheless valuable. Better funding is needed to ensure that sufficient opportunities exist for them, as argued elsewhere in this submission.

Q16 What practical barriers are inhibiting lifelong learning, and how can they be fixed?

See the response to the preceding question.

One problem is that many professional careers now require graduate qualifications, and a Bachelor's or Honours degree is no longer sufficient. However, the discrepancies between how the HECS scheme works for the undergraduate and the graduate qualification means that it can be impossible for students to proceed directly to graduate studies or after an interruption, or even to complete an Honours year if they did not do so immediately. It would be reasonable for a government to remove any fee or financial impediment to students and to ensure that any graduate or other course of study within the same field and for employment is affordable. An alternative would be eliminating credentialism and ensuring that an undergraduate degree was still a sufficient qualification.

Q17 How should better alignment and connection across Australia's tertiary education system be achieved?

The multiplicity of higher educational offerings across Australia is a strength, and diversity has value. Nonetheless, there are circumstances where course content is limited by locally available expertise. It would be helpful if a framework were established that supported cross-institutional collaboration in course development and delivery. With improved electronic communications and teaching methods, such collaboration is increasingly possible. However, universities currently have a financial incentive to jealously guard the time and expertise of the staff they employ. For this reason, we suggest that discrete funding should be required to incentivize staff time and productivity loaning between separate institutions.

Separately, we recommend adopting a national approach to ensuring academic standards and the application of academic values as outlined elsewhere in this document, and encourage the adaptation of university acts to align with the principles of governance aligned with academic values that we have outlined in the model act provided in the appendix.

Q18 What role should reform of the AQF play in creating this alignment?

See responses to other questions.

[26] 'Mature students in universities face 3 kinds of barriers — here's how to address them' — https://theconversation.com/mature-students-in-universities-face-3-kinds-of-barriers-heres-how-to-address-them-180389

The AQF appears to be an administrative index that is not useful in ensuring the quality and standards of any post-secondary education and training. It appears to be too generalised, and it may unnecessarily duplicate other instruments. It is not being effectively enforced and would only be helpful as a basis for determining other criteria relative to the classification of providers, courses, and student requirements.

The fact that for the past 20+ years, universities have been able to unilaterally decide what they will teach for any given degree programme, and have thereby reduced the quality and standards of all professional degrees; that they are directly responsible for any purported national skills shortage; that they have engaged in multiple strategies to graduate people not fully qualified to exercise their professions; that they offer degree programmes that do not sufficiently qualify people to exercise any profession (e.g. composite 3-year degrees in psychology, criminology and sociology, where ordinarily a professional qualification would require full completion of a degree in any or all of these subjects, or a 9-year minimum Bachelor degree, and possibly a graduate qualification as well; as well as other similarly useless degrees); that neither governments nor TEQSA nor professional accreditation bodies have been able to hold them to account and compel them to offer mandatory minimum course content commensurate with professional requirements; that staffing practices have eroded optimal pedagogical environments; and that they have been able to flout quality and standards in other ways as well, all suggest that there is no effective management or regulation of anything in this context. It suggests that the government does not commit to defining and maintaining quality and standards. It is, therefore, unclear what practical function the AQF serves. It should therefore be given the powers to enforce national standards commensurate with the requirements of the relevant professional bodies, to which it should be constantly referring and deferring.

As noted elsewhere, there is no nationally agreed and enforced curriculum for degree programmes with which every university in the country must comply. Establishing and maintaining best practice quality and standards across every qualification awarded by every institution in the country would be extremely complicated, expensive, and intensive. However, it is necessary to do this, as providers are not voluntarily maintaining such quality and standards and have not been for the past 25 years.

We have had the idea of national curricula for schools for decades, yet we have been unable to implement them fully. We should have the same for every university and TAFE/college qualification, and it should be pro-actively enforced (i.e. TEQSA or officers of other regulatory agencies) should personally investigate providers and ensure that formal requirements are, in fact, fully complied with. They should not rely only upon information provided by those providers, but should personally consult students and lecturers and undertake randomised tests until all providers can be trusted to comply. The responsible regulatory bodies should have full powers to investigate, including the deregistration of universities or degree programmes for non-compliance.

Q19 What would a more effective and collaborative national governance approach to tertiary education look like?

We suggest that formal recognition of the seven core academic values of rigor in expertise, commitment to advancing and promulgating knowledge, collegiality, freedom of speech, robust intellectual discourse, freedom of academic research, and truth in all academic works should be embedded in all university acts and any legislation or ministerial guidelines about university governance. The relevant clauses should include the stipulation that university governance and all the work conducted in universities should follow these values. This would harmonize the governance approach across universities in a way that aligns with the functional roles of universities.

Government has not typically included academic and support staff and students or the general community in its consultation processes or in formulating its higher education policies. This is an egregious oversight which needs to be addressed for the simple reason that they have direct experience of the system which is not necessarily shared by senior university management or executives. Policy development and promulgation have been a top-down process that has not questioned our universities' existing corporate governance model or succeeded in resolving the various long-standing problems raised in this discussion paper. VCs and their organisation, Universities Australia, and other university management do not speak for or effectively represent their academic staff, support staff, students, or the wider general community. Therefore, the government should not view them as if they do.

VCs who are not career academics elected by the academic and student body of the universities they govern, and corporate management of those universities are not constitutive elements of their universities – they are revolving-door executives with no demonstrated commitment or loyalty to their respective institutions, or to the core academic functions of those institutions. However, academic and support staff, students, and the communities they serve (ultimately, the entire country) legally constitute their universities.

Government should therefore be listening to those cohorts and addressing their concerns, which are not primarily business concerns. It has not done so, and there is no effective mechanism through which either government education departments or their ministers can listen or respond to those groups. Responses should be concrete and tangible, not pro forma. The government should know what the problems in our university sector are; they should be listening and acting. It should not require regular review processes to investigate selected problems and consider realignment of policies to identify and address such problems, especially when that process typically leaves many unresolved problems. We need departments and ministers with relevant competence and experience in the sectors for which they are responsible, and we need open channels for continuous communication, redress, and correction. It should not have taken a Greens-initiated Senate inquiry to identify the scale of systemic wage theft in this sector, or the deleterious consequences of the casualization of academic and support staff, which the government has still not addressed. Nor has it expressed any concern or willingness to address the consequences of losing thousands of irreplaceable academics since 2020 (with smaller losses over more than the preceding decade). This situation could have easily been prevented merely by extending JobKeeper to our public universities. Nevertheless, more decisive action was required here, and should have begun many years earlier.

If the current government considers it acceptable that the majority of university lecturers should remain in casual employment with all of the associated consequences; if it considers it entirely acceptable to have cut one-fifth of the entire national lecturing workforce with all the consequences of that for people's wasted lives and education as well as the loss to universities' teaching capacity and quality and standards without acting to reverse that loss, then what concept of education does this government have, and is it compatible with the expectations of academics, students or the general community?

Already before the pandemic, it was known internationally that academic standards at Australian universities, notwithstanding the rankings systems which are generally known to be unreliable, were not as good as at some American, British and European universities. It was also admitted by some of those international students that if they could afford to study at genuine elite universities, they would have done so, and that Australia is for many, not a first choice. It is also well known that some students come here intentionally to seek permanent residency and not because of the quality of our universities. This fact is not inconsistent with the numbers of international students coming here: genuinely elite universities are highly selective, have smaller student intakes than in Australia ('bigger' is *not* 'better' there), and are also very expensive to attend. Government and university managers may be satisfied with this situation, but obviously, many potential international students are not. We risk a worsening of our international reputation in this context – in other words, 'brand damage'. That can be expected to impact enrolments and revenue, and there may already be some loss due to recent higher education developments in China and India, partially acknowledged in this discussion paper.

Q20 How can pathways between VET and higher education be improved, and how can students be helped to navigate these pathways?

University degree courses should train students in skills and knowledge specific to professional areas, and courses offered by VET should qualify people for employment in areas that universities do not. From this perceptive, there should be a clear demarcation in terms of what qualifications for what purposes are offered by each.

Suppose the expectation is that any qualification should properly train students in the full range of requisite skills and the full knowledge content required for such a qualification. In that case, the reduction of required credits for qualifications in recognition of previously completed certificates or degrees is self-defeating unless it means that students must not duplicate what they have already mastered.

It would be a reasonable expectation that every university graduate and every VET graduate are fully trained and qualified by their respective courses to obtain employment upon graduation and that this should not necessitate any additional education offered by the other.

It has traditionally been assumed that universities engage in research that VET institutions do not do. This assumption has been challenged, and some VET lecturers are university trained, although it is questionable to what extent VET lecturers now have the time, resources, or access

to funding to engage in any substantive research. It should also be asked to what extent universities have been keen to preserve their interests at the expense of VET institutions.

It is a problem that employers are unwilling to invest in the up-skilling of their employees and then compel them to do this via the VET or university system – should employers be investing more directly or funding the VET system to some degree? Furthermore, should Australians who have completed one qualification be forced to obtain additional qualifications because their original qualification did not get them a suitable job?

Governments should recognise that employers and the business community are profiting from our entire education and training system while directly investing the least amount of money back into it at any point. The government itself continues to bear the majority of all costs for that system, including such administration as occurs, no matter how inefficient, degraded and corrupted, and it would therefore be reasonable for a government to consider requiring that a share of business and employer profits are re-invested back into the system from which they are profiting.

Q21 How can current examples of successful linkages between VET and higher education be integrated across the tertiary education system?

No comment

Q22 What role do tertiary entrance and admissions systems play in matching learners to pathways and supporting a sustained increase in participation and tertiary success?

Since the late 1980s, Australian governments at the national and sub-national levels have prioritized enabling as many people as possible to enrol in university. However, they have done nothing to ensure that those enrolling already have the knowledge and skills required for successful tertiary study by the end of Year 12. This problem is caused by unresolved failures in levels of academic achievement and mastery of content and skills in our high schools. Private schools generally do not perform better in these areas than many public schools. The ongoing failure to improve the teacher training programmes delivered by our universities is further exacerbated by the lack of sufficient support and tuition services at university, as well as the tendency of universities to pass students irrespective of their academic achievement. At present, universities have a vested interest in course completion and enrolment statistics that override any commitment to quality and standards. Under more stringent assessment criteria, many students would fail and either drop out of their courses or be forced to repeat courses and remain longer at university. Insofar as the government also has no interest in high student attrition rates and equally no appetite for more significant investment in lifting school performance, universities and governments are complicit in maintaining sub-standard levels of tertiary education.

Universities also have a vested interest in enrolling as many students as possible because their funding and performance metrics are tied to those enrolments. Such considerations should play no role in our universities. There is a general perception in Australia that the bigger the

university, the more successful it is, but the opposite attitude is held by elite international universities. The smaller the institution, and the more selective it is, the better the teacher-student ratio and the better the quality of its education.

This is not intended as a criticism of students' ability or motivation. It is a criticism of a system perpetuating problems instead of solving them. Students are not adequately prepared in high school, which is a self-perpetuating cyclical problem that also involves universities. With more investment in our education systems and better pedagogical environments, most students would probably achieve more of their potential and ultimately perform better.

Australian students on average complete high school 1-2 years younger than many of their overseas peers, and they are under pressure to complete university degrees within predetermined time frames or risk being penalised. However, many students do not even know what they wish to study before they begin university, and have no opportunity to sample various courses over 1-2 years before choosing a career path. Being permitted to take longer to complete an undergraduate degree, which could include several years of courses across multiple disciplines without constituting a formal degree programme or requiring a 4-year general undergraduate Liberal Arts degree before professional specialisation at the graduate level, on the American model, would certainly impose additional costs on both government and students. However, it would arguably have better long-term outcomes. The so-called 'Melbourne model' and variations introduced by some other universities have not been widely implemented in this sense and, in the case of medicine, have not improved the quality of those medical degrees.

Q23 How should an Accord help Australia increase collaboration between industry, government and universities to solve big challenges?

This is another issue that has preoccupied governments since the end of WWII in Australia. If they have still not succeeded in harnessing university-based research to contribute to national economic growth and development over the past seventy years on the scale they envisaged, then it would not be unreasonable to ask when will they? Nothing that has been discussed or implemented over that time has been effective.

Academics typically now have no time to engage in significant original research because their excessive and unsustainable workloads prevent them from doing so. In order to free up more academics who should be able to undertake research in addition to teaching, their teaching and administrative workloads need to be dramatically reduced, and casual academics need to be transitioned into full-time continuing positions. This would require the employment of significantly higher numbers of academics and the elimination of unnecessary administrative tasks or their delegation to support staff. The majority casual academic workforce is typically unable to engage in any significant and original research because of the unsustainable exigencies of their employment and because they do not have access to the necessary financial support to do so. University managements often do not even recognise casual academics' published research insofar as doing so may compel them to transition those academics into full-time employment, which they are unwilling to do.

Attempts to create some university positions as teaching-only or research-only have not achieved what they were intended to achieve. They are not attractive to academics because of the conditions imposed, and they are not generating any more profitable research outcomes.

Research funding in this country is a fraction of what it is in other countries. It is highly competitive, which is to say, there is not nearly enough of it, and it is unevenly allocated. The conditions of grants are excessively stringent and risk inappropriately constraining research. Australia should learn to accept that the outcomes of pursuing human knowledge cannot be predetermined or constrained. We are too risk averse in not accepting that all research funding will achieve the anticipated outcomes. However, it may achieve other unforeseen outcomes, and those outcomes may also be practical or profitable, or they may generate knowledge that cannot be immediately used but will be used at some later time, The definition of 'national interest' is likewise too constraining and not a criterion applied by most other western countries.

STEM research requires stable funding over more than one project funding cycle and should always in principle, allow for continued secure and sufficient funding over decades. Australia has never been willing to support research under those conditions or on that scale, and it is needlessly burdensome to require constant re-applications that may be rejected while in the middle of such research or to be forced to design smaller projects that can be completed within a single funding cycle but which may never generate more useful outcomes, while we have forced privately-funded research organisations, particularly in medical research, to bear much of the cost. In the same way, we also expect the private sector to invest in such long-term, expensive research that is not profitable in the short- to mid-term, and few businesses can afford or are willing to provide that scale of commitment and investment. Even pharmaceutical companies have their limits. As impressive as Australian medical research sometimes is, we are still neglecting urgent and vital research and development areas because funding is insufficient to ensure that we are addressing every priority. Without more direct investment by the government, it is unlikely that we will enjoy the outcomes we say we want.

The government also appears to overlook the fact that the application of research outcomes depends not upon universities but the government and private sector. Historically, neither has ever been willing to provide the venture capital investment to exploit research outcomes fully. We have very little onshore manufacturing or other industry that depends entirely upon Australian R&D, and we do not have an economic environment in which our domestic economy could be so supported. This is not a problem made by our universities or academics, nor a problem they can resolve. Government and the business community need to accept responsibility for this failure and improve their willingness to spend money.

The biggest single challenge that Australia faces is climate change. This is not merely an economic challenge but also a social challenge, a health challenge, a food and water challenge, and a housing, sustainability, and energy challenge. Anxiety about climate change has an enormous but still largely unacknowledged effect on the mental health of our young people, as is their lifelong employment and financial insecurity. We are doing nothing to reduce that anxiety by addressing its causes or providing appropriate mental health care. We will need considerably

more investment in achieving means of resolving all of these challenges, reducing as far as possible the impact of these conditions upon our population, and better managing and controlling extreme weather events.

On page 10 of the Accord discussion document, it reads: 'Australia needs the expertise, innovation and combined impact of higher education providers to help lead efforts to ameliorate and collectively adapt to climate change and develop more resilient and sustainable solutions.'

As with every other area of discussion here, an adequate response depends not merely upon our universities but more so upon our governments. For over half a century, Australian governments have consistently refused to invest in measures that could have reduced our vulnerability to drought, by improving water capture, storage and distribution.

We have demonstrably failed to manage the Murray-Darling complex and made disastrous decisions about water usage, and still appear incapable of resolving that problem. Our environmental protection and management of pollution have been inferior. We have also had several dozen Royal Commissions and other inquiries over the past sixty years on bushfires, the recommendations from which are seldom comprehensively implemented. Had they been, we would arguably have not continued to experience the levels of harm arising from these disasters, nor would we have continued to hold inquiries that achieve litte or nothing in the way of substantive change. Governments have also failed to invest sufficiently in our fire-fighting capacity, and the enormous bushfires of the summer of 2019/20 should never have been allowed to have burned out of control for several months and have caused the damage they did. How could Australian research now contribute to reversing the damage to the ozone layer that those fires caused,[27] or curing the lung cancer that they will cause? We are also incapable of dealing with recycling so that other dangerous fires are prevented before they start, and we have never been willing to invest in a fully-fledged domestic recycling system, which could incidentally have exploited research and employed STEM graduates. We have had specific knowledge that climate change has occurred since the 1970s. At the same time, the greenhouse effect was confirmed by the end of the 19th century. A responsible government would have immediately understood the implications of that, educated the Australian public, and initiated a phased reduction of environmental damage and an energy and economic transition off the teat of fossil fuels. Instead, Australia has consistently been one of the most uncooperative nations on the planet since the first international climate change meeting in Rio de Janeiro in 1992.

Universities potentially have a valuable role to play here, but unless governments are willing to act appropriately and immediately, no amount of university-based research can undo decades of neglect and denial. Like countless Royal Commissions, research outcomes that are inconsistent with government policy preferences will simply gather dust.

Q24 What reforms will enable Australian research institutions to achieve excellence, scale and impact in particular fields?

[27] https://www.abc.net.au/news/2023-03-10/how-the-black-summer-bushfires-depleted-the-ozone-layer/102076136?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web

Of what does ‘excellence‘ consist? What traits does it denote? Does it imply that anything that cannot arbitrarily appropriate the moniker ‘Centre of Excellence’ should not receive funding? Or is it nothing more than the product of an aggressively competitive environment that bears no reliable correlation to what is actually achieved?

Insufficient funding and the constraints outlined in response to Q23 are significant issues. There is no coordination of activities, and we have many institutions and organisations that receive significant levels of research funding that results in enormous and utterly useless overlap and repetition of existing research. Much of what is currently funded is not genuine or original research but reviews of already published research done by somebody else. It is not optimal that these organisations should all be receiving public money and donations to do this kind of ineffective work, and better coordination and strategizing by sectors would be desirable.

It would also be desirable for the government to establish a national register of every completed PhD at all Australian universities, including abstracts or other summaries of the research undertaken, organised by faculty or discipline areas, thus making these publicly funded dissertations accessible to the broader scholarly community and the public at large. This would make a significant percentage of research that otherwise goes unused in this country more accessible. As we have one of the highest per capita levels of PhD graduates in the world, which translates into one of the highest levels of new research, establishing such a register would potentially be beneficial; this has been common practice for decades in other countries, and, surprisingly, it has not already been done here.

An open access depository of PhD dissertations should include some evaluation of the usefulness and potential application of that research upon its completion. It should also guarantee the intellectual property rights of those graduates.

It could also be considered to offer more ECR or post-doctoral research fellowships that specifically provide liveable financial support for a further 3-4 years while new PhD graduates revise and publish their PhD research and are free to pursue other questions and lines of enquiry arising from that research. This should apply equally to STEM and HASS PhDs. It is invariably the case that the constraints of the PhD dissertation and completion requirements prevent material from being used or thoroughly investigated during that period. If additional funding and time are not provided, then they may never be undertaken. This would constitute a continuation of the PhD research and not a funding application for an entirely new research project. The numbers of ECR fellowships are ridiculously small relative to the number of PhD graduates we now produce.

Q25 How should Australia leverage its research capacity overall and use it more effectively to develop new capabilities and solve wicked problems?

Australia is not short on research capacity. It is short on funding and career opportunities to undertake research. These are matters for government and university management to resolve. The CSIRO is also an appropriate organisation that should be engaged in investigating national

problems, However, it is no longer effectively managed, and the forced redundancy of an estimated 600 CSIRO scientists in 2013/5 represents an irreplaceable loss of thousands of years of cumulative knowledge and experience. Neither government nor university managers nor anybody else appears to understand that the knowledge capacity of this country exists in the heads of its academics and other researchers and in many of its PhD graduates who could never enter appropriate career pathways in the first place. When those people are made redundant, as tens of thousands have been in recent years, everything they know and could still contribute is permanently lost to this country. Moreover, that is not replaceable! We, therefore, have an absurd – Kafkaesque, Catch-22 – situation in which government continues to ask questions such as this, while doing nothing to address any of the losses of knowledge and capacity.

The fact that numerous CSIRO innovations and research outcomes have attracted no domestic investment, and that some are then sold off-shore for other countries to generate jobs and profits but from which we derive no further benefit (Wi-Fi is perhaps the most egregious instance of this sheer stupidity), raises fundamental questions about what the point even is for qualified scientists or other scholars to do anything when this is how they are mistreated in their own country. Moreover, why are we then funding so much R&D that we never use but from which other countries are able to benefit?

In several areas, Australia does undertake valuable and potentially world-leading research, but we tend to exaggerate the importance of many of our achievements to claim to be punching above our weight when we are not. A considerable volume of purported research done in this country is sub-standard and of limited value, and we are not training researchers as well as we should be. We have the potential to do far better, but we are not doing it.

Many serious challenges facing Australia are of our own making. They were preventable, and if we had had more effective mechanisms for anticipating and preventing problems before they became serious or intractable, we would not be facing these challenges in their present form. The reasons why we have failed to anticipate and prevent them revolve round, in part, a refusal to invest the money as and when needed, as well as a failure of effective regulatory governance and a misplaced trust in the business community to act in ways it has consistently refused to do. We will not solve any of our problems as long as this constellation of hindrances remains unchanged.

We have had untold numbers of inquiries, royal commissions and sectorial reviews by governments, both Commonwealth and state and territory, as well as other informed public debates around important issues over much of the past century, and yet few if any of those reviews and their recommendations have ever been effectively acted upon. That includes endless reviews of our higher education and training sector. Once again, these are systemic failures of government. Unless or until governments are prepared to exercise the power vested in them independently of vested interests and lobby groups, with an eye to the long-term well-being and sustainable prosperity of the *entire* Australian population, we will not solve any of the challenges facing us.

Solving such problems requires the exercise of critical thinking and problem-solving skills. Assuming that anybody possesses them, those skills are not being exercised by the people and

systems we expect to exercise them. This is a problem of effective, competent and responsible government. It has been well-known for more than twenty years that the public service is not an efficient organisation.[28] It does not concentrate and exercise specialist expertise in any of the areas for which it is responsible, it has been heavily politicised when it ought to be above politics, its funding has been consistently cut so that it is not fit for purpose, and it is chronically under-resourced and under-staffed. It has arguably not been granted effective legal powers or adequate resources to enforce its responsibilities or to exercise any independent initiative that would make it more effective, and other cultural attitudes also tend to preclude the taking of initiative. It has also become a toxic working environment, much like most Australian universities, and likewise suffers from a severe morale problem. The current Royal Commission into the Robodebt scheme has shone some light upon the systemic failures of government, including public service departments and what ought to have been independent regulatory bodies. What would the exercise of critical thinking and problem-solving skills have looked like in the Robodebt scheme, and why were they not exercised? How was it even possible to imagine that the government's bottom line could be improved this way, but not in many more obvious ways? The problems exposed there appear to be systemic, rather than being specific to the several departments directly responsible for that scheme. If we can still not correct any of these failings, we will not solve any of the problems confronting this country.

Insofar as it might be expected that university-based or –trained researchers and other academics should solve any of these problems, this country does not trust those experts. Australia suffers from a pervasive anti-intellectual and anti-academic attitude that has been especially conspicuous among prominent members of its major political parties since at least the 1960s. We do not employ academics under the conditions necessary for the free undertaking of research. We do not trust them to do their work without unqualified officials looking over their shoulders and holding them to absurd levels of accountability to which politicians themselves are not generally held. We do not value their competence and experience, and we have routinely and complacently made tens of thousands of them redundant without regard either to their own wellbeing or to what they have then been thereby prevented from contributing to the country. If governments cannot improve their treatment of the very people they expects to help them in confronting national challenges, then they will be prevented from doing so to the best of their ability.

There is an enormous volume of research and available data that is directly pertinent to every policy area in this country but which is never consulted or used by the relevant government departments or ministers. This research – broadly defined to include more informed public discourse, data collected by charitable organisations as well as by the government itself – is in the public domain, and is generated by many different actors within the community, including academics, yet it exercises zero influence on policy development and implementation. International evidence also fails to ensure that our governments perform as well as their counterparts in other countries. Whether this is due to turf wars by public servants, or simple incompetence, poor training and lack of specific expertise, or insufficient resources, and/or other aspects of public service culture and mentality, it demonstrates again systemic national failures

[28] Cf. e.g. Sarah Maddison and Richard Denniss, *An Introduction to Australian Public Policy: Theory and Practice* (Cambridge: Cambridge University Press, 2009); J.W.C. Cumes, *A Bunch Of Amateurs: The Tragedy Of Government and Administration in Australia* (Melbourne: Sun Books, 1988).

to actually use available research and data to solve problems that confront us, and which could be much more effectively resolved than is currently the case.

Original and significant research requires time and secure funding over many years, even decades. It requires governments providing that funding to trust the people doing the research and leave them to do it, and it requires them to be free to pursue any lines of enquiry that might present themselves. It requires an intellectual environment in our universities conducive to the unfettered pursuit of knowledge and truth wherever it may lead. Australia has never provided this kind of environment to support research, and our poor record of Nobel Prizes is testimony to the limitations under which Australian researchers are forced to work. Our unparalleled historical 'brain drain', already recognised as a problem by Donald Horne in 1964, is additional testimony to our short-comings.

Q26 How can Australia stimulate greater industry investment in research and more effective collaboration?

See previous responses.

Since the British Industrial Revolution, the usual practice of capitalism has been for entrepreneurs to fund their own research and innovation and invest in its adoption. They have seen an opportunity for profit, and they have been willing to invest what has been needed for the pursuit of profit. This typically involves a degree of risk, but entrepreneurs have not succeeded without taking that risk. In this way, the American economy became the most robust industrialised economy in the world, which it was already well on the way to becoming by the early 20th century, and which WWII propelled it to become. There was also considerable government investment, more in some sectors than in others, but arguably the majority of investment was privately funded and spent.

Australian businesspeople have generally not behaved in this way. They have not been willing to spend large sums of money on risky ventures without assured short-term returns, and where they have been able to maximise profits by other means, including utilising R&D funded and developed by other countries, they have done so. While there has been government investment and subsidising, it has not been sufficient or specifically targeted to drive national growth and development. This is a distinctive national attitude that is equally typical of the government and our financial institutions and is primarily responsible for our chronic economic under-development. This attitude must be changed before the industry invests more in research and effective collaboration. There must be a considerably greater willingness to invest, to take some risk and allow enterprises to fully develop before creaming off profits. There also needs to be major tax reform as a means of helping to fund spending against the resistance and self-interest of the business community (which has not tended to reinvest its profits back into economic growth), and the preoccupation with budget surpluses and debt must be managed differently.

It would appear that government does not understand Australia's economic history or the factors that make this country atypical in international comparison. Australia has had the same opportunities in the post-War period to develop a diversified and competitive economy in the

same ways that the US, France, Germany, Scandinavian countries, Italy, Japan, and China have all done, albeit not in the same ways. It is not a question of population size, and it is not a question of geography; these are both misleading excuses or challenges that could have been overcome. The opportunities existed: we have the money, we have the people, we have the expertise. We have also had specific innovations that could have been commercially exploited and nascent businesses with the potential to create a global niche, and profitable research outcomes from which we have not profited. We have had and continue to have it all, and yet we consistently and persistently fail to capitalize on these advantages. The image of riding the sheep's back is a decades-old critique of this complacent attitude. It would be possible to itemise many specific examples of this failure.

Our business community has enjoyed substantial profits that would ordinarily have been reinvested, rather than spent on dividends to shareholders and bonuses for executives. They have had tax breaks, they have engaged in massive tax avoidance, they have consistently cut their labour costs, and they have been treated with kid gloves by governments, and yet none of those advantages has changed their behaviour and resulted in more significant investment in anything that would be of national economic or public benefit. Governments should not consider trying to incentivise them further. Our current magnates are not, for the most part, visibly using their wealth to fund new sectors or enterprises capable of supporting the national economy.

Both public service delivery and solid economic sectors of more successful developed economies depend upon stronger government regulation of their business communities, more robust redistributive and equitable tax regimes, and government financial investment and backing of their business communities. Australian governments have not been willing to act in these ways and have failed to adopt successful alternative strategies. Instead, they have left the business community to its own devices, and that behaviour can be held responsible for our current challenges. More of the same should not be an option. Government should develop a long-term national economic strategy that identifies and commits to supporting or underwriting specific sectors or businesses while leaving businesses themselves some opportunity for initiative and profit, but properly accountable for all amounts of money received from the government, which should not be exploited for private profit that does not benefit the taxpayers providing that money. There needs to be a long-term, stable bipartisan political commitment to these arrangements and to investing in the selected sectors.

Australia's car manufacturing sector collapsed partly because the Australian Government did not fund that industry on the scale that governments in other countries do. However, we also lost the opportunity to immediately convert the local manufacturing assets and workforce to domestic EV production. That was another wasted opportunity. The loss of domestic production of solar panels in China and Germany was due to the unstable political commitment to renewable and alternative energy policies. Other similar short-comings could be itemised.

Under these nationally idiosyncratic circumstances, therefore, it is unlikely that this country can be turned around to become a global powerhouse in anything without more far-reaching changes in attitudes, priorities, and behaviour.

Q27 How can we improve research training in Australia, including improving pathways for researchers to gain experience and develop high-impact careers in government and industry?

It is impossible to generalise across all discipline areas in every university, but it can reasonably be argued that the research training standards have declined in Australia over recent decades. This is primarily due to the decline of our entire education system, as previously outlined.

The training of any researcher commences with the beginning of formal education because all education builds upon what has previously been learned – or not. In practice, we are progressing students through school and university who have not been fully educated in their subjects or sufficiently mastered desirable skills. As one illustration of this, how is it possible that PhD graduates are still unable to write grammatically correct English or formulate sentences that convey logical arguments? However, we are graduating such students. More seriously, the skills of 'critical thinking' and 'problem-solving' are essential to all research, yet we are not adequately training people in these skills. These are systemic deficiencies.

The essential training of all researchers occurs at university between undergraduate commencement and PhD graduation, and what happens between those two points? It would be reasonable to expect that irrespective of discipline area, every student should have mastered the essential elements of their discipline. They may not in the course of their undergraduate studies become equally familiar with every significant individual, every idea, every major development or 'school', but they should have encountered them chronologically and systematically, and they should be capable of returning to those topics and learning more about them. Their studies should include the historiography of their discipline because that covers the questions that have previously been asked and which researchers often need to revisit, and it also covers the evolution of the methodologies of their discipline, which should also be inculcated in other ways as well. No researcher can ever anticipate what knowledge they may need in any future research project, but it is crucial that they have already acquired a solid foundation to serve as a lifelong resource during their undergraduate degree, to which they can both return and build. The fact that some ideas and knowledge are 'old' and assumed to have been surpassed is deceptive: human thought, ideas and knowledge are never 'old' in the sense of being implicitly redundant.

In other education systems, it is usual to require students to master knowledge relevant to their discipline that is not covered in lecture courses through their study, supplementing their lectures, and to be examined on that as part of final assessments. A degree, therefore, does not only consist in the formal completion of lecture courses and their adjunct assessments; this typically requires longer than three years. Australia is neither offering nor requiring that level of education; to do so, a number of changes would need to be considered.

In view of other concerns in current education policy around 'lifelong learning' and the acquisition of knowledge and skills that are not being learned under the present system, government should in any case, consider requiring and allowing a minimum 4-year Bachelor's degree (not including Honours).

Students should acquire a critical ability to recognise that nothing that presents itself as knowledge is complete or infallible but that all such purported knowledge – indeed, everything about the world in which they live - can be analysed, and they should acquire the critical skills of such analysis as these pertain to their discipline, and the ability based upon a systematic and comprehensive knowledge of their discipline, and inter-disciplinary knowledge and skills, to be able to formulate an independent argument that analyses and critiques other views and then substantiates on the basis of evidence one's own view; to define a problem and the means of resolving it. Furthermore, equally importantly, they should be capable of exercising self-criticism, that is, continuous awareness of their own limitations and possible errors and the ability to correct them.

Student essays are supposed to train all students in these methods by requiring them to consider different interpretations of a topic, critique them, and formulate their position then. However, many students are not learning these skills in their essay writing, which are too often completed at the last minute with a random literature search that displays no understanding of the critical issues involved and which often confuses a developed argument with a mere description of purported 'facts'. Alternatively, they may give the impression of juxtaposing two views in a superficial, journalistic fashion but without any detailed analysis. Improving students' performance in these areas – essential for every researcher's training and for many in the community and government – requires better teaching and learning conditions than are currently possible or even encouraged.

University management has advised casual lecturers to not even complete the marking of student assignments because management does not wish to pay them to do that work, or they have expected casual lecturers to do this work without being paid, and yet how are students supposed to learn if their lecturers cannot even provide valuable feedback on their assignments and if they are not paid to devote time one-on-one to mentor their students?[29] These examples may appear trivial, but they are at the core of the failures of our tertiary education and why it is not doing what it is supposed to be doing, and what government and employers presumably expect it to do. The government itself has allowed the majority casualization and underpayment of our entire university teaching workforce, creating this problem. The government must also understand that good education costs money and time, but it will not get better-educated Australians if the government is unwilling to provide that money and time. Do you, therefore, wish to spend as little money as possible, or do you want better-educated Australians, including researchers – because you cannot have it both ways?

Suppose we are to have a more responsible and competent public service, which is capable of developing policy based on available research and data, of properly monitoring the sectors for which they are responsible, of analysing the problems confronting this country and proposing informed solutions to those problems to the government of the day. In that case, this also requires much better-trained tertiary graduates who would be employed in the public service and who are capable of understanding, evaluating and utilising available research even without such training to PhD level.

[29] E.g. https://www.theguardian.com/commentisfree/2020/aug/19/our-jobs-at-universities-are-precarious-and-overburdened-the-pandemic-has-made-them-harder?CMP=share_btn_link

Students should also have the knowledge and skills to familiarise themselves and engage with the work in their discipline that is or has been done in other countries, including knowledge of foreign languages. As mandatory foreign language learning has been integral to many international education systems from primary or secondary school for decades, unlike Australia, and such foreign language and engagement with research conducted in other languages is required for any PhD in other countries, this is an area in which Australia has performed very poorly. We neither require nor even make it possible to master foreign languages for this purpose and yet this is precisely a necessary means by which researchers should become aware of knowledge essential to their work. It should be mandatory to award any PhD that the candidate has mastered at least one foreign language, if not multiple languages as appropriate to the discipline and that they display a competent familiarity and critical engagement with relevant research published in other counties.

It is apparent that many researchers in Australia are unfamiliar with such international research, even research in other countries published in English, or that they engage with it only in a token manner. Therefore, academic and public policy research in Australia is highly deficient in these respects. It is abundantly evident that international comparisons made in government documents are highly selective, without any explicit justification of that selection (which any academically credible work should include), and that such selections are conditioned by limitations imposed by ignorance of other languages, as well as lack of experience or first-hand familiarity with other countries. This is not a sufficient basis upon which our public service should be formulating or advising on policy. Research should mean mastering as much knowledge as possible, not ignorance of it, and researchers should be fully trained in the skills necessary for their work.

Even though research projects usually require a particular focus and reduction to resolve delimited problems, the researcher should still understand larger contexts, larger fields of relevant knowledge, and larger implications of the problems they are considering, and should be capable of developing other applications and consequences of that knowledge, however unexpected. However, we are not very good at doing this. The constraints imposed upon research and, in particular, funding conditions prevent rather than facilitate maximum development and acquisition of knowledge and our ability to solve problems.

If Australia is unwilling to fund genuinely ‘elite’ universities of a calibre comparable with Oxbridge, Ivy League and some European institutions, it should then be desirable that as many Australian graduate students as possible are funded for a year to study at such institutions, in order to learn and experience what they are not gaining at Australian universities, and they should then be supported in contributing the benefits of that experience back into the Australian system – which currently is not happening, despite a decades-long rationale for precisely that. In fact, Australia is highly resistant to learning from better institutions or other practices abroad, and our own systems are not sufficiently flexible or receptive to reform.

If they are working to support themselves, in some cases even full-time, students are certainly not investing enough time in learning and are perhaps doing less than the equivalent of two years’ study for a three-year degree. Australians who received Whitlam-era scholarships were

generously supported, did not need to work at all during their studies, and could invest the equivalent of 36 months in a three-year Bachelor degree. EU students can take additional time following completion of formal course requirements to prepare for final written and oral examinations and to learn material not covered by their lecture courses, but Australian students today cannot do any of this, and consequently, it should be asked whether expectations are even reasonable under existing learning conditions.

It is still possible to proceed directly from an Honours degree to PhD candidacy. However, if students are not mastering acceptable course content through their Bachelor degree, then they are not achieving a sufficient standard of learning for completion of an original and competent PhD, which in turn will not be a sufficient qualification as a researcher. At least in the discipline areas with which this author is familiar, undergraduate courses in Australia typically do not compare with courses in the same discipline areas in other countries and are not sufficiently systematic and comprehensive.

Suppose TEQSA cannot be brought to establish mandatory minimum course content that would address these issues and improve quality & standards. In that case, the mandatory requirement of a Masters' degree by a combination of coursework and research (or coursework only) might be considered, with the explicit purpose of ensuring that before commencing a PhD, all candidates have demonstrated a sufficient mastery of their discipline knowledge to proceed. It should also be noted that PhDs in other countries can also require additional proof of discipline competence beyond the subject of the dissertation research, i.e. if the PhD is a qualification for academic teaching and research, then the entire course of studies to that point should have been sufficiently comprehensive and systematic to ensure that the candidate can lecture across their discipline area, rather than being too specialised.

These comments are not intended as a refection upon the ability of individuals, but only as a criticism of the formal requirements and system.

Mentoring early PhD graduates is a desideratum. In research contexts, this may occur more naturally in the Natural Sciences, where research is typically conducted in teams and potentially in the Social Sciences, but in the Arts & Humanities, research is usually conducted in isolation aside from seminar and conference presentations. Given the excessive workloads of supervising academics, it can also be challenging to ensure that they provide sufficient mentoring and supervision. Nonetheless, the individual can only achieve mastery of discipline knowledge, and the system or formal accreditation requirements should ensure that this has occurred.

Limitations of education or knowledge mean that other realities or possible applications and consequences may not be considered and that research will be limited to what the researcher knows. What is not usually considered in such contexts but which is determinative are the cultural conditions or contingency of how we all think. This contingency includes our education system. Why do we not do things in Australia that other countries do and which they benefit by doing while we do not? This is cultural contingency: our understanding of what education is, what purposes it should or should not serve, and what action we as a society should take are all pre-determined by the distinctive conditioned way in which we, as Australians, typically think

and act. We do not do so in the same way that other societies do. This weakens us. If we wish to perform and achieve better, we must find ways of overcoming this limitation, thinking and working outside of our box.

A broader and more profound, more comprehensive and systematic education and greater understanding of and familiarity with other cultures beyond our own should ensure that we can think outside of our box. However, as a society, we must also value such thinking and knowledge and be willing to act upon it. We appear to have difficulties in doing so.

Other factors also impose undesirable constraints upon valuable research, including a tendency to do extensive literature reviews of already published research and to view those surveys as actual research when they are preliminary to original research. Summarising other people's research is not itself research, except insofar as it identifies areas that have not been investigated and which could then be studied, and when it identifies flaws in that research of sufficient gravity that it must be done again. However, in Australia, such literature reviews are achieving little or nothing but are still being treated as original research. There is an excessive dependence upon online keyword searches, which do not identify relevant studies; this can constitute an artificial and arbitrary limitation unless the investigator checks other types of bibliography and referencing.

The formulation of research funding applications can impose constraints upon that research, requiring it to achieve pre-determined outcomes and allowing no flexibility to pursue other lines of enquiry that can arise during any research but which may not be foreseen and flexibility to arrive at outcomes different from those expected. Research outcomes may be negative, or the exact opposite of what was expected, but that is not a failure: it is also an outcome and knowledge gained. For various reasons, there is also considerable duplication of research without achieving palpable outcomes; this is a waste of time and money but is occurring quite commonly, and any research proposal should be preceded by an adequate review as to its necessity (in some funding applications, this is required, but it is clearly not always being done or done properly). These and other formal constraints are being imposed in Australia, preventing the pursuit of valuable and original research.

Research is also essential as a foundation for teaching. This is not directly profitable because it is an investment in teaching, not industry. Ordinarily, lecturers should be able to undertake continuing research as part of their normal job description, and once did so, when their teaching, supervising and administrative load was manageable. Their workload is no longer manageable, preventing them from engaging in much research, even to the point of being unable to prepare their teaching fully. Research should support teaching across all disciplines equally, and this is not merely in the Humboldtian sense of academics engaging in their own research projects and then teaching on their work in progress: this is also a question of academics having sufficient time to prepare every course they teach (including repeated courses) by engaging in some more detailed work on their topics, including being up to date with international research on those topics. Given that this is now extremely difficult for many lecturers and all but impossible for casual lecturers, current working and employment conditions are ensuring that academic quality & standards are also being eroded by this means.

Lack of time to engage in their research as part of their normal job description has made it all the more imperative for academics to apply for research funding that allows them to devote themselves exclusively to research for the duration of funding, but that funding is not sufficient for the demand, and it is not approved for some purposes for which it ought to be approved. This combination of unresolved problems is one major cause of relatively poor research outcomes in this country: insufficient funding, limited conceptions of what research is and what it is used for, and unsustainable academic workloads. Attempts to concentrate research funding alone in the hands of the Go8 are unacceptable.

Government publicly funded research agencies (PFRAs) are an integral and substantial part of Australia's training and education sector, and the largest ones include the Commonwealth Scientific and Industrial Research Organisation (CSIRO; > 5600 staff; Government appropriations 2021> $900 million p/a); the Defence Science and Technology Group (DSTG; > 2500 staff; > $440 million p/a,) and the Australian Nuclear Science and Technology Organisation (ANSTO; >1000 staff; $440 million p/a). Other PFRAs are the Australian Institute of Marine Science (AIMS), the National Measurement Institute (NMI), the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Geosciences Australia, and the Australian Antarctic Division.

Most PFRA has mutually dependent relationships with universities, play an important role in training and developing researchers, and often have an explicit mandate to provide education and training. Their combined effort reaches over 160,000 students across the entire education sector, from high schools to post-graduate education with PhD supervision. PFRAs are the only providers of nationally important skills training and education in some areas.

PFRAs are thus directly affected by the state of Australian universities. Given the tight nexus between university education and the essential educational and research function of PFRAs that specifically focus on national preparedness capability and emerging industrial, social, health, security and environmental challenges, it is a serious omission of Australia's current policy settings not to have included representatives of the academic staff working in PFRAs into University Accord Panel nor having made any mention of their relevance. The effectiveness and adherence to their core mission and the skills-based internal decision-making is no less an issue for academic staff working for PFRAs than for academics in the university sector.

Comments have been made above on the difficulties and shortages of 'high-impact careers in government'. Career opportunities need to exist in government and industry for researchers, and without their respective investment in such researchers with long-term secure research career pathways, we will not attract researchers. Again, this has historically been a problem of money. Australian industry has traditionally not engaged in much original research because it could utilise outcomes achieved internationally. Perhaps the most critical non- or para-university research conducted in Australia is medical research, but there is very little R&D supporting any other sector. Researchers, like everybody else, need long-term career security that extends beyond one contract or project: they need to be able to afford a mortgage or support a family and advance in their careers, and all of this requires a degree of funding commitment by the

government that has too often been lacking. If researchers cannot be offered that security, they will go where they can get it, and this has contributed to Australia's unparalleled 'brain drain', while others have abandoned research for more secure if less skilled jobs – such as most of the ca. 600 CSIRO scientists who were made redundant in 2013/5. Several government-sponsored schemes to attract some of our expat innovators and researchers back to Australia failed because none offered anybody what they would have given up elsewhere to return to Australia – no well-remunerated and secure long-term career prospects. This is quite frankly just as insulting as how Australia has mistreated overseas academics who have been made redundant here since 2020 and been forced to relocate back to their own countries with no jobs and considerable expense. Australia does not value its researchers and academics because we make too little effort to keep and support them – we expect them to be available when we want them, already fully qualified and ready to go, but when we don't want to continue funding them or they have finished their contract, we have nothing else to offer them. That is not sustainable, and government needs to understand that it cannot continue doing this finally.

Q28 What is needed to increase the number of people from under-represented groups applying to and prepared for higher education, both from school and from other pathways?

The issues raised by this question overlap with other questions and responses. It has been a stated intention of Australian governments for decades to increase access and participation of disadvantaged population groups in tertiary education. If over decades and despite a range of initiatives all designed to achieve this objective, we have still failed to do so sufficiently, and then obviously, there are systemic impedimenta that are not being identified and/or addressed. That is partly the failure of universities and other services to provide sufficient support once those people attend university. However, it is also the failure of governments to facilitate that access sufficiently and to make it obvious that completing university will also ensure solid, realistic opportunities for these people.
It has recently been reported that some universities bear disproportionate costs in supporting students from disadvantaged backgrounds. While it is questionable whether money provided to institutions for this purpose is always directly spent on such support, given other evidence that money for core academic activities such as teaching is not being spent appropriately, it is justifiable to expect that government funding to support such students should reflect actual costs of providing such support and that universities with more significant numbers of students from such backgrounds do receive proportionately more funding support.[30] It would also be appropriate to establish independent regulation to ensure that all such funding is spent for the purpose.

The reasons for this failure should be evident in the case of the Indigenous population. That entire population suffers from inter-generational collective trauma, which is still not sufficiently recognised, and its consequences are not being acknowledged or addressed. Knee-jerk default 'tough on crime' reactions to symptoms of precisely these problems are not appropriate or conducive to resolving any issue. At the same time, juvenile detention only exacerbates and perpetuates these problems, and it does not solve them because of the inhumane mistreatment to which detainees are systematically subjected. These issues, including alcoholism and domestic

[30] https://campusmorningmail.com.au/news/call-to-arms-for-equity-in-accord/

violence, also contribute to the non-completion of high school, without which university admission becomes increasingly problematic. Do we seriously expect anybody affected by any of these problems, including the mistreatment of juvenile detainees that is so traumatising that it is causing suicide and self-harm, to complete high school then and commence university? How, exactly, are they supposed to achieve that?

We are not 'Closing the Gap', and Indigenous people do not have adequate support services, health, mental health and other services available locally that would palpably ameliorate any of their difficulties. Governments have a limited understanding of the issues involved. They do not successfully implement even well-informed and widely consulted policy documents, they are not prepared to spend money, they are not willing to recognise and end systemic racism, and they are not willing to relinquish control to the Indigenous community to manage its problems. Juvenile detention and the criminal justice system involve active mistreatment by government agents that is not held to account; we have not resolved the deaths in custody problem, and people are not being held to account for those failures, either; there is no adequate rehabilitation and social reintegration programme either for the Indigenous population or for the rest of the Australian population; we are not addressing mental health issues of convicted criminals or detainees. A criminal record and these experiences also tend to militate against many people affected then seeing any value in undertaking further education. Both the active injustices and the failure to resolve problems combine to communicate to the Indigenous population and to other disadvantaged Australians that they live in a hostile, unjust and uncaring society, and the less they have to do with it, the better.

Indigenous people – and many others - do not have realistic employment or career prospects, and they cannot complete a full degree programme, including as appropriate practical placements, close to where they live. They are also still subject to systemic racism in employment. No Australian government, Commonwealth or state and territory, has ever invested sufficiently in regional development that would generate jobs for many Indigenous university graduates, not even in areas of public service delivery such as health.

In view of their socio-economic disadvantage, they are also unable to afford to study, they are unlikely to be able to repay student loans, and they would have multiple difficulties in working to support themselves while studying. Ideally, they require liveable full scholarships commensurate with market rents and other living costs, not funding that is scarcely better than the Jobseeker allowance.

If the government seriously wishes to increase Indigenous access to higher education, it must convincingly address these issues.

Access for people with disabilities covers an extensive range of categories of disability, both physical or medical and mental or psychiatric, and many of these people would experience many difficulties in completing a course of studies. They would have to navigate a ludicrously complicated and poorly integrated system of disability services and conditions for assistance. They may not be eligible for the assistance they should be eligible for and may need, as well as difficulties in delaying completion resulting from their disabilities. They are also still subjected

to discrimination by employers, and it remains a significant challenge for people with disabilities to pursue a professional career. If their employment opportunities are limited, how will they repay their student loans, and what material benefit do they derive from such studies? In this case, what exactly is the government's aim in improving their access when that same government is incapable of ensuring them – and everybody else – sufficient career and liveable employment opportunities resulting from the such study? This is equally true for people with chronic mental health conditions if these become known to employers. It is also far from evident that universities themselves facilitate favourable conditions for such students. However, insofar as disability services should be largely responsible for meeting their needs, the responsibility of universities would conceivably lie particularly with physically disabled access, assistance for specific disabilities, accommodation for delayed completion, and support that academics may be able to offer; but universities alone should not be fully responsible for every kind of assistance that disabled students may need.

This raises several issues for which different bodies have responsibility. Freeing people from other commitments such as jobseeker or other compliance requirements, ensuring that they have a liveable income, and coordinated access to any other support services they may require would advance their access. So why hasn't this been done? Nobody should have to navigate the absurdly complicated, dysfunctional maze of disability or other similar providers, and these systems need to be radically simplified, fully integrated, coordinated and improved.

Recent immigrants have famously been highly motivated when settling in Australia to take advantage of the opportunities available to them, to ensure that the next generation enjoys a better life than that of their parents, and the pursuit of higher education and entering into professions has long formed an integral part of their hopes. This is not the case with socially disadvantaged Australians. Government fails to recognise or address the psychological harm caused to this population group precisely by its inability to achieve upward social mobility, the tendency to stigmatise and discriminate against them instead of helping them, and perpetuating the reasons for their disadvantage and problems. These people clearly lack the motivation that requires more than trivial incentivising, and they do not have the mental capacity to be 'resilient' in the ways expected of them (and neither do other seriously traumatised individuals and groups). They do not see the benefits of aiming high, they expect to be still discriminated against when they do and not to be able to achieve decent careers and employment, and they have been victimised and exploited by precisely those in our society with whom they would be aspiring to parity through education.

Moreover, what are governments doing to support them through to high school completion when we cannot adequately fund and staff schools in socially disadvantaged areas and provide other services they might benefit? What are we doing to address their other challenges, including those affecting their families, such as poverty and insecure employment, systemic discrimination against welfare recipients, domestic violence, criminality, alcoholism and drug abuse? These problems characterise the environments in which many socially disadvantaged children are expected to complete high school and commence university, yet none of these environmental determinants is being convincingly addressed.

If the government seriously intends to improve higher education access and participation for this population group, it needs to take a different approach. It needs to begin by recognising and resolving their immediate problems, it needs to stop stigmatising and discriminating against them, it needs to ensure that they will all have the opportunities that they are being sold by the prospect of such education in suitable employment and that this will genuinely constitute upward social mobility for them, given the destruction of the traditional middle classes in this country and the mass casualization even of professions, that will be a hard sell. It will also be difficult for politicians to sell themselves as people who genuinely care after having been responsible for tolerating and perpetuating all of the problems experienced by this population group, most recently exposed in part by the Robodebt Royal Commission; the Labor Party does not have a convincing record on any of these issues, either.

More equitable access to and participation in education does not guarantee more significant socio-economic equity unless other mechanisms are in place to ensure that. Suppose higher education is no guarantee of upward social mobility and better employment prospects for the entirety of a working life in one's education and choice (which, for many, including those from disadvantaged backgrounds, it frequently is not). In that case, it alone achieves nothing beyond any personal benefit gained by the experience. Socio-economic equity usually is achieved by equitable employment, remuneration, public service delivery, welfare support, taxation, legal protections and other such mechanisms of social democracies. These are no longer functional in Australia.[31]

Q29 What changes in provider practices and offerings are necessary to ensure all potential students can succeed in their chosen area of study?

This question overlaps with other questions and responses.

Q30 How can governments, institutions and employers assist students, widen opportunities and remove barriers to higher education?

See other relevant responses.

One impediment to higher education is the need to work while supporting yourself as a student. This can become so challenging that students do not complete their courses, and it means that they cannot devote as much time to their studies as they should. This is such a severe problem that it could also be argued that it is a factor in our skills shortage. How does anybody expect students to acquire skills they do not have the time to master during their studies, assuming they otherwise could, when they are sometimes working full-time while studying? At some point, this becomes absurdly unrealistic, and the only viable solution is to relieve students of the need to work by providing them with liveable scholarships and other assistance. Government failure to ensure that all students have access to affordable and appropriate rental accommodation throughout their studies and that all their living costs are balanced and manageable places them

[31] Cf. e.g. COVID-19 disproportionately impacts disadvantaged and vulnerable Australians. What does that mean fo - https://johnmenadue.com/long-tail-of-covid-19-impacts-disadvantaged-australians-education-most/

under undue financial stress. They might work less if they could afford to do so. Reports that students are even being driven into sex work in order to support themselves should cover every politician with shame.

Q31 How can the costs of participation, including living expenses, be most effectively alleviated?

This problem has been addressed elsewhere. If governments ensured that every Australian was capable of earning a liveable income from their employment, irrespective of what work they do and that they were provided with commensurate liveable welfare assistance when they are not employed if this was secure throughout their entire working lives if they were not involved in unsustainable household debt. However, income was approximately commensurate with actual costs of living, including rents or mortgages. If families were provided with other financial assistance (such as family endowment or the supplement provided in Germany to families with children until age 26), it would become more realistic for families to bear more of the costs of supporting their children through university. The fact that growing numbers of adult children are still living with their parents is indicative of unresolved pervasive problems.

Unfortunately, we have a conjunction of 'own goals', whereby even people with professional careers and higher education qualifications are increasingly unable to afford their own costs of living, let alone support their children through university – including, precisely, a majority of all Australian academics! This is a situation created willingly by governments and the business community, and without a commitment to immediately bring earned incomes and all welfare support back into balance with costs of living, reducing household debt, and reintroducing liveable award wages, this problem cannot be resolved. The government expects individuals, customers and consumers, to pay for what they receive and for what government wants them to want, but it is not ensuring that they can afford to do so by effectively balancing costs with earned incomes.

The alternative is for the government to provide a liveable scholarship for every student that would fully pay for exorbitant market rents, medical expenses, study materials, massively overpriced textbooks, and all other living costs throughout their study. Currently, this would need to be near $60,000+/p.a. non-taxable and subject to means testing, and that assistance would need to be available to every Australian student. It is not expected that government is prepared to provide such universal scholarships, and such financial assistance and scholarships as the government does offer are pathetically inadequate.

It is understandable that the government would be concerned about the costs of unpaid student loans. However, it is unreasonable to require repayment at the current rates of earned income of graduates, and repayments should not commence in our current economic environment before incomes reach ca. $80,000+/p.a., allowing people to properly afford their costs of living first. It should also be noted that in EU countries, students do not pay university fees. Their higher education is usually free and subsidised, in ways we do not have in Australia, because they treat education not as a consumer commodity but as a public 'good' and a human right. Australia ratified the *International Covenant on Economic, Social and Cultural Rights* in 1975, which includes the statement that States Parties should aim towards free higher education, which should

mean that Australia behaves like EU states, but in 1988 this country instead introduced the HECS scheme.

Q32 How can best practice learning and teaching for students from under-represented groups be embedded across the higher education system, including the use of remote learning?

Aspects of this question are addressed in other responses.

Online remote learning is not a pedagogically optimal form of education, not even with intensive semester workshops on campus. Understandably, distance learning would have been considered valuable for regional and remote populations unable to move to a university campus, for students working to support themselves who cannot regularly attend lectures and tutorials, and during the lockdowns. However, several shortcomings in practice mean that Australia is not observing 'best practice'.

Government must answer the question: Does it wish to continue providing education without any minimum pedagogical or other quality standards at minimum cost, which will guarantee continued skills shortages and other deficits, and is it prepared to cut costs as far as possible to achieve an illusion of access, or is it genuinely committed to high quality & standards and 'best practice', because you cannot have both. If you want 'best practice', then you have to commit to spending money, and if you cannot ensure that the student and their family can sustainably bear all of these costs without further impoverishing them, then government must continue to bear substantial costs. Other countries do, so why can't we?

The teacher-student ratio for distance learning has been egregiously high (it has been reported as being 1:70+, which is pedagogically indefensible), and online learning has often employed overworked, underpaid and hugely exploited casualised teaching staff. Because of the random times, students access online content and complete assessments, and there is considerable pressure upon those lecturers to be similarly available 24/7, for which they are not paid and which deprives them of any good personal life. There has been published research on this system, and if higher education delivery can be worse in this country than it already is on campuses, then this is. This entire issue should be immediately stopped, and it is criminal that it has not been. This is not an argument against all online learning, but that the lecturers employed to operate it should be treated better, while online learning should not be considered pedagogically equal to in-person teaching.

Ordinarily, lecturers would revise teaching content annually or every time they deliver a course. However, lecturers have been deprived of intellectual property rights over online content and are not being paid to update their teaching content regularly. This means that reasonable quality & standards that would be maintained were this content delivered face to face are not being maintained for online content. New reports about universities even out-sourcing online teaching raise additional problems, both of further exploitation of academics and unregulated quality & standards.[32]

[32] https://www.theguardian.com/australia-news/2023/mar/07/no-actual-teaching-alarm-bells-over-online-courses-outsourced-by-australian-universities?CMP=share_btn_link

Personal interaction between teachers and students is not a priority for lectures, but it is essential outside of the lecture theatre, whether in tutorials, feedback for assessment exercises, or informal supervisory contexts. That contact ensures that the student receives any additional support they may need, while the personal example of the working scholar is also essential, for example, as a mentoring opportunity for prospective graduate students. Online tutorials have been reported with 35+ students, which is absurd and completely defeats the purpose of holding tutorials.

Distance learning eliminates many of these benefits. There has also been considerable student dissatisfaction during the pandemic with online earning, and if the government is genuinely concerned about improving 'the student experience', then it ought to take cognizance of that dissatisfaction.

Q33 What changes to funding and regulatory settings would enable providers to better support students from under-represented groups in higher education?

Funding should not be paid to education providers for the support of individual students unless it can be guaranteed that not one cent of that money would be deducted or misappropriated by the provider for their use or profit. It has become part of university management's business model to misappropriate money paid for education for other non-core academic purposes, including international students' total fees not funding their education and student service fees being misappropriated.

Education providers have priorities that are not compatible with adequately supporting their students. They do not provide necessary services for international or struggling domestic students, even outside of disadvantaged groups, but are merely students who have not been appropriately prepared in high school for tertiary studies. Providers have also been slow to address other issues, such as sexual harassment and rape on campus, and their record in their exploitation of their own staff is heinous in the extreme. Why would anybody assume that providers can be trusted to improve their assistance for disadvantaged populations? Any initiative in this direction must occur outside the control of university or college management.

Q34 How should the contribution of higher education providers to community engagement be encouraged and promoted?

The concept of 'community engagement' requires further explication and definition. Does this mean local economic engagement, or does it refer to the 'public university' concept, whereby the university serves the entire community in all aspects and is public property? This submission takes it in the latter sense.

The 'public university' should serve the entire population and society. It should be viewed as a knowledge asset and cultural resource readily accessible to the entire population, and it should reflect that population and contribute to that society. Although community engagement is typically an element of universities' mission statements, this is not a priority, the concept and values of the 'public university' are not genuinely held by university management (in

contradistinction to their academic staff), and there are several reasons why community engagement is limited. Not all of those reasons are the fault of universities, and academics usually welcome more opportunities for such engagement. Some such engagement does occur.

Open days afford one occasion for public access, and arrangements to prepare high school students for university may also ensure some preliminary engagement.

Academics' workloads are such that they do not have the time to engage in sustained community involvement. In order to practically enable them to be more engaged, universities must dramatically reduce their workloads and make any such engagement possible within their contracted and paid working hours.

One significant difficulty with such community engagement is that somebody has to pay for it. Universities are currently governed by a business model that requires profit, so where they are unlikely to derive any pecuniary benefit from such engagement, they likely do not consider it a priority. The concept of the 'public university' is predicated on an opposed principle that the university belongs to the people and its resources should be available to them, and that requires governments and universities to bear such costs without thought of profit. Public lectures and seminars open to the public and without charge have been a long-established form of public engagement. Making lectures available for public education on the ABC/SBS would also improve community engagement, as would more significant consultation by such organisations.

University websites now operate a 'find an expert' model that facilitates public or commercial consultation.

In other countries, it is normal for academics to write textbooks and books that popularise technical subjects, thereby making university research and teaching more widely available, and organisations such as the German WBG [Wissenschaftliche Buchgesellschaft] greatly facilitate this. Similar practices are found in many other countries. In Australia, however, the writing of textbooks and popularising books is not regarded as 'research' (although it generally does involve such research), there is, therefore, no perceived benefit in it, and neither research granting bodies nor university managements encourage such publications. This represents a profound and unparalleled loss of benefit to the broader community, including our education systems. Many textbooks are produced overseas and remain grossly overpriced because the government refuses to regulate book prices and other such costs. It is integral to the specific 'research' system we have created in this country that prevents some types of research from being undertaken at all, and this also excludes a range of other types of books generally produced by academics in other countries but discouraged here (e.g. scholarly translations for student use). Therefore, we prevent rather than facilitate some forms of community engagement in these ways.

University publishing is an under-used public opportunity but would require considerably greater government financial commitment. The only university publishers with significant programmes are Melbourne, UNSW, and UQ.

It would be desirable for government to consult more frequently and directly with specialist academics so that that expertise could continuously and immediately inform portfolios, departments and ministries, and regulatory agencies regularly without depending on consultation as part of occasional inquiries. If our universities constitute arguably the most concentrated resource of expertise in the country, and if government departments and ministries often lack that expertise, it would be reasonable to establish mechanisms by which that expertise can be effectively accessed.

Journalists could improve the same, although this would require changes to journalistic attitudes and practice. Journalists consult small numbers of academics and appear on radio and television programmes and podcasts. On the other hand, there is very little engagement by print media, including, e.g. Schwartz Media, with academics, and opportunities for many academics to contribute to a full range of current issues and public discourse are limited. It is doubtful that Australia's attitudes towards and acceptance of academics as experts and public figures are comparable with that on the Continent.

We also do not have the culture of informed public debate that is well-established in many other western democracies, and improving both this and opportunities for academics to participate in it would require broader social changes and the establishment of more platforms where this would be possible.

University managements impose constraints upon the freedom of academics to speak publicly, which is an unacceptable limitation on their freedom of speech, they monitor email and social media accounts, and no employer or management should be able to exercise such power. Universities, and Arts & Humanities departments in particular, continue to be attacked in 'culture wars' in this country, which reflects an embedded anti-intellectualism. There is public ignorance about what academics do and how they could benefit from that instead of perceiving academics as ivory tower elites, which they are not.

Given that Australia is one of the most culturally diverse countries on the planet, it would be reasonable to expect that our universities would amply reflect that diversity by including foreign language departments capable of teaching at least many of the languages spoken by our immigrant communities, as well as their respective histories, religions, literature, and cultures and that universities would be community resources for the understanding of all of these cultures in the same way that they should be for our own national history, culture, literature and identity – including the Indigenous populations. Unfortunately, given the over-emphasis on national economic priorities over the past 30 years and the corresponding devaluation of Arts & Humanities, our universities cannot adequately teach any of these discipline areas, including as they affect Australian cultural traditions and identity. This is how they should be community assets and a form of community engagement. They should also employ members of those ethnic origins as academics on an equal footing.

Q35 Where providers make a distinctive contribution to national objectives through community, location-based or specialised economic development, how should this contribution be identified and invested in?

No comment.

Q36 What regulatory and governance reforms would enable the higher education sector to better meet contemporary demands?

A contemporary concern that PUA has identified and commented on publicly is that, in many instances, university governance fails to serve the core functions of universities because it is inconsistent with the core academic values of rigour in expertise, commitment to advancing and promulgating knowledge; collegiality; freedom of speech; robust intellectual discourse; freedom of academic research; and truth in all academic works. Increasingly, decisions are made by the management structures in universities that oppose the actual functions of those universities, and we see that this reduces the capacity to deliver good service for contemporary demands. There is a lack of accountability that must be addressed.

We suggest that there should be an amendment of the various Acts and or Ministerial regulations that govern Australian Universities, such that the seven academic values we list above are explicitly stated and that all work in universities must be conducted following those values. This would align the administration of universities with the function of universities, provide guidance for making administrative and strategic decisions in universities, and establish a formal basis for accountability for all who serve in universities that relates directly to the formal function of the university.

Q37 How could a more coherent and dynamic national governance system for higher education be achieved?

See other responses, especially to Q36.

Therefore, every university is chartered by state or territory legislation and is legally a local entity. Where universities are governed by their academic staff, and their VC is an elected professor from the university that she or he then leads for a fixed term, every university should also be a self-governing institution.

There to be a national association of university VCs, Universities Australia Academic or support staff or students or the wider community; these latter groups need to be represented to the government by other groups, including Public Universities Australia.

Q38 How can the Accord support higher education providers to adopt sector-leading employment practices?

Australian universities have had the opportunity to practise sector-leading employment practices for the last 30 years, and they have not done so. This is even despite the negative consequences of their behaviour becoming apparent. It is even though the estimated 35,000+ forced redundancies since 2020 were not financially necessary even without the JobKeeper supplement

because our universities had combined assets of $61 billion that they did not use to retain their staff. It is even though mass redundancies have occurred at several universities over the decade or more preceding the pandemic without any ostensible external compulsion whatsoever. It is even though the situation in Australian universities is virtually unparalleled in any other developed country except the UK – not even entirely in the US – and consequently that we could all know better.

Public universities are registered as charities, meaning they are not for profit and are managed accordingly. The financial loss to the sector resulting from the pandemic was considerably less than initially forecast. Universities have again posted substantial if unevenly distributed profit and surplus, a considerable portion of which has been achieved by forced redundancies and other staff disadvantages.[33]

The only inference drawn from the consistency of this managerial behaviour is that vested ideological and material advantages are perceived by management in continuing their current modus operandi. Not only so, but they have steadfastly resisted and sought to suppress criticism, ignored and perpetuated actual conditions in their institutions that ought to have led them to change course, and disregarded explicit dissatisfaction from staff and students. There is no evidence that current management would voluntarily change anything.

That management assumes that its conduct is, in fact, 'best practice', at least insofar as it is consistent with corporate managerial practice in other sectors and has become the dominant ideological position over more than the past 30 years. At the same time, it is itself extraordinarily authoritarian and hierarchical, with no capacity for self-criticism or adjustment to resolve problems or for consultation with the people who constitute their organisations on an equal footing, not even where members of the university community are much more qualified and competent in their respective fields than any manager is. This management 'style' is now embedded, has become an institutional culture, and arguably cannot be effectively corrected without removing it entirely from any position of governance and responsibility in our universities.

It has assumed that education and training can be reduced to assembly-line standardised commodities to be bought and sold. However, like the case, neither the individual learning processes of students or their varying abilities and choices, nor the nature of academic work itself, nor other consequences of this commodified approach are compatible with ensuring the best pedagogical practice. Whatever the best corporate practice might be, that is incompatible with the best educational practice. Senior management has also demonstrated no capacity to adapt to the alleged needs of employers or the economic changes it is supposed to serve. On the contrary, this managerial approach has destroyed the capacity of our universities to do their job, and hence, this question should also be asked how profoundly weakened universities can provide sector-leading education in the first place?

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[33] e.g. https://www.theguardian.com/australia-news/2023/mar/03/australian-university-sector-makes-record-53bn-surplus-while-cutting-costs-for-covid?CMP=share_btn_link. The Guardian of 3 March 2023 carries a story entitled 'Australian university sector makes record $ - https://johnmenadue.com/australian-public-universities-for-society-or-for-profit/

Australia has *no* genuinely ‘elite’ universities. It has no university capable of delivering the calibre of education offered for generations by Oxford, Cambridge, Ivy League universities, the *Grandes écoles* of the French system or other leading universities worldwide. The rankings (or ‘hunger‘) games that our university managements have so expensively pursued are, at best, misleading if they suggest that any of our universities are comparable with those international institutions. Moreover, there are reasons why we do not have any such institution, including a permanent refusal by any Australian government and private donors to invest in and permanently endow a university to the level needed. Those universities are also *small*, they are highly selective, they have maintained very low, optimal teacher-student ratios, they do not need to advertise or sell their souls because their reputations speak for themselves and people want to go there, and ‘big‘ is certainly not more or better or beautiful there. These are all lessons Australia has yet to learn. Australian VCs are more highly paid than the VCs of any of those other institutions, but that does not make them better.

When we speak of ‘sector-leading‘ education, what does this mean? Does it mean that the quality & standards of all education here are, or should be, as good as the best international ‘elite’ universities, or does it mean that it will be as good as Australia can provide but not genuinely ‘elite’ – but still better than what we are currently doing - or does it mean something dragged out of a sewer? This requires clarification because the answer to this question determines what target we should aim for. Australian public universities cannot deliver anything convincing ‘sector leading‘ in international comparison.

Australian university managerialism and ‘sector-leading‘ educational practice are not compatible with one another. Any more than squeezing and incessant cost-cutting are compatible with any other quality public service delivery area. If our managers were genuinely committed to ensuring that their institutions delivered the best possible education, then they would have:

1) embodied academic values - rigour in expertise, commitment to advancing and promulgating knowledge, collegiality, freedom of speech, robust intellectual discourse, freedom of academic research, and truth in all academic works];
2) ensured that as much of their assets and resources as possible were all directed towards maintaining optimum teaching conditions for staff and students, including eliminating casualization, maintaining acceptable workloads, allowing them to speak to management and participate in decision-making that affected their responsibilities, addressing the toxic working environment and 50% incidence of mental health problems, ensuring that teacher-student ratios were as low as possible and that as many academics as the country needs were educated, mentored, and ensured secure career pathways;
3) cut unnecessary and excessive expenditures as far as possible, including excessive VC and managerial salaries;
4) established, if necessary on its initiative, what optimal academic quality & standards should be, informed itself of international practice, and determined the baseline or minimum mandated content of what they should be teaching for every course, and ensuring that every student achieves that before graduating, also by initiating other supports, resources etc.;

5) it would have addressed government issues in the sector, including funding, and sought better solutions to persistent challenges achieved between management, government, staff and students, and employer and community consultation. This should also have resolved other unresolved issues, such as skills shortages and poor industry investment in university research and innovation. In short, one would have expected far better outcomes based on how competent management ought to function all of the time, and we should not have required endless sectorial reviews and inquiries, nor should academics be demanding a Royal Commission now.

It is acknowledged that the Commonwealth's refusal to fully fund our universities fit for purpose by any means, fully resourced for domestic students without dependence upon international student fees, and the inability of state and territory governments to assist in doing so, has placed our entire tertiary education system in a financially challenging situation over the past thirty years in particular. Furthermore, that has indeed required some creativity from university management. However, how these challenges have been addressed has *not* served those universities' core teaching and research role. Government must bear responsibility for this, including its failure to regulate and oversee those senior managers' activities properly.

These observations assume that government understands the concept of 'sector-leading employment practices' in the same sense as this submission. If that is the case, then it is unlikely that universities will ever voluntarily change their behaviour, and in order to improve employment and working conditions in our universities, university management must be compelled to do so. However, employment and working practices that have become normative in our universities are equally normative across numerous other sectors, including the Commonwealth public service. Therefore, the government would need to radically overhaul all industrial relations conditions nationally to define and protect minimum employment and working conditions more in favour of employees if these practices are to change. To date, governments have demonstrated no willingness to do so.

In Australia, academics were usually tenured until the end of the 1980s/early 1990s. They were all in full-time continuing employment on good award wages that reflected the level of their education and professional standing and with reasonable career advancement throughout their lives. Their workloads were manageable, and they had time to invest in undertaking solid original research without ARC grants and to invest time in supporting and mentoring their students. Our teacher-student ratios were acceptable. Discipline areas that are no longer taught in our universities were still taught. All of that changed in the wake of Dawkins 'reform', which the ALP until now has never openly challenged or distanced itself from.

Our universities ceased to be governed by their academic staff and were taken over by corporate managers, many of whom have no academic qualification or expertise and who certainly have no commitment to delivering the best possible quality & standards of education. Their destruction of academic collegiality was intentional, and their erosion of acceptable working and employment conditions was also intentional, determined by business metrics of performance that are entirely inappropriate to education – and every other area of public service delivery.

The assumption is that people are naturally unmotivated and will not work without pressure and incentives. In practice, university managements (like countless others) pay themselves incentives and place their staff under pressure. There was no justification for these assumptions. Most university lecturers are now casualised, with all of the consequences mentioned elsewhere, but for this discussion, crucially, that casualization has reduced the quality & standards of education provided by our universities. Education is also not a process that can eliminate all individuality and be managed as if one size fits all at any point in that process. No two students or lecturers, or researchers are identical: they each have different needs, different abilities, and different ways of learning and working, and any education system must maximise its capacity to accommodate such differences. Australian universities do not.

The enormous insecurity of casualization, and even of most full-time positions, creates a permanent level of stress as well as other causes of toxic working conditions, such as workplace bullying, which have resulted in university lecturers having a mental health incidence level of 50% for more than a decade that is essentially preventable, but intentionally caused, and which no government has acted to investigate or address. This includes work-related suicides. If the government now considers mental health problems in terms of costs to health systems and loss of productivity, it would have been reasonable to have expected that that same government would seek to reduce the causes of such mental health problems, but instead, it has tolerated or actively made them worse. It is presumably the intention of both governments and university management to make people sick. If this were not the case, this situation would not be occurring. We have had national mental health and suicide prevention plans in Australia since 1992 that have not done anything to address these issues. The mental health crises of academic staff also affect their teaching and therefore disadvantage their students.

It has been found that, as in other sectors, so also in our universities, casualised staff have been subjected to systemic wage theft over the years, which the Greens (not the ALP) finally investigated and exposed, and universities have now been forced to repay those salaries. With better industrial relations protections, wage theft should never have been possible; wage theft has become part of university management's (and many other employers') business model ought to indicate that such management is not committed to best practice.[34] However, as long as university staff remain in sessional employment, they are unlikely to be adequately paid for all of their work, and because even full-time academic staff are forced to work an average of 60 hours/week on contracts of 38 hours/week, they are also subjected to systemic wage theft that has not yet been acknowledged. Academics' workloads now include an excessive volume of administrative tasks, often repetitive and purposeless, much of which could either be eliminated or done by more secretarial staff. The older standardised breakdown of tasks consisting of 40% teaching, 40% research, and 20% administrative, all achievable within contracted hours, now looks more like 50% teaching and 50% administration, requiring an average of 60 hours/week, with no time during contracted hours to undertake any credible research. An army of academics holds affiliated positions and honorary titles without full-time positions, award salaries, or even an office. This is further evidence of the sheer enormous scale of wage theft and the extent to

[34] A couple of decades ago the phrase international best practice seemed to be on the lips of just abou - https://johnmenadue.com/international-best-practice-australia-could-do-better/

which our entire economy depends upon billions of dollars of un- and underpaid labour annually, all while those providing that labour have no financial security or benefits.

In other words, our entire Australian higher education system depends upon billions of dollars of unpaid work every year, which government should be paying for by some means, and which is part of a more extensive system of modern slavery.[35] Sessional lecturers are not fully paid for the preparation of their courses, for all of their assessment grading and feedback, for any out-of-class support for and mentoring of individual students, or for any additional circumstances unforeseen by their contracts (e.g. the need for additional assessments), or for being available online 24/7 as many students expect them to be. They also often do not even have an office. Contracts vary between universities, but all tend to be comparable in these respects.

An additional means of reducing labour costs by university management has been to employ graduates with nothing more than a Bachelor's degree to teach because they cost less than a PhD graduate. Bachelor graduates are much less qualified, a PhD should be the minimum qualification for any lecturer, and by doing this, universities have also further reduced the quality of the teaching they provide.

In principle, every competent PhD graduate wishing to pursue an academic degree should have the opportunity to transition immediately into full-time lecturing positions upon successfully completing their PhD. This is standard international practice. It has been estimated that 20% of university lecturers prefer sessional/contractual employment. However, that is a flexible estimate, and insofar as it pertains to women who may wish to return to full-time continuing career employment when their families are older, it should not be taken to mean that individuals wish to remain permanently in sessional employment. Casual academic employment is incompatible with other activities usually necessary for career advancement.

Given that Australia already has one of the highest per capita levels of PhD graduates and that the completion of a PhD does not necessarily qualify everybody for an academic teaching and research career, it is not intended in this submission to suggest that every PhD graduate should have an equal opportunity to pursue an academic career. Other issues, quality, standards and requirements for granting a PhD require some improvement.

At the same time, however, (1) if Australian universities maintain existing levels of domestic and international student enrolments; (2) if they are to train the next generation of lecturers we need across all discipline areas; (3) if we are to add to the disciplines that we do not currently teach but which other countries do teach and which we should also teach (including courses that have been cut along with forced redundancies over the past three years); (4) if we are to re-establish mandated minimum core course content to be taught by every university for every degree programme, and by that and other means improve quality & standards; (5) if we are to transition

[35] Cf. e.g. Hidden in plain sight - https://www.abc.net.au/news/2021-12-18/visa-temporary-modern-slavery-new-australian-immigration/100645446, cf. e.g. Justine Nolan and Martijn Boersma, *Addressing Modern Slavery* (Sydney: NewSouth, 2020). The conditions of casualised academic work, and even to some extent the conditions of full-time academic employment, as well as similar un- and under-paid exploitative training and other gig employment, are comparable with conditions of modern slavery. Slavery includes forms of effective control by employers over employees, and disenfranchisement, and this also characterises modern work.

every sessional/casual employed academic into full-time employment who wishes to be; (6) if we are to return to an optimum teacher-student ratio of 1:10; (7) if we are to reduce current workloads back to what can reasonably be completed within the weekly hours contracted; (8) if they were to fully compensate for every single academic forced into redundancy by any means; and (9) if we are to compensate for natural attrition, then we should be employing 4-5 times as many full-time continuing academics as we currently do, if not more, all on award professional salaries with benefits and entitlements – and somebody needs to pay for that. On the other hand, this scale of inadequacy affords some insight into the sheer scale of cost-cutting perpetrated in our universities and the scale of exploitation and inadequacy of this system.

The government committed to ensuring best practice employment conditions, and they would abolish EBAs and re-introduce standard national awards that paid everybody full benefits and entitlements regardless of status, which paid them full-time throughout the year, instead of forcing them to depend on Centrelink or a second job for half of every year (and thereby find solutions to the wrong notion of 'demand' that are more sustainable both for the academics affected and for the system and the nation as a whole). The government would compensate them for broken teaching contracts, and they would pay them professional salaries commensurate with their level of qualifications and experience.

Businesspeople in our universities should not be in a position to make any decisions outside of their respective expertise that directly affects teaching and research, and they should not be able to control budgets so that funding for teaching and academic employment is reduced. As is argued elsewhere, university governance should not be done by people who are not elected academic members of the universities for which they are responsible.

It should be a reasonable expectation of every Australian to earn sufficient income through that employment to cover all of their costs of living, including rent or a mortgage, including adequately supporting a family, including health costs, adequate superannuation, retirement savings, and other necessities, and that they should be able to do all of that without incurring unsustainable household debt. The fact that millions of Australians now cannot do this is neither necessary nor inevitable. However, it results from employers not engaging in best practice employment conditions and governments weakening industrial relations protections to the disadvantage of employees and in favour of employers. However, doing so has never achieved what the Hawke government believed it would achieve.

The casualization of the lecturing workforce disproportionately affects women.

As academics who have spent, on average, ten years of their lives merely qualifying as lecturers, they are among the most highly educated professionals in any sector, and they should all be employed and remunerated as such. The fact that academics, with government complacency, can be sacked without any reasonable prospect of being re-employed by another university or of finding alternative career employment that utilises their education and experience means that this country is unconscionably wasting both those people's lives and what they could all contribute to their society and, potentially, their economy. It is extraordinary that government should be complaining about insufficiencies that these academics could fulfil if only they were given the

opportunities by that same government to do so. This country has now wasted tens of thousands of these academics since Dawkins. On this basis alone, it could be argued that the government in Australia has no interest whatsoever in benefitting from what anybody can contribute. The current government has announced no plans to compensate for the mass attrition of 35,000+ academics in the past three years or the thousands more lost in the preceding decade, nor has it shown any comprehension of the negative impact of that loss on higher education in this country over at least the *next* ten years. It is, therefore, not apparent what this proposed accord intends to achieve.

Public universities should not be allowed to force 35,000+ academics and professional staff into involuntary redundancy, with no opportunities for continuing in their careers in any other capacity in this county, and then expect to have others just like them available tomorrow as, when and where necessary, to do the same jobs.

There is considerable evidence that university senior managements also act to limit or suppress dissent and criticism, or even merely the exercise of academic freedom, by academics and students alike. This has occurred in many forms, whether inviting police onto university campuses to exercise excessive force to break up legitimate and compliant protests, including unreasonable arrests that also targeted non-participating bystanders; or the threat of job loss, denial of promotion, widespread use of non-disclosure agreements, monitoring of email accounts and social media; denial of the right of academics to speak to journalists, refusal and legal challenges to freedom of information requests, and forced redundancies under the guise of restructuring. Our universities should not be viewed by their managers as a ‘brand‘ to be protected, and indeed not when such protection entails the denial of civil and human rights. Again, however, such behaviour is not limited to universities but is common managerial practice across many sectors; addressing it would therefore require a more robust, systemic challenge to current practices and attitudes.

Ironically, such behaviour is identical to what is now being criminalised regarding coercive and controlling behaviour in intimate relationships. There is no difference, except that we still tolerate it in other contexts. It can also be viewed from an abnormal psychology perspective as psycho- and sociopathic behaviour, which would not be tolerated in other personal and social contexts but is still tolerated in business and political contexts.

Universities should be model environments for the open discussion of different views and positions without fear of reprisal. They should be microcosms of what a democratic society ought to be. Staff at universities or in any other private or public organisation should not be subjected to this scale of managerial control and oversight, particularly not in their private sphere or on any matter on which those staff are experts and managements are not. Within a democracy that respects and upholds the freedom of the press, it should be a legitimate right for anybody to speak to journalists (except under clearly delimited conditions where there is a demonstrable risk). There should also be legally robust protections for whistle-blowers (within which criticism of university management or other employers should be permissible), and it should be acceptable to subject any public or private institution to reasonable transparency, scrutiny and accountability. These practices go far beyond any reasonable protections of interests and evade transparency and accountability as far as possible while breaching civil and human rights.

Annual reports by universities tabled in State & Territory parliaments are also far from being transparent and are not subject to the degree of scrutiny and accountability by those parliaments that they ought to be.

The *French Review* (2019) provided a model for protecting freedom of speech, which should be mandatory for all university management, not voluntary.[36] It is unclear why much older standards of freedom of speech, rights of protest and freedom of the press, and legal protections for whistle-blowers, have not been legislated and are not more easily enforceable in this country. Our universities have generally respected academic freedom of speech insofar as it pertains to academics' expertise but have resisted respecting related freedom of speech when it applies to criticism of management. There is a documented global trend of the suppression of academic freedoms reported annually by the New York-based group *Scholars at Risk*. Australia has a more extended history of academic suppression and censorship, including by the government.[37] The forced redundancy of an estimated 600 CSIRO scientists in 2013/5 was one such case of academic censorship.

Another example is the attacks on universities by neo-conservatives, including persistent allegations of 'cultural Marxism' dominating our arts and humanities faculties. 'Woke' and 'cancel culture' complaints against academics, notably by students and community members, are another. The exact dimensions of this issue remain unclear, but there have been specific disturbing instances. Ideologically motivated political interference in curricula and research grants is another.

If the Accord is to ensure that universities apply 'sector leading', employment and working conditions, then it must define and limit or prohibit the capacity of management to act in the ways mentioned here. It must restore optimal remuneration, benefits and entitlements, and career pathway opportunities for all staff; it must return employment of support staff to direct employment by universities and remove them from labour-hire arrangements; and it must provide enforceable protections and recourse entirely independent of university management. The unpaid and under-paid work that academics do still needs to be done so that any failure by them to do work required, for whatever reason, harms students and the quality of our higher education, but it should be done under liveable conditions and not be a form of exploitation and cost-cutting.

Ultimately, many issues in our universities have been caused by s inferior regulation and oversight of the sector. While the conduct of management certainly requires extensive reform, the government must also re-commit to total funding of our public universities, including full employment of the staff complement required, clear establishment and enforcement of quality & standards, and more effective oversight and regulation.

Q39 What reforms are needed to ensure that all students have a quality student experience?

[36] www.education.gov.au/review-university-freedom-speech

[37] Cf. e.g. *Silencing Dissent: How the Australian Government is Controlling Public Opinion and Stifling Debate*, ed. Clive Hamilton and Sarah Maddison (Sydney: Allen & Unwin, 2007).

All students should be appropriately prepared for university study before they are enrolled. Our secondary school system should ensure all students have literacy and numeracy skills before they even set foot on campus. They should have been introduced to a range of other skills such as how to do research, how to construct and present an argument, how to recognise, engage with, analyse, and refute or critique differing viewpoints and, indeed, *any* text which will be built upon at university. They should have a solid general education across multiple disciplines and specifically in subjects required for their degree courses. They should have also acquired study and self-discipline skills to ensure that they can cope with higher workloads. The knowledge presented in degree courses should build directly upon what students already know and have mastered in Year 12. It would be desirable for all prospective students to have had some introduction to what is expected of them either before graduating from high school or as part of Orientation week at university, where they should have the opportunity to familiarise themselves with what is expected.

Unfortunately, our secondary school system is not adequately preparing all students along these lines despite all of their school teachers now being tertiary graduates. Some other national school systems are arguably achieving these goals better than Australia is, assisted by the fact that in some other countries, students complete high school 1-2 years older on average than Australian students do. It would be desirable for universities to provide more support services (e.g. tuition), to attach more importance to the role that lecturers can play in assisting students in their assessment feedback and mentoring and supervisory roles and enabling them to do this, to add one or two years onto undergraduate degrees in order to provide them with the opportunity to acquire what they have not acquired in high school, and to be more flexible in requirements for completion.

Tuition support services would be enormously time- and staff-intensive, but without improvements in our school system, many students can expect to continue struggling; failure to effectively address this deficit is arguably one cause of attrition.

Some students have unreasonable expectations of their lecturers and may bring other attitudes to a university that are not appropriate. Students should not expect to be passed for sub-standard work. Lecturers should not be assumed to be poor lecturers when students have not mastered their subjects, be prepared to have their attitudes challenged and comply with respectful and inclusive behavioural norms. On the other hand, not every lecturer is an equally gifted communicator, and there is always scope for improvement.

Students will not have positive experiences if lecturers cannot provide them with the support, supervision and assistance they may need outside of the lecture theatre. Lecturers cannot do this with their current excessive workloads. Therefore, in order to benefit students, lecturers' workloads, as well as teacher-student ratios, need to be dramatically improved. It does not help students if their lecturers are struggling with an incidence of mental health issues themselves of 50%, which has gone entirely unnoticed by the government. Lecturers need to have the time every week to meet individually with students at predetermined times, to advise them on their assessment exercises, to refer them to tuition and other support services, and to answer questions

about course material. Depending on the number of courses a lecturer is responsible for and how many students are enrolled in, this can occupy several hours per week, not including time spent answering emails and other online tasks.

Tutorials were traditionally an opportunity for weekly interaction between lecturers and students in a more informal setting. However, universities have cut funding for tutorials, and some tutorial classes are unmanageably large (traditionally, their size would range from 1 to 12 (overseas elite universities deliver part of their undergraduate teaching on a 1:1 basis) and should not be larger than 15). Tutorials also suffer because students are not doing weekly study and preparation as they should be, partly because they are forced to work to support themselves and do not have the time to do weekly preparation for multiple courses. Most students tend not to do more work than they are formally assessed for, which is not conducive to maximising their opportunities.

All international students should have a mastery of spoken and written English before being enrolled at university if English is not their first language. This is not happening. Language colleges they may attend before commencing university are not teaching them to desirable standards, their English knowledge acquired in their countries of origin is clearly not always satisfactory, and our universities are keen to maximise enrolments without sufficient consideration of students' preparation or ability. Universities are also not providing much-needed language and tuition services on campuses for students. Poor English knowledge means that international students will not fully understand lecture and tutorial content and discussion, their written assignments will be sub-standard, they will not be able to use research publications effectively for essays and presentations, and they will be at risk of cheating to compensate for these deficits.

Australian students complete high school 1-2 years younger than their counterparts in many other countries. This has implications for their maturity and what they may or may not have learned. Many students do not know what they want to study at university at times when they are forced to make appropriate decisions, both earlier when they have to choose elective subjects in high school and in Year 12. Because of this problem, to take a variety of subjects for 1-2 years without being committed to a particular degree or completion date as a means of exploring possibilities, as well as being able to transfer between degree programmes and taking proportionately longer to complete without being penalised, but students in Australia are unreasonably pressured to complete within pre-determined timeframes; the American Liberal Arts college degree as a preparation for career-specific graduate degrees could be viewed as a benefit from this perspective. There is also a good case for advocating a gap year interruption between school and university or for one year during undergraduate studies. However, this would ideally be supported by financial assistance and organised schemes to provide diverse opportunities and experience, including overseas and non-English-speaking countries.

Q40 What changes are needed to ensure all students are physically and culturally safe while studying?

University campuses are treated as isolated environments. In some respects, they are, but they also reflect generalised social and cultural attitudes and problems. This means that attitudes and behaviours common or tolerated in the broader community can also be taken onto campuses and clearly, to some extent, are. Therefore, to effectively address inappropriate attitudes and conduct on campus, one partial strategy would be to improve our society's tolerance, mutual respect and inclusiveness. This needs to start with politicians embodying the attitudes and behaviour they want the rest of us also to embrace. There is enormous room for improvement on that level, considering how much discrimination, prejudice, bias, ignorance, disadvantage and inequality, mistreatment and failed implementation of policies and inquiry recommendations by the government and its agents continue to go unaddressed in Australia.

Public discourse around issues of rape and sexual harassment, and other unwanted behaviour, including aspects of domestic violence, still does not recognise the influence of broader ambient socio-economic and other factors that influence such behaviour (including childhood abuse of adult perpetrators), its explanation of causes tends to be reductionist and simplistic, and if such broader ambient socio-economic challenges experienced by many men (and women) were recognised and addressed, it is to be expected that the incidence of such undesirable behaviour would also be reduced.

This is not simply a question of misogyny, male privilege, or toxic masculinity. It is also about the fact that due to worsening employment and financial security, including in the professions, men are experiencing reduced opportunities of ever engaging in normal relationships or being able to afford them. Women are preferring to be single mothers including through sperm donors rather than risking normal relationships, an entire generation is now unable to afford their own homes and families (and things like childcare and education), and other worsening and unrecognised inequalities are destroying opportunities for normal relationships in other ways – for example, how we are all now conditioned to a very high degree of aggressive sociopathic competitiveness already in school, and subsequently in employment, the unseen scale of non-physical violence perpetrated across our society including by government other disruptions to the possibility of normal family life. Standardised tropes do not capture the complexity of how we are all affected by these environmental conditions. Lack of reasonable socio-economic opportunities is a significant factor influencing inappropriate behaviour, as are other cultural issues. The government could better confront all of these. What is happening here throughout our society is also occurring on campus.

The enormous scale of complex trauma within our population from childhood abuse and trauma also exercises considerable adverse influence on these issues, and this is frequently intergenerational, but the government still does not adequately recognise or support these problems. The vast majority of victim-survivors never get the care they need within our mental health system and from appropriately educated professionals. The adult legacy of such childhood abuse and trauma is arguably a significant factor in domestic violence and potentially in intimate relationships or interactions with members of the opposite gender.

University management themselves do not embody respectful and inclusive behaviour towards students and staff, which is a significant cause of concern and dissatisfaction. The working

environment created and maintained by university management both utilise and causes workplace bullying, against which there is no effective recourse, and that can also extend from staff to students. Similarly, other pressures and stressors to which students are subjected can extend to their behaviour towards staff; those pressures and stressors are worsening.

It should be considered further what specific services should be available on campus e.g. disabled students, mental health and medical services, domestic violence, rape and similar counselling and reporting services., insofar as these services should be sufficiently available in the community and able to be accessed anywhere, particularly in capital cities. The problem is that no such services are adequate anywhere in the country, on or off campus.

There remains little or no point in women reporting rape until our entire police and legal system are reformed in ways that make it worthwhile for women to put themselves through the trauma of taking any further action. There is an overwhelming abundance of evidence that reporting rape or sexual assault still tends to discriminate further against the women victims, blame the victim, re-traumatise them, and result in meagre conviction rates. Until this situation changes dramatically, rapes will continue– on or off campus. Australia has shown itself to be intractably incapable of resolving these matters in favour of the victims, although we are perfectly well aware of the problem.

Female and male university staff report significant incidences of sexual harassment and rape on campus and graduate students being raped or harassed by their academic supervisors. This is not an issue limited to undergraduates, and if it is not merely due to increased awareness and reporting, then it appears that the actual incidence of this behaviour is increasing.

Universities could ensure that campuses are well-lit, that there is sufficient security staff on duty at all times, particularly at night, and that they are visible and patrolling the campus. It could improve student education and awareness and provide detailed information about resources to every student at enrolment and commencement. They could fully implement recommendations of already existing policies. They could also ensure that students have regular and on-call transport between campus and residences, mainly where public transport services are poor or less frequent. There have now been campaigns addressing these issues, but they have been less effective than they should be.

Q41 How should research quality be prioritised and supported most effectively over the next decade?

This question has been sufficiently answered in responses to other questions in this submission.

Q42 What settings are needed to ensure academic integrity, and how can new technologies and innovative assessment practices be leveraged to improve academic integrity?

It is impossible to prevent plagiarism and other cheating by students or academics completely. However, some aspects that have not been sufficiently considered could reduce this risk.

The corporate takeover of our universities initiated by John Dawkins in 1987/8 has intentionally destroyed what was perceived to be 'academic community' or collegiality,[38] and with that also essential academic values.[39] It did so as an expression of popular anti-academic attitudes that extended even into parliament and to reduce scholars' resistance to the new corporate governance and other introduced measures aimed at isolating and disenfranchising academics. These strategies have been largely successful but have come at an enormous cost. Government education policies and university managements now need the academic community they have destroyed. Suppose there were stronger academic collegiality and greater embodiment of academic values rather than having created a highly competitive environment in which academics are forced to view each other as rivals, not as equally competent people engaged in a joint responsibility. That structure would assist in reducing the risk of academic plagiarism and lack of integrity. It would also have given them stronger powers to maintain other things considered essential to university education and which are raised in some of these discussion questions.

At the same time, academics are today subjected to ludicrous levels of pressure that make it impossible for many to engage in any substantial original research because they do not have the time and because they often also do not have the funding or other resources, and yet their jobs and careers depend upon this. The very emphasis upon research reflected in this document illustrates the importance attached to 'research', which constitutes pressure on academics, in addition to the self-interest of university management because research output is essential to the rankings and marketing of their institutions. Nevertheless, every potential opportunity has been taken to kill any possibility of undertaking much genuine, original and sustained research. Consequently, we have quicker and more accessible means of producing more publications, which appear to be research but do not contribute to knowledge; for example, literature reviews of other scholars' research and many publications in *The Conversation*. Casualised academics have additional impediments to attempts to undertake meaningful research, and even if they succeed, universities may still not recognise their work. If pressures and workloads imposed upon academics were reduced and balanced with sufficient career opportunities and better research funding, then this would conceivably remove one cause of scholarly plagiarism – and those pressures should be removed.

There has been a decades-long problem of PhD supervisors plagiarising their graduate students' work and publishing it as their own. This perhaps occurs more often in STEM discipline areas in which research is usually a team or group activity, and academic publications are also group publications in which student contributions can be ignored or not duly credited. It can, nonetheless, occur in any discipline area.

There is currently no independent regulatory or investigatory body that investigates and resolves such complaints and, where appropriate, punishes non-compliant academics. This situation leaves students without effective recourse. Universities are vested in protecting their professors and do not act credibly on behalf of graduate students. The Australian Research Integrity

[38] Cf. e.g. Simon Marginson and Mark Considine, *The Enterprise University: Power, Governance and Reinvention in Australia* (Cambridge: Cambridge University Press, 2000).

[39] Cf. e.g. https://www.professoriate.org/aaup-professional-ethical-framework-for-australian-academics-2/

Committee also does not offer robust independent protection. Obviously, conflicts of interest are involved, resulting in an unwillingness to confront these issues and their implications. Voluntary ethics statements are useless and must be enforceable.

Students must have effective recourse to independent protection and complaints processes. They must be protected against misuse of power by their supervisors, including ways in which supervisors can derail a PhD graduate's career, and their intellectual property rights for all work must be protected. Supervisors exercise enormous power over graduate students and new PhD graduates until they become established and independent, as they require the support and references of their supervisors for every funding and career application. This can be highly problematic when a supervisor chooses to discredit, silence, or continue to control a graduate. This situation is partly facilitated by referees supplying references directly to organisations that applicants do not see, and applicants may never know what their supervisors are saying about them. In some other countries, references are supplied in unsealed envelopes to the applicant, not submitted directly, and the applicant can then choose whether or not to use that reference. Given the primacy that supervisors' references will inevitably assume, even the fact that multiple references are usually required is not sufficient protection against abuse of power unless an individual HR department or selection committee takes matters into its own hands and investigates further. However, these things should not be left to chance.

This power imbalance can only be eliminated by providing an independent investigative body with options for disciplining rogue supervisors and providing alternative references and support. Previous complaints also need to be investigated and addressed.
The same problem also arises with supervisors' sexual harassment and abuse of students and their need to silence them. Because of both universities' failures to enforce robust protections in this respect and of the chronic failure of our police and legal systems to deal justly and quickly with reports of sexual harassment, abuse and rape, in effect, the existing situation continues to silence the victims.

Student assessments that include invigilated hand-written examinations, mandatory oral examinations (standard in EU countries), and other assessment exercises that are not done online should help reduce the risk of student cheating.

Government could consider acting to regulate online sales of other students' assignments and ghost-writing services in the same way that it is attempting to curtail other undesirable online activities, but this will not entirely prevent this problem. Academics should not have to waste considerable amounts of already overstretched time verifying the authenticity of student assignments. Students are usually required to include with some assessment exercises a statement declaring that the work submitted is entirely their own, and this document could be given enforceable legal status. It would be invidious to suggest appropriate penalties, which should not be imposed without consideration of extenuating circumstances and appeal procedures, but suspension of enrolment for one semester or one year combined with a registered fail for that course in the case of proven plagiarism might be reasonable.

However, because of universities' known dependence upon enrolments, funding and completion rates, they would be as unlikely to implement such measures as they are reluctant to fail students because doing so had any financial consequences for them. Rudimentary means of assessing authenticities, such as handwriting and writing style verification, are possible. If the lecturer is familiar with the sources cited in assessments, it should also be possible to verify their accuracy and usage, but beyond these measures that academics would do in any case, there are limits to what can be done. Universities have introduced IT plagiarism checks, but their effectiveness is limited and can be time-consuming.

It appears that the underlying causes of these problems are not being considered, and therefore other possible means of reducing these risks are not being considered, either. It is offensive to the majority of hard-working and motivated students and academics to assume that they are all plagiarists and cheats because of the actions of a few. Students are more likely to cheat if they do not have adequate support and supervision from their lecturers, if they are forced to work to support themselves and then do not have the time to prepare and write their assessments correctly, and if they are not adequately skilled and educated to be able to perform at university at the level expected of them. International students with poor English are also at risk of cheating. These problems can be addressed if the government and, as appropriate, university managements have the will to do so, and if pressures on students can be reduced to allow them the time they need. Ordinarily, academics are often willing to allow students more time to complete work, and if they have a medical certificate (for example), there is usually no difficulty. However, university timetables for end-of-semester grading and reporting are incredibly tight, making it difficult to accommodate late submissions or repeat assessments where a student has not performed to the required standard on a first attempt and is then offered a second chance.

The possible usage of ChatGPT would seem to be a question upon which there is limited consensus.[40] One article argues that essay writing and other assignments ought to be teaching

[40] For example, 'ChatGPT and cheating: 5 ways to change how students are graded' — https://theconversation.com/chatgpt-and-cheating-5-ways-to-change-how-students-are-graded-200248, https://campusmorningmail.com.au/news/australias-ai-challenge/, 'ChatGPT killed the student essay? Philosophers call bullshit' — https://theconversation.com/chatgpt-killed-the-student-essay-philosophers-call-bullshit-200195, 'As uni goes back, here's how teachers and students can use ChatGPT to save time and improve learning' — https://theconversation.com/as-uni-goes-back-heres-how-teachers-and-students-can-use-chatgpt-to-save-time-and-improve-learning-199884, 'Will ChatGPT be the disrupter academia needs?' — https://theconversation.com/will-chatgpt-be-the-disrupter-academia-needs-200215, 'Unlike with academics and reporters, you can't check when ChatGPT's telling the truth' — https://theconversation.com/unlike-with-academics-and-reporters-you-cant-check-when-chatgpts-telling-the-truth-198463, 'ChatGPT and cheating: 5 ways to change how students are graded' — https://theconversation.com/chatgpt-and-cheating-5-ways-to-change-how-students-are-graded-200248, 'ChatGPT can't lie to you, but you still shouldn't trust it' — https://theconversation.com/chatgpt-cant-lie-to-you-but-you-still-shouldnt-trust-it-201127; https://campusmorningmail.com.au/news/winkler-in-the-hr-works-2/; https://campusmorningmail.com.au/news/what-chatgpt-can-do-now/; 'ChatGPT: why it will probably remain just a tool that does inefficient work more efficiently' — https://theconversation.com/chatgpt-why-it-will-probably-remain-just-a-tool-that-does-inefficient-work-more-efficiently-201315; https://www.theguardian.com/technology/2023/mar/16/the-stupidity-of-ai-artificial-intelligence-dall-e-chatgpt?CMP=share_btn_link; https://www.theguardian.com/technology/2023/mar/18/chatgpt-said-i-did-not-exist-how-artists-and-writers-are-fighting-back-against-ai?CMP=share_btn_link; https://campusmorningmail.com.au/news/a-week-in-ai-is-a-long-time/; 'AI chatbots are still far from replacing human therapists' — https://theconversation.com/ai-chatbots-are-still-far-from-replacing-human-therapists-201084; 'AI is not close to becoming sentient – the real danger lies in how easily we're prone to anthropomorphize it' — https://theconversation.com/ai-isnt-close-to-becoming-sentient-the-real-danger-lies-in-how-easily-were-prone-to-anthropomorphize-it-200525; 'AI tools are generating convincing misinformation. Engaging with them means being on high alert' — https://theconversation.com/ai-tools-are-generating-convincing-misinformation-engaging-with-them-means-being-on-high-alert-202062; 'The AI arms race highlights the urgent need for responsible innovation' — https://theconversation.com/the-ai-arms-race-highlights-the-urgent-need-for-responsible-innovation-200218; Sam Kirschner, Richard Vidgen and Catriona Wallace, *Checkmate Humanity: The How and Why of Responsible AI* (2022); Toby Ord, *The Precipice: Existential Risk and the Future of Humanity* (London: Bloomsbury 2021).

students skills that IT tools cannot and do not teach, and from this perspective, therefore, however helpful and acceptable they may be in other respects (if they are), they still cannot fully replace more traditional teaching methods. This includes so-called 'critical thinking' skills. Neither can they entirely replace human creativity and imagination; they may be able to simulate it to some degree, but only depending on the real thing. They cannot fully replicate or replace it. They also cannot replace the fact that students need to invest time and effort in actually studying and learning, in getting information into their memories, organising and understanding and, as appropriate, critically evaluating it, and this is something that many students do not appear to be doing enough of. No IT short of brain implants can do that for them. Education requires a significant commitment by students to learn. IT cannot do the research work that academics do even when preparing their courses or replicate the teacher's individuality. It may be able to mark multiple-choice tests, but it cannot mark an essay or tutorial presentation and provide appropriate feedback as a human being can; it cannot even determine facts or the veracity of an argument without human input. This technology may be helpful for some purposes, and the risk lies in being unable to limit its usage and detect where it may be misused. Again, that risk could be reduced if assessments are handwritten, supervised and oral and not conducted online.
Cheating and plagiarism are, to some degree, caused by excessive pressures on students and academics.

Q43 How should the current recovery in international education be managed to increase the resilience and sustainability of Australia's higher education system, including through diversification of student enrolments from source countries?

Like every other country, Australia should have a national education system that is fit for purpose and funded for adequately educating all *domestic* students. It should not be financially dependent upon international student fees, its sustainability should have nothing to do with international students, and government and university management's dependence upon that outside funding source is inappropriate. At the same time, however, it must be asked where all of the money received from international students is being spent because it is *not* being appropriately spent on core academic costs that benefit the quality & standards of their teaching or that of domestic students. Neither are universities providing the necessary support to their international students. In the same way, other non-government funding and assets accrued by university managements have also not been utilised fully to directly fund the education they are tasked with providing, although that ought to be the only use for such funding.

Financial resilience and sustainability of our university system should be entirely dependent upon *full* government funding of it, effective and appropriate regulation of how that funding is spent, and that in turn should require the government to take such measures as are needed to be capable of fully funding all public service delivery fit for purpose.

The *Bradley Review* (2008) explicitly identified the risk of over-dependence upon international students as a revenue source, and, unfortunately, neither governments nor university management took better cognisance of that caution before the pandemic. That failure displayed poor foresight and financial management.

Other countries that participate in student exchange programmes whereby international students return to their countries of origin after their studies or exchange are not concerned about diversifying student enrolments from source countries and do not attach particular importance to a diverse student body. Even international elite universities, such as Oxford and Cambridge, have had some of the most diverse graduate student populations of any universities in the world through scholarship programmes and because gifted students from all over the world aspire to study at such universities, which benefits those graduate students, still expect those students to return to their countries of origin upon graduation. Therefore, the intention behind this question appears to envisage the acceptance of a percentage of those students into pathways towards permanent residency and citizenship as part of our skilled immigration programme. If that is not the case, then the purpose of this question is unclear.

If it is the intention, perhaps the government first needs to ensure that every working-age Australian has full-time, continuing, financially sustainable employment in careers and jobs of their choice, including all those who have also completed tertiary education. That is not the case, and significant levels of skilled immigration in any form – including the gross exploitation of international students by employers - are contentious, while possibly 1 million qualified Australians remain unemployed.

Other relevant aspects of this question are discussed in other responses.

Q44 How can the benefits of international education be shared broadly across the system, including in regional areas, and what level of reporting should there be?

What are the 'benefits' of international education perceived to be? If international students' fees should not be funding education for domestic purposes – as this submission argues – then what other 'benefit' is there? Many Australian employers notoriously exploit international students, which should not be occurring.[41] Neither domestic nor international students should be working to support themselves to levels that prevent them from studying effectively, and they should not be viewed as a valued source of labour. There is little to no affordable rental accommodation in this country for students or anybody else, whether in cities or regional centres. Profit from student rents should not be a factor until this issue has been much more fairly resolved. The families of many international students cannot afford to purchase studio apartments for their student children, irrespective of where they might study, and this cannot be viewed as a significant economic benefit.

International students must stop being viewed by Australians, including the government, as cash cows. If taken literally, this question would not mean, what economic benefit international students could be forced to make, or how can they best be exploited, but rather, what contribution can the education they acquire contribute to our society and different communities? Why should that be any different from the contribution domestic students are expected to make but so frequently cannot make because appropriate opportunities do not exist? And if those

[41] But cf. ''Very few companies are open for international students': South Asian graduates say they need specific support to find jobs' — https://theconversation.com/very-few-companies-are-open-for-international-students-south-asian-graduates-say-they-need-specific-support-to-find-jobs-200739

opportunities do not exist for Australians, how, when, and why would they ever exist for international students?

On the other hand, has more than a decade of substantial numbers of international students made Australian society more inclusive, more tolerant, less racist and anxious? Has it resulted in most Australians understanding more about other religions and cultures, knowing more about the rest of the world, and becoming all multilingual? Has it resulted in many of our students spending a year as assisted exchange students in other, non-Anglophone countries? How many Australian offshore campuses encourage Australian students to spend part or all of their courses on those campuses like American universities have been doing for decades? Australia has no exchange programme comparable with the EU ERASMUS scheme.[42] There are many traditional non-economic, social and cultural benefits that the exchange of international students is expected to result in. Still, Australia does not appear to be benefitting from those opportunities.

In the discussion paper, p. 32: 'In 2018 China appeared to offer around 10,000 scholarships to students within our region.' This represents the complete opposite in attitude from us, where we have only seen our own financial benefit from those students whereas China is willing to invest in them. There is other evidence that Australian universities are failing to take advantage of opportunities around the Asia-Pacific region which would require them to fund and assist potential students who are currently displaced, refugees and asylum seekers, providing necessary visa and other assistance as well as full scholarships, rather than seeking to obtain full fees and other economic benefits *from* them.[43]

Contrary to the assumption in this paper, it is also questionable whether, despite the statistics, we are as significant a regional player as we wish to think we are, including via higher education. Our influence has fallen considerably, as has the size of our economy relative to Asian economies. Numerous actions over several decades, including the reduction of foreign aid, our offshore detention regime and other human rights abuses, our poor response to climate change, our misconduct in Timor-Leste, our slave-like subservience to the US, and our corruption of democracy, have all harmed our standing. Because of the importance to us of our international or exported education, we are exaggerating its actual importance.[44]

Q45 How should the contribution of different institutions and providers to key national objectives specific to their location, specialist expertise or community focus be appropriately financed?

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[42] Cf. e.g. 'What is the real impact of the Erasmus programme on university students?' — https://theconversation.com/what-is-the-real-impact-of-the-erasmus-programme-on-university-students-201114

[43] https://campusmorningmail.com.au/news/international-education-and-sustainable-development/

[44] For example: https://www.abc.net.au/news/2023-03-10/is-australia-getting-south-east-asia-all-wrong/102063426?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web. Eleven years ago I gave the speech below. I was then pessimistic about our understanding of Asia.: https://johnmenadue.com/the-australian-retreat-from-asia-is-becoming-a-rout-2/. At exactly the same time as proclaimed 'experts' from the Australian Strategic Policy Institute - https://johnmenadue.com/how-can-it-be-that-australia-has-actually-gone-backwards-in-knowledge-of-china/

Potential contributions of specialist expertise and community focus are often inherently local. However, funding for research via the ARC and NH&MRC is competed for on a national basis.

If Government considers it essential for there to be specifically local research on matters it considers to be of national importance, then funding mechanisms that do not compete at the national level but are targeted to local institutions would need to be established.

Q46 How can infrastructure development for higher education be financed, especially in regional and outer urban locations?

One expects all infrastructure to be funded by governments, wherever it is and for whatever purpose it is envisaged. Previously, mining companies funded infrastructure specific to their activities, but they have ceased to invest on the scale they once did. Most infrastructure built or provided for universities would also serve other community purposes and not be confined to that one purpose, not even in regional and remote areas.

Insofar as higher education should not be for-profit, universities should not profit in a commercial sense from any infrastructure, or from the privatisation and out-sourcing of infrastructure and other service delivery. Privatisation in Australia has never resulted in higher quality, reliable, affordable and genuinely competitive or adequate service delivery but has too often been a source of private profiteering at public expense. This submission finds that all such infrastructure costs should be borne by government, whether Commonwealth, state, territory, or local, or some combination thereof.

It is not unknown in Australia for planning, zoning, and development to be approved and proceed without adequate investment in infrastructure or local services. Long delays between completion of development projects and completion of infrastructure to serve them are common, and this has evidently also already been a problem with regional campuses. An appropriately resourced Commonwealth body should oversee all major expenditures by universities on infrastructure as part of any development proposal. This should include scrutiny of the costs and appropriateness of such infrastructure prior to approval, and for all necessary infrastructure to be completed at the same time as the primary development.

Safe public transport between campuses and residences or urban centres, including at night, is essential for student safety and should be assured.

Insofar as universities have amassed extensive real estate portfolios, those portfolios should be used to generate income for teaching and research. Utilisation of those resources for any other purposes should not be permitted. All university real estate should be directly related to teaching and research and any revenue generated by it should directly contribute to the funding of core academic activities, including plans for campus expansion and relocation. We contrast this with the current controversy surrounding the University of Tasmania. From the perspective we have just outlined, it is neither reasonable nor appropriate to relocate the main campus from Sandy Bay into the city centre of Hobart without that proposal and associated activities being subject to

independent, critical scrutiny. Many of Australia's public universities have engaged in similar dubious practices in recent years which have resulted in significant financial losses to the institutions involved. At present, there are no formal mechanisms available to staff, students or the wider community to hold those responsible to account for mismanagement, malfeasance or corruption in relation to university finances and expenditure. This is unacceptable and needs to be addressed as a matter of urgency

Q47 What structure of Commonwealth funding is needed for the higher education sector for the system to be sustainable over the next two decades?

Aspects of this question have been broached above. The first problem is what government considers to be 'sustainable'. The historical pattern has been that government considers 'sustainability' to involve as little spending as possible, even when that entails the collapse of public service delivery and when privatisation and out-sourcing are not invested in for purpose by the respective providers. Many of the problems we now face in this sector are the direct result of government penny-pinching.

Our universities will not remain sustainable if managements continue to misallocate disproportionate percentages of their available funding, assets and other income, and as long as government permits this to continue. The billions of dollars annually that universities receive could be better spent directly on core teaching and research activities, as well as on the proper employment of all staff who deliver those activities and those who support them in doing so – every single one of whom should be being paid for *all* of their work and should from that employment be able to fully financially support themselves. VCs and managers can do that, but most of their staff cannot.

Inappropriate budgetary allocations by senior management that should be substantively reduced or eliminated include advertising and rankings costs, investment spending, real estate portfolio acquisition and external consultancies. All VC and managerial salaries should be reduced back to academic award wage scales, and top-heavy managerial apparatuses dismantled.

Government has tolerated an economy that is now permanently dependent upon billions of dollars of annually unpaid work, including the enormous volume of unpaid and underpaid work by university staff. The real value of wages today in terms of purchasing power is still that of 2012. That might be sustainable for government and university managers, but it is not sustainable for those doing that work.

If the government could resolve these other problems, it might be reasonable to expect Australians to continue to bear part of the university system's funding. However, such costs are becoming increasingly unsustainable for those graduates. There is no ideal funding model, and the actual costs of operating universities depends upon how those costs are calculated but can only be estimated at best. The enormous expansion of our university sector has occurred at the direct instigation of government, even though the same government has shirked any responsibility for adequately funding it or ensuring that it could be responsibly and moderately funded.

If international students cannot be guaranteed a higher standard of education than they are currently receiving, and if they cannot be provided with all of the assistance that they need, as well as affordable and habitable rental accommodation, then it becomes unconscionable that they continue to be exploited in the ways they have been. Governments should have ensured that our entire higher education system was fully funded and fit for purpose for domestic students, and international students should never have been expected to bear such costs that we should have borne ourselves.

There is considerable concern in university communities about the agreements between universities and defence contractors and other similar business interests, including their representation on boards and councils. These developments risk further corrupting what the 'public university' should be and also risk being highly ethically questionable, not unlike universities being involved in research for the tobacco industry. Consequently, there needs to be improved and independent ethical oversight over all such agreements. It would be expected that funding from any such commercial interests or contracts would cover the costs of specific research contracted for those interests, but it should not become another surrogate for insufficient government funding of the sector in the same way that foreign student revenue has been.

University staff and resources should already be funded without any additional revenue, and they need to be permanently funded so that they are available when needed to undertake specific research projects. Such research funding should not be misappropriated for other purposes beyond what it ostensibly pays for. Universities should be fulfilling other roles as national knowledge assets and for the community, as well as providing education not specifically for employment purposes and research that is not intended for economic exploitation; they must be governed for those purposes, and consequently, the influence of businesspeople on university governance and their presence on boards and councils constitute a conflict of interests.

Q48 What principles should underpin the setting of student contributions and Higher Education Loan Program arrangements?

Aspects of this question have been broached above. It should be an objective of any State Party that has ratified the 1966 *International Covenant on Economic, Social and Cultural Rights* to ensure *free* higher education – including Australia. This country ratified this *Covenant* in 1975, the year after which the Whitlam government established free higher education for everybody, and then in 1989, the next Labor government introduced a new fee system, annulling our commitment to that *Covenant*. (Public secondary education is also supposed to be free, but out-of-pocket expenses for parents of public school students in Australia can now run to tens of thousands of dollars annually, constituting yet another transferred cost that overburdens households.)[45]

Students should not be required to pay for a sub-standard education, the quality of which government regulatory agencies have failed to guarantee. They also should not be required to

[45] https://www.theguardian.com/australia-news/2023/jan/25/free-public-education-costs-as-much-as-100000-in-parts-of-australia-report-finds?CMP=share_btn_link

pay for an education if government cannot ensure that all graduates can use in appropriate and sustainably remunerated career employment.

Ordinarily, we expect independent regulatory agencies and consumer legislation to protect 'consumers' against dangerous or poor quality products. However, we have no such quality control or protection applied to higher education that is, nonetheless, being sold to us as a consumer commodity wherein students are openly regarded as 'consumers' or 'customers' – and then as commodities when they enter the workforce. So why is there no enforceable quality control or consumer protection in this sector? Where are the mutual obligations of government and universities?

Any expectation that fees should be repaid should also be tied to the balance between earnable income and actual living costs, and this cost should not become an unsustainable additional burden on household budgets. There is now recognition that student debt in the UK and the US has become unsustainable, and there has been discussion about cancelling much of that debt.[46] This Panel should inform itself about those international situations and consider whether practical lessons can be learned from them. Under these and other circumstances, student fees should not be a pillar of government funding of the sector, especially when university management does not use that revenue source directly to fund quality teaching and research.

If the government continues to impose loans and debt repayment, this should only follow when graduates are in continuing, stable receipt of salaries around a level of $80,000/p.a. after tax or a level that enables them first to cover all of their real costs of living. This should also require the government to ensure that a university degree achieves what it is promising but failing to deliver for every graduate. Such debt repayment should not place anybody under further financial stress.

To the extent that it is not the fault of the graduate but instead of poor government economic management when graduates cannot obtain and retain appropriate career employment commensurate with their qualifications on liveable salaries, it is unconscionable that they should be paying any interest on those loans. If the government expects such loans to be repaid, then it has a responsibility to facilitate the conditions under which they ought to be and can be repaid, which it is in a position of power to do. Charging interest on loans when graduates may be unemployed for twelve months or more following graduation and then may not be able to obtain a job using their qualifications can only be viewed as punitive.

In view of the fact that a majority of university students are now women, that women are still subject to entrenched pay and employment inequality, that they are more likely to be in insecure employment, they are also bearing the majority of student debt with less opportunity of repaying it.[47] This is yet another illustration of how the government's failure to address other known problems within our economy and society is also part of a self-perpetuating cycle of unresolved

[46] For example, 'What are the limits of presidential power to forgive student loans? A constitutional law expert answers 5 questions' — https://theconversation.com/what-are-the-limits-of-presidential-power-to-forgive-student-loans-a-constitutional-law-expert-answers-5-questions-201138

[47] https://www.abc.net.au/news/2023-03-04/hecs-help-debt-women-economic-disadvantage/101890892?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web ; https://campusmorningmail.com.au/news/hecs-isnt-helping-as-originally-intended/

issues affecting our university system. We have people accessing and completing university, but neither their qualifications nor appropriate regulation of industrial relations nor other competent management of the national economy ensures that higher education makes any difference in people's lives.

The idea that anybody should be paying for education at all is a matter of perspective, and therefore in what sense such 'debt' is really 'debt'. If Australia has committed to ensuring free education for all, including free tertiary education and training – which we have – then on those terms, charging any education fees is indefensible. If social democracies can and do provide free higher education for their populations, then the fact that we currently do not is not inevitable but a rational choice. It results from a chronic national mentality that dictates that government should spend as little as possible on anything, including any public service delivery fit for purpose and necessary levels of venture capital investment to grow and develop our economy, and that it should not tax the rich in order to fund better service delivery. While this attitude has been enshrined as infallible political dogma since the 1980s, it has always been a distinctive attitude of the Australian Government. It is manifestly self-defeating. Student debt is only 'debt' because the government chooses to behave in a particular manner.

At the same time, it also represents a significant move away from the principle of a social contract whereby the government funds education from which the entire country benefits once graduates enter the workforce. In other words, the view that the government funds all of the education and training it wants, as we once did – also including apprenticeships and other practical training once fully funded with award wages or teacher training that then bound teachers to teach in public schools for a fixed number of years – in the expectation that the contributions that those graduates would then make would amply compensate for the initial expense of their education. We have abandoned any such principle and require everybody to pay for themselves multiple times – first with university or college fees, then with taxes, and then with all of the other contributions we make, for which we enjoy diminishing returns. The current situation lacks any balance, moderation or social justice.

Q49 Which aspects of the JRG package should be altered, and which should be retained?

Some aspects of this question have been addressed in other responses above.

There should be no financial penalty for anybody studying arts and humanities subjects. HASS disciplines are cheaper to deliver than other degree programmes, and fees should reflect that. If education is not only or primarily about employment and the economy but should be a universal right that is acknowledged to have other unquantifiable community and personal benefits, then it should be available to all for those purposes, and any fee scale should reflect that, not only the cost of delivery and anticipated projected earnings.

This submission takes the view that all higher education should be free.

The JRG package reflects a consistent failure by governments to resolve the problems that this package sought to resolve over decades, and it also failed to understand and address the real causes of our problems, as well as the challenges of the job market. It was, therefore, an entirely futile effort.

Despite the previous Coalition government's claims to the contrary, its 'Job-ready' policy has resulted in a 15% cut in total public funding per student and a 7% increase in student debt.

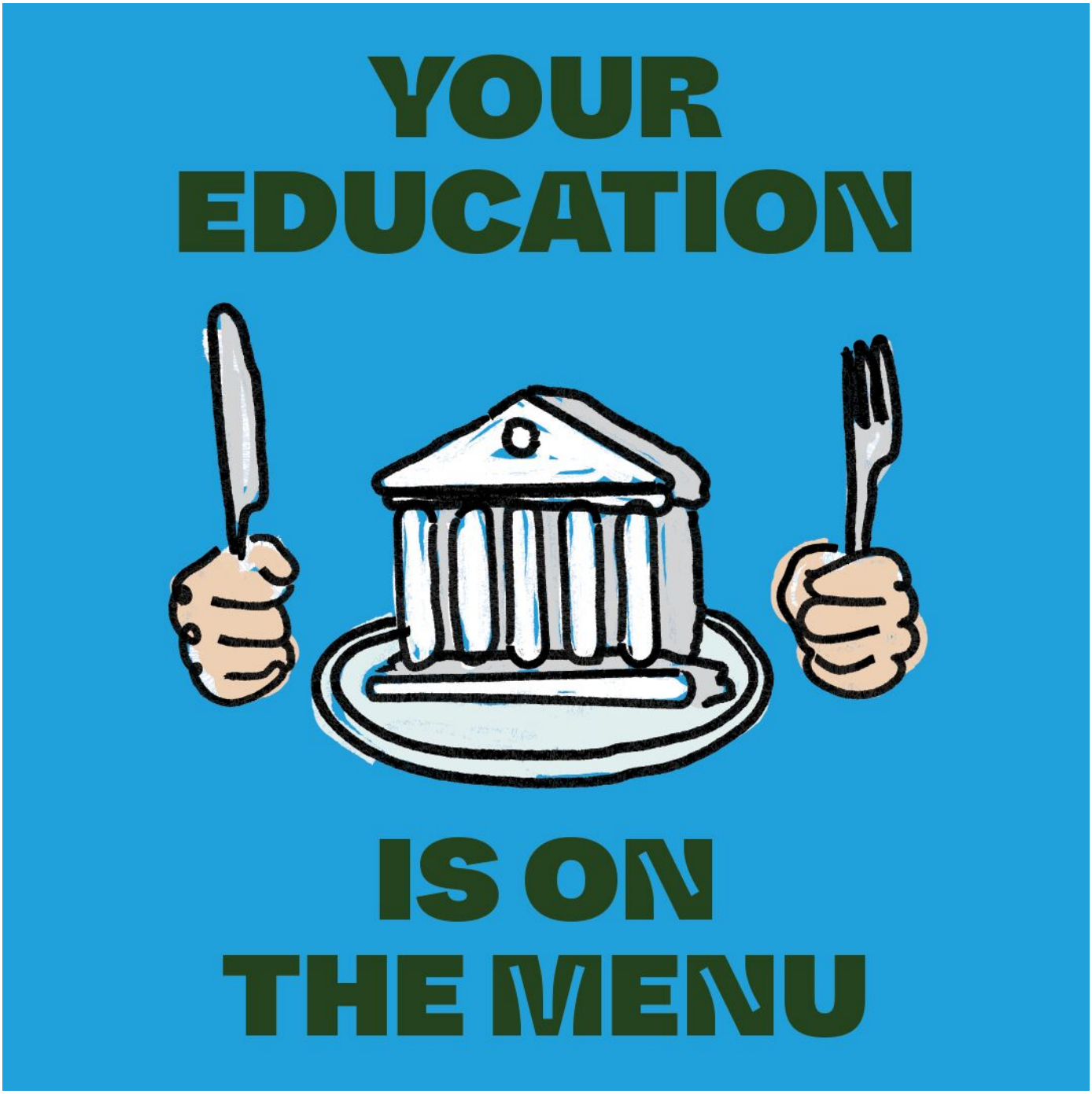
Better education for a better world

THE VOICES OF AUSTRALIA'S UNIVERSITIES – The peak body for Australian Higher Education

University Model Act

An Act with respect to the constitution and functions of the University

The following University Model Act is the work of Public Universities Australia and its supporters. Our aim is to provide a framework, which ensures the publicness of Australian universities. To maintain the public value of Australian universities it is crucial for the universities to be actual democratic institutions capable of providing high quality research and education. The proposed act is the result of thousands of hours of collective Academic research. The research shows that Australian universities are not anymore democratic institutions and that their research and educational standards are in rapid decline. The current state of Australian universities needs to be improved for the benefit of students and staff and Australian society at large. This proposed Model Act – if rigorously implemented – would enable the universities to achieve this.



Part 1 Preliminary

1. Name of Act

This Act may be cited as XXX.

2. Commencement
   This Act commences on a day or days to be appointed by proclamation.
3. Definitions

(1) In this Act—
academic board means the principal academic decision-making body of the University, advising both the University Senate and the Vice-Chancellor on all matters related to the academic functioning of the University.
academic college means a college established by or under Part 5.

advisory council means an advisory council established under Part 5.

Bachelor means any person on whom the degree of Bachelor has been conferred by the University.
commercial functions of the University means the commercial functions described in section 38.
Doctor means any person on whom the degree of Doctor has been conferred by the University.
Emerita/Emeritus means any academic to whom such status is conferred by the University.
faculty means the collective body of students, academic and professional members of staff within a particular discipline that directly serve the institution's academic mission, as determined under the authority of this enabling statute, its governing body, and any applicable collective bargaining agreement.
Fellow means a member of the Senate.
Lecturer means a person performing pedagogic and research duties for which a minimum academic qualification is required. Lecturers act on principles of academic integrity and autonomy, which is granted and protected by the university.
Master means any person on whom the degree of Master has been conferred by the University.
principal, in relation to an incorporated college, means the master, warden, rector or other person who is the head of the college.
Professor means the highest rank of academic achievement. Professors have the greatest degree of autonomy, as well as the greatest academic responsibility to set and safeguard the standards of university research and teaching. Their autonomy is guaranteed and protected by the Act.
residential college means an incorporated college or a college (other than an academic college) established under this Act.
Senate means the Senate of the University.
University means the University established by this Act.
Note. The Interpretation Act 1987 contains definitions and other provisions that affect the interpretation and application of this Act.
(2) In this Act, a reference to a graduate of the University is a reference to—

(a) a person who is the recipient of a degree, or of such other diploma, award or certificate as may be prescribed by the by-laws, conferred or awarded by the University, or

(b) a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded—

i. by or on behalf of any former institution that has, pursuant to this Act or to the Higher Education (Amalgamation) Act 1989 or otherwise, become a part of the University, or
ii. by any predecessor of any such institution.

(3) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(4) Notes included in this Act do not form part of this Act.

Part 2 Constitution and functions of the University

4. Establishment of University

A University, consisting of—
(a) a Senate,

(b) the professors and members of the academic staff of the University, all professional members of staff, and such other members or classes of members of the staff of the University as the by-laws may prescribe, and

(c) the graduates and students of the University,

is established by this Act.

5. Incorporation of University

The University is a body corporate under the name of XXX.

6. Object and functions of University

(1) The object of the University is the promotion, within the limits of the University's resources, of

scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
(2) The University has the following principal functions for the promotion of its object—

(a) the provision of facilities for education and research of university standard,
(b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
(c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
(d) the participation in public discourse,
(e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
(f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
(g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

(3) The University has other functions as follows—

(a) the University may exercise commercial functions comprising the commercial exploitation or development, for the University's benefit, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, knowledge and intellectual property), whether alone or with others,
(b) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,
(c) the University may develop and provide cultural, sporting, professional, technical and vocational services to the community,
(d) the University has such general and ancillary functions as may be necessary or convenient for enabling or assisting the University to promote the object and interests of the University, or as may complement or be incidental to the promotion of the object and interests of the University,
(e) the University has such other functions as are conferred or imposed on it by or under this or any other Act.

(4) The functions of the University may be exercised within or outside the State, including outside Australia.

7. Facilities for students, staff and others
The University may, for the purposes of or in connection with the exercise of its functions, provide such

facilities for its students and staff and other members of the university community as the University considers desirable.

Part 3 The Senate, authorities and officers of the University Division 1

The Senate

8. Definitions

In this Division

appointed member means a Senate appointed member or a Ministerially appointed member.

categories of members—see section 10 (2).

elected member—see section 12.

external person means a person other than a member of the academic or non-academic staff of the University or an undergraduate or graduate student of the University.

graduate member—see section 13.

Ministerially appointed member—see section 14.

official member—see section 16.

Senate appointed member—see section 15.

9. Senate

(a) There is to be a Senate of the University.

(b) The Senate is the governing authority of the University and has the functions conferred or imposed on it by or under this Act.

(c) Schedule 1 has effect in relation to the members and procedure of the Senate.

10. Composition of Senate

(1) The total number of members is to be determined from time to time by a resolution passed by at least two-thirds of the members of the Senate (the total number of members).

(2) The Senate is to include the following categories of members—
(a) official members,
(b) elected members,
(c) Senate appointed members,
(d) Ministerially appointed members.

(3) At least two thirds of the total number of members must be elected members. Such number includes the Graduate member or members.

(4) The Senate must give the Minister written notice of the terms of any resolution passed under this section within 7 days after it is passed.

11. Qualifications and experience of members

(1) Of the members of the Senate –
(a) at least 2 must have financial expertise (as demonstrated by relevant qualifications and by experience in financial management at a senior level in the public or private sector), and
(b) at least one must have commercial expertise (as demonstrated by relevant experience at a senior level in the public or private sector).

(2) All appointed members must have expertise and experience relevant to the functions exercisable by the Senate and an appreciation of the object, values, functions and activities of the University.

12. Elected staff and student members

(1) Of the members elected under this section—
(a) at least half must be members of the academic staff of the University elected by members of the academic staff, and
(b) at least one quarter must be members of the non-academic staff of the University elected by members of the non-academic staff, and
(c) at least one quarter must be students of the University who—
i. are not employed on a full-time basis (or on such other basis as the by-laws may prescribe) as a member of the academic or non-academic staff of the University, and
ii. are elected by the students of the University.
(d) Of the students –
i. at least one must be an undergraduate student of the University.
ii. At least one must be a postgraduate student of the University
iii. At least one must be a Higher Degree by Research candidate.

(2) All elected members are—
(a) to have such qualifications as may be prescribed by the by-laws, and
(b) to be elected in the manner prescribed by the by-laws.

13. Graduate members

(1) At least one member of the Senate, or such greater number of members as may be prescribed by the Senate, must be external persons who are graduates of the University.

(2) The constitution rules may provide for the persons referred to in subsection (1) to become members of the Senate in any one or more (or combination) of the following ways—
(a) by election as elected (graduate) members in the manner prescribed by the by-laws,
(b) by appointment by the Senate under section 14,
(c) by appointment by the Minister under section 15.

(3) A rule providing for the appointment of a member by the Minister under section 15 may be made only with the approval of the Minister.

(4) The members referred to in subsection (1) are to have such qualifications (if any) as may be prescribed by the by-laws.

14. Senate appointed members

(1) The Senate may appoint as members of the Senate such number of external persons as is prescribed by the constitution rules for the category of Senate appointed members.

(2) The by-laws are to prescribe the procedures for the nomination of persons for appointment under this section.

15. Ministerially appointed members

(1) The Minister may appoint as members of the Senate 2 external persons, or such greater number of external persons as is prescribed by the Senate.

(2) Without limiting the discretion of the Minister under subsection (1), the Senate may suggest to the Minister persons who the Senate considers would be appropriate for appointment by the Minister.

16. Official members

The official members of the Senate are the following—

(a) the Chancellor,

(b) the Vice-Chancellor,

(c) the person for the time being holding the office of President of the Academic Board (if the person is not the Vice-Chancellor) or of Deputy President of the Academic Board (if the President is the Vice-Chancellor).

17. Terms of office

(1) Subject to this Act, a member of the Senate holds office as follows—

(a) in the case of an official member, while the member holds the office by virtue of which he or she is a member,
(b) in the case of a Ministerially appointed member or Senate appointed member, for such term (not exceeding 3 years) as may be specified in the member's instrument of appointment,
(c) in the case of an elected member other than an elected (graduate) member, for such term (not exceeding 3 years) as may be prescribed by the by-laws,
(d) in the case of an elected (graduate) member, for such term (not exceeding 3 years) as may be prescribed by the by-laws.

(2) The need to maintain an appropriate balance of experienced and new members on the Senate must be taken into account—

(a) by the Senate, when making the by-laws required under this section, and
(b) by the Minister and the Senate, when appointing members to the Senate.

(3) A person must not be appointed or elected to serve more than 12 consecutive years of office (unless the Senate otherwise resolves in relation to the person).

Division 2 Other officers and bodies

18. Chancellor

(1) Whenever a vacancy in the office of Chancellor occurs, the Senate must elect a person (whether or not a Fellow) to be Chancellor of the University.

(2) The Chancellor, unless he or she sooner resigns or is removed from office as Chancellor or ceases to be a Fellow, holds office for such period (not exceeding 6 years), and on such conditions, as may be prescribed by the by-laws.

(3) The Chancellor must be elected from among the most trusted and accomplished academics within the academic community after wide and public consultation with the whole University community.

(4) The Chancellor has the functions conferred or imposed on the Chancellor by or under this or any other Act.

19. Deputy Chancellor

(1) Whenever a vacancy in the office of Deputy Chancellor occurs, the Senate must elect a Fellow to be Deputy Chancellor of the University.

(2) The Deputy Chancellor, unless he or she sooner resigns or is removed from office as Deputy Chancellor or ceases to be a Fellow, holds office for such period (not exceeding 3 years), and on such conditions, as may be prescribed by the by-laws.

(3) In the absence of the Chancellor, or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor has all the functions of the Chancellor.

20. Removal from office of Chancellor or Deputy Chancellor

(1) The Senate may remove the Chancellor or Deputy Chancellor from office by a no confidence motion passed in accordance with this section if it considers it in the best interests of the University to do so.

(2) The removal from office may be effected only if the no confidence motion is supported by at least a two-thirds majority of the total number of Fellows for the time being of the Senate at two consecutive ordinary meetings of the Senate.

(3) The Chancellor or Deputy Chancellor may be removed from office under this section without the need to establish any breach of duty.

(4) This section applies to the Chancellor and Deputy Chancellor holding office on the commencement of this section and all subsequent holders of those offices.

21. Vice-Chancellor

(1) Whenever a vacancy in the office of Vice-Chancellor occurs, the Senate must appoint a person (whether or not a Fellow) to be Vice-Chancellor of the University.

(2) The Vice-Chancellor, unless he or she sooner resigns as Vice-Chancellor, holds office for such period (not exceeding 6 years), and on such conditions, as the Senate determines.

(3) The Vice-Chancellor is the principal executive officer of the University and has the functions conferred or imposed on the Vice-Chancellor by or under this or any other Act.

(4) If a person who is not a Fellow is appointed at any time to act in the place of the Vice- Chancellor, that person is, while so acting, to be taken to be a Fellow.

22. Visitor

(1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions

only).

23. Academic Board

(1) There is to be an Academic Board of the University, consisting of—
(a) the Vice-Chancellor,
(b) a majority of academic members of the University, elected by the University, and
(c) such other persons as the Senate may, in accordance with the by-laws, determine.

(2) Subject to subsection (1), the constitution and functions of the Academic Board are to be as prescribed by the by-laws.

Part 4 Functions of Senate Division 1 General

24. Functions of Senate

(1) The Senate—
(a) acts for and on behalf of the University in the exercise of the University's functions, and
(b) has the control and management of the affairs and concerns of the University, and
(c) may act in all matters concerning the University in such manner as appears to the Senate to be best calculated to promote the object and interests of the University.
(2) Without limiting the functions of the Senate under subsection (1A), the Senate is, in controlling and managing the affairs and concerns of the University—
(a) to monitor the performance of the Vice-Chancellor, and
(b) to oversee the University's performance, and
(c) to oversee the academic activities of the University, and
(d) to approve the University's mission, strategic direction, annual budget and business plan, and
(e) to oversee risk management and risk assessment across the University (including, if necessary, taking reasonable steps to obtain independent audit reports of entities in which the University has an interest but which it does not control or with which it has entered into a joint venture), and
(f) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and
(g) to approve and monitor systems of control and accountability for the University (including in relation to controlled entities within the meaning of section 25), and
(h) to approve significant University commercial activities (within the meaning of section 38), and
(i) to establish policies and procedural principles for the University consistent with legal requirements and community expectations, and
(j) to ensure that the University's grievance procedures, and information concerning any rights of appeal or review conferred by or under any Act, are published in a form that is readily accessible to the public, and
(k) to regularly review its own performance (in light of its functions and obligations imposed by or under this or any other Act), and
(l) to adopt a statement of its primary responsibilities, and
(m) to make available for Fellows a program of induction and of development relevant to their role as a Fellow.
(3) Without limiting the functions of the Senate under subsection (1), the Senate may, for and on behalf of the University in the exercise of the University's functions—

1. provide such courses, and confer such degrees (including ad eundem degrees and honorary degrees) and award such diplomas and other certificates, as it thinks fit,
2. appoint and terminate the appointment of academic and other staff of the University,
3. obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

4. invest any funds belonging to or vested in the University,
5. promote, establish or participate in (whether by means of debt, equity, contribution of assets or by other means) partnerships, trusts, companies and other incorporated bodies, or joint ventures (whether or not incorporated),
6. authorise any other university or educational institution (whether in State or elsewhere) to confer degrees, or to award diplomas or other certificates, on behalf of the University,
7. make loans and grants to students, and
8. impose fees, charges and fines.

(4) The functions of the Senate under this section are to be exercised subject to the by-laws.

(5) Schedule 3 has effect in relation to the investment of funds by the Senate.

Note. The Annual Reports (Statutory Bodies) Act 1984 regulates the making of annual reports to Parliament by the Senate and requires the Senate to report on the University's operations (including in relation to risk management and insurance arrangements) and a range of financial and other matters.

25. Controlled entities

(1) The Senate must ensure that a controlled entity does not exercise any function or engage in any activity that the University is not authorised by or under this Act to exercise or engage in, except to the extent that the Senate is permitted to do so by the Minister under this section.

(2) The Minister may, by order in writing, permit the Senate to authorise a controlled entity to exercise a function or engage in an activity of the kind referred to in subsection (1). Permission may be given in respect of a specified function or activity or functions or activities of a specified class.

(3) The Governor may make regulations providing that subsection (1) does not apply to functions or activities of a specified class.

(4) Nothing in the preceding subsections confers power on a controlled entity to engage in any activity.

(5) Nothing in the preceding subsections affects any obligations imposed on a controlled entity by or under any Act or law, other than an obligation imposed on the controlled entity by the Senate at its discretion.

(6) The Senate is, as far as is reasonably practicable, to ensure—
(a) that the governing bodies of controlled entities—
i. possess the expertise and experience necessary to provide proper stewardship and control, and
ii. comprise, where possible, at least some members who are not members of the Senate or members of staff, or students, of the University, and
iii. adopt and evaluate their own governance principles, and
iv. document, and keep updated, a corporate or business strategy containing achievable and measurable performance targets, and
v. that a protocol is established regarding reporting by governing bodies of controlled entities to the Senate.
(7) In this section—
controlled entity means a controlled entity (within the meaning of the Government Sector Finance Act 2018) of the University or Senate.

26. Delegation by Senate

The Senate may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its functions (except this power of delegation) to—

(1) any member or committee of the Senate,

(2) any authority or officer of the University (including any advisory council), or

(3) any other person or body prescribed by the by-laws.

27. Operation of certain Acts

Nothing in this Act limits or otherwise affects the operation of the Ombudsman Act 1974, the Government Sector Finance Act 2018 or the Government Sector Audit Act 1983 to or in respect of the University or the Senate.

28. Recommendations of Ombudsman or Auditor-General

The Senate must include in each annual report of the Senate as part of the report of its operations a report as to any action taken by the Senate during the period to which the report relates to implement any recommendation made in a report of the Ombudsman or the Auditor-General concerning the Senate or the University—

(1) whether or not the recommendation relates to a referral by the Minister, and

(2) whether or not the recommendation relates to a University commercial activity (as defined in section 38).

29. Meetings of the Senate

(1) unless otherwise required by law, all Senate meetings should be open to the public;

(2) detailed minutes of all Senate meetings must be made publicly available within a reasonable timeframe, unless specific portions of the meetings are to be maintained private.

Division 2 Property

30. Powers of Senate relating to property

The Senate—

(1) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

(2) has the control and management of all property at any time vested in or acquired by the University and may, subject to this section, dispose of property in the name and on behalf of the University.

(3) The Senate may, subject to this section, alienate, mortgage, charge or demise any lands of the University and may dispose of or otherwise deal with any other property of the University.

(4) The Senate must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.

(5) Despite subsection (4), the Senate may, without the approval of the Minister, lease any such lands if—

(a) the term of the lease does not exceed 21 years, and

(b) the Senate is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(6) In the case of a lease of any lands of the University, or any renewal of the lease, to a residential college affiliated with the University, the lease—

(a) is to be for a term not exceeding 99 years, and

(b) is to be at a nominal rent, and
(c) is to contain a condition that the lease is not to be assigned and such other conditions as the Senate thinks fit.
(7) The Senate may enter into a voluntary planning agreement under the Environmental Planning and Assessment Act 1979—
(a) except as provided by paragraph (b)—without the approval of the Minister, or
(b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.
(8) The rule of law against remoteness of vesting does not apply to or in respect of any condition of a gift, grant, bequest or devise to which the University has agreed.

31. Powers of Senate over certain property vested in Crown

(1) Where any property used for the conduct of the University is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise), the Senate has the control and management of that property and is responsible for its maintenance.

(2) Nothing in subsection (1) enables the Senate to alienate, mortgage, charge or demise any land vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise).

(3) Notwithstanding subsection (2), the Senate may (on behalf of the Crown or a Minister of the Crown) lease land of which it has, pursuant to this section, the control and management.

(4) Such a lease—
(a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and
(b) is to contain a condition that the lease is not to be assigned and such other conditions as the Senate thinks fit.
(5) The Senate is, in the exercise of its functions under this section, subject to the control and direction of the Minister.

32. Acquisition of land

(1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by

agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
(2) The Minister may do so only if the University—
(a) applies to the Minister for acquisition of the land, and
(b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).
(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.
(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

33. Grant or transfer of certain land to University

(1) If land on which the University is conducted is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise), the land may—
(a) if it is vested in the Crown—be transferred to the University subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Minister for Natural Resources thinks fit, or

(b) if it is vested in a Minister of the Crown—be conveyed or transferred to the University for such estate, and subject to such trusts and rights of way or other easements, as the Minister in whom the land is vested thinks fit.
(2) A conveyance, transfer or other instrument executed for the purposes of this section—
(a) is not liable to stamp duty under the Stamp Duties Act 1920, and
(b) may be registered under any Act without fee.

Division 3 Variation of trusts

34. Definitions

In this Division—
donor, in relation to a trust, means the person creating the trust, whether or not the trustee is a volunteer.
prize includes a scholarship or exhibition.

35. Trusts to which Division applies

This Division applies to a trust, whether created before or after the commencement of this section—
(1) by which any property is held—
(a) by the University on trust for a particular purpose, or
(b) by any person on trust for the University for a particular purpose, and
(c) the terms of which, by reason of the death or incapacity of the donor or otherwise, could not, but for the provisions of this Division, be varied without the order of a court.

36. Variation of amount of prize, scholarship or exhibition

(1) If—
(a) by the terms of a trust for the award from time to time, out of the income from the trust property or its proceeds, of a prize, the prize to be awarded is a fixed amount of money, and
(b) in the opinion of the Senate, the value of the amount so fixed has been so affected by monetary inflation that it no longer reflects the intentions of the donor with respect to the value and significance of the prize,
the Senate may request the Minister to effect a variation of the amount of the prize.

(2) The Minister, if satisfied that it is just and equitable to do so, may determine to vary the amount of the prize in accordance with the Senate's request.

(3) On delivery to the Senate of an instrument in writing signed by the Minister and specifying such a variation, the trust concerned is varied accordingly.

37. Variation of terms of trust

(1) If by the terms of a trust, any property is held—
a) on trust for a charitable purpose, or
b) on trust for a purpose of the University other than its general purposes, and
c) in the opinion of the Senate, it is impossible or inexpedient to carry out or observe the terms of the trust, whether as to its purpose or any other of its terms,
the Senate may request the Minister to effect a variation of the terms of the trust.

(2) The Minister, if satisfied that it is just and equitable to do so, and with the concurrence of the Attorney General, may determine to vary the terms of the trust concerned in accordance with the Senate's request.

(3) In the making of any such determination, regard is to be had—
(a) to the extent to which it may be necessary to depart from the terms of the trust concerned in order to avoid the impossibility or inexpediency complained of, and
(b) to what appear to have been the intentions of the donor in creating the trust.

(4) On delivery to the Senate of an instrument in writing signed by the Minister and specifying a variation of the terms of the trust concerned, the trust is varied accordingly.

Division 4 Commercial activities

38. Definitions

In this Division—
the Guidelines means the guidelines determined under section 39.

University commercial activity means—
(a) any activity engaged in by or on behalf of the University in the exercise of commercial functions of the University, and
(b) any other activity comprising the promotion of, establishment of or participation in any partnership, trust, company or other incorporated body, or joint venture, by or on behalf of the University, that is for the time being declared by the Guidelines to be a University commercial activity.

39. Guidelines for commercial activities

(1) The Senate must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.

(2) The Senate may by resolution amend or replace the Guidelines from time to time.

(3) Without limitation, the Guidelines may contain provision for or with respect to the following in connection with University commercial activities—
(a) requiring feasibility and due diligence assessment,
(b) requiring the identification of appropriate governance and administrative arrangements (including as to legal structures and audit requirements),
(c) requiring the undertaking of risk assessment and risk management measures,
(d) regulating and imposing requirements concerning the delegation by the Senate of any of its functions under this Act in connection with University commercial activities,
(e) declaring a specified activity to be a University commercial activity for the purposes of paragraph (b) of the definition of that expression in section 38,
(f) establishing a protocol regarding the rights and responsibilities of members of the Senate in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
(4) The Senate must ensure that the Guidelines are complied with.

40. Register of commercial activities

(1) The Senate is to maintain a Register of University commercial activities and is to enter and keep in the Register the following details of each of those activities—
(a) a description of the activity,
(b) details of all parties who participate in the activity,
(c) details of any appointment by or on behalf of the University to relevant boards or other governing bodies,
(d) details of any meetings at which relevant matters were considered and approved for the purposes of

compliance with the Guidelines,
(e) such other details as the Guidelines may require.

(2) The Guidelines may make provision for the following—
(a) exempting specified activities or activities of a specified class from all or specified requirements of this section,
(b) altering the details to be included in the Register in respect of specified activities or activities of a specified class,
(c) enabling related activities to be treated as a single activity for the purposes of the Register.

(3) The Senate must comply with any request by the Minister to provide the Minister with a copy of the Register or any extract from the Register.

41. Reports to Minister on commercial activities

(1) The Minister may request a report from the Senate as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

(2) The Senate must provide a report to the Minister in accordance with the Minister's request.

42. Referral of matters to Ombudsman or Auditor-General

The Minister may refer a University commercial activity or any aspect of a University commercial activity (whether or not the subject of a report by the Senate to the Minister)—
(1) to the Auditor-General for investigation and report to the Minister, or
(2) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the Ombudsman Act 1974.
Part 4A Duties of Fellows

43. Duties of Fellows

The Fellows have the duties set out in Schedule 1.

44. Removal from office for breach of duty

(1) The Senate may remove a Fellow from office for breach of a duty set out in Schedule 1.

(2) The removal from office may be effected only at a meeting of the Senate of which notice (including notice of the motion that the Fellow concerned be removed from office for breach of duty) was duly given.

(3) The removal from office may be effected only if the motion for removal is supported by at least a two-thirds majority of the total number of Fellows for the time being.

(4) The motion for removal must not be put to the vote of the meeting unless the Fellow concerned has been given a reasonable opportunity to reply to the motion at the meeting, either orally or in writing.

(5) If the Fellow to whom the motion for removal refers does not attend the meeting, a reasonable opportunity to reply to the motion is taken to have been given if notice of the meeting has been duly given.

(6) A Fellow may not be removed from office by the Senate for breach of duty except pursuant to this section.
Part 5 Faculties, academic colleges and advisory councils

45. Faculty management

All governance positions within each Faculty must be elected from within the faculty or recruited by a selection committee containing a majority of members elected from within the faculty.

46. Establishment of academic colleges

(1) The Governor may, by order published in the Gazette, establish—
(a) an educational institution set up by the University,
(b) any other public educational institution or body, or
(c) any part of any such institution or body, as an academic college.

(2) If, before the establishment of an academic college, any property has been vested in or acquired by any person on trust for the purposes for which the college is established, the person may, when the college is established, convey or transfer the property to the University on trust to apply the property, or the proceeds of it or the income from it, for the benefit of the college.

47. Advisory councils

(1) An advisory council may be constituted for an academic college.

(2) An advisory council is to consist of no fewer than 10, and no more than 20, members.

(3) The members of an advisory council are to be appointed by the Senate.

(4) An advisory council has such functions as may be prescribed by the by-laws.

Part 6 General

48. Advance by Treasurer

The Treasurer may, with the approval of the Governor, advance to the Senate money for the temporary accommodation of the University on such terms and conditions in relation to repayment and interest as may be agreed upon.

49. Stamp duty exemption

(1) Unless the Treasurer otherwise directs in a particular case, neither the University nor the Senate is liable to duty under the Duties Act 1997, in respect of anything done by the University or Senate for the purposes of the borrowing of money or the investment of funds of the University under this Act.

(2) The Treasurer may direct in writing that any other specified person is not liable to duty under the Duties Act 1997 in respect of anything done for the purposes of the borrowing of money or the investment of funds of the University under this Act, and the direction has effect accordingly.

50. Financial year

The financial year of the University is—
(a) if no period is prescribed as referred to in paragraph (b)—the year commencing on 1 January, or
(b) the period prescribed by the by-laws for the purposes of this section.

51. No religious test or political discrimination

A person is not, because of his or her religious or political affiliations, views or beliefs, to be denied admission as a student of the University or to be taken to be ineligible to hold office in, to graduate from or to enjoy any benefit, advantage or privilege of the University.

52. Exemption from membership of body corporate or Convocation

A student or graduate of the University or a member of staff of the University is entitled to be exempted by the Senate, on grounds of conscience, from membership of the body corporate of the University or of Convocation, or both.

53. Re-appointment or re-election

Nothing in this Act prevents any person from being re-appointed or re-elected to any office under this Act if the person is eligible and otherwise qualified to hold that office.

54. Academic status
55. Persons belonging to the following classes of persons have the same rights and privileges within the University as have Masters and Doctors—

(a) professors and other full-time members of the academic staff of the University,

(b) principals of the incorporated colleges,

(c) persons declared by the by-laws to be superior officers of the University.

2. Persons who possess qualifications that are recognised by the by-laws as being of the same rank as the degree of Bachelor have the same rights and privileges within the University as have Bachelors.
3. Seal of University

The seal of the University is to be kept in such custody as the Senate may direct and is only to be affixed to a document pursuant to a resolution of the Senate.
Note. Documents requiring authentication may be sufficiently authenticated without a seal in accordance with section 50 (3) of the Interpretation Act 1987.

56. By-laws

(1) The Senate may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—
(a) the management, good government and discipline of the University,
(b) the method of election of members of the Senate who are to be elected,
(c) the manner and time of convening, holding and adjourning the meetings of the Senate or Academic Board,
(d) the manner of voting (including postal voting or voting by proxy) at meetings of the Senate or Academic Board,
(e) the functions of the presiding member of the Senate or Academic Board,
(f) the conduct and record of business of the Senate or Academic Board,
(g) the appointment of committees of the Senate or Academic Board,
(h) the quorum and functions of committees of the Senate or Academic Board,
(i) the resignation of members of the Senate, the Chancellor, the Deputy Chancellor or the Vice- Chancellor,
(j) the tenure of office, stipend and functions of the Vice-Chancellor and other executive officers of the university, the remuneration of whom cannot exceed twice the salary of a professor of the university,

(k) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise and the designation of students of the University as undergraduate students, postgraduate students or otherwise,
(l) the number, stipend, manner of appointment and dismissal of officers and employees of the University,
(m) provisions to ensure that all University finances and salaries are fully transparent and made available for public scrutiny,
(n) the proportion of casual and fixed-term members of staff, which should ideally be limited to no more than 20% full-time equivalent positions,
(o) the standardisation of academic workloads, guaranteeing that academic staff have the opportunity to undertake both research and teaching activities,
(p) provisions to ensure freedom of expression, including the exclusion, in employment contracts, conditions or termination agreements of non-disclosure and non-disparagement clauses,
(q) admission to, enrolment in and exclusion from courses of studies,
(r) the payment of such fees and charges, including fines, as the Senate considers necessary, including fees and charges to be paid in respect of—
i. entrance to the University,
ii. tuition,
iii. lectures and classes,
iv. examinations,
v. residence,
vi. the conferring of degrees and the awarding of diplomas and other certificates,
vii. the provision of amenities and services, whether or not of an academic nature, and
viii. an organisation of students or of students and other persons,
(s) the exemption from, or deferment of, payment of fees and charges, including fines,
(t) the imposition and payment of penalties for parking and traffic infringements,
(u) the courses of lectures or studies for, the assessments for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours,
(v) the assessments for, and the granting of, memberships, scholarships, exhibitions, bursaries and prizes,
(w) the admission of students and former students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of degrees or diplomas without examination,
(x) the establishment and conduct of places of accommodation for students (including residential colleges and halls of residence within the University) and the affiliation of residential colleges,
(y) the discipline of academic and residential colleges,
(z) the classes and courses of instruction provided at academic colleges and the conduct of examinations at such colleges,
(aa) the constitution and functions of advisory councils,
(bb) the delegation of functions of the Senate to advisory councils,
(cc) the affiliation with the University of any educational or research establishment,
(dd) the creation of faculties, schools, departments, centres, institutes or other entities within the University,
(ee) the provision of schemes of superannuation for the officers and employees of the University,
(ff) the form and use of academic costume,
(gg) the form and use of an emblem of the University or of any body within or associated with the University,
(hh) the use of the seal of the University, and
(ii) the making, publication and inspection of rules.

(2) A by-law has no effect unless it has been approved by the Governor.

57. Rules

(1) The by-laws may empower any authority (including the Senate) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 8D (3) (a), 8E (4), 8F (2), 9 (1) (c) and (d), 10 (2), 14 (1), 16 (1) (d) and (e), 30 and 36 (1) (k) and clause 1 (1) (c) and (d) of Schedule 1 and clause 3 of that Schedule (to the extent it relates to appointments).

(2) Despite subsection (1), only the Senate may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 36 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (election rules).

(3) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.

(4) The Senate must ensure that any election rule it makes is made readily available to the public by whatever means the Senate considers appropriate as soon as practicable after it is made.

(5) A rule—

(a) has the same force and effect as a by-law, and

(b) may, from time to time, be amended or repealed by the Senate (whether or not the Senate is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule, and

(c) takes effect on the day on which it is published or on such later day as may be specified in the rule, and

(d) must indicate the authority or officer who made the rule and that it is made under this section.
(6) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.
(7) The fact that a provision of this Act specifically provides for a matter to be the subject of by- laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

58. Recovery of charges, fees and other money

Any charge, fee or money due to the University under this Act may be recovered as a debt in any court of competent jurisdiction.
Schedule 1 Provisions relating to Fellows and to the procedure of the Senate

1. Vacation of office

The office of a Fellow becomes vacant if the Fellow—
a) dies, or
b) declines to act, or
c) resigns the office by writing under his or her hand addressed
i. in the case of a Fellow appointed by the Minister, to the Minister, or
ii. in the case of a Fellow appointed by the Senate, to the Chancellor, or
iii. in the case of an elected Fellow, to the Vice-Chancellor, or

d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes any assignment of his or her estate for their benefit, or

e) becomes a mentally incapacitated person, or

f) is convicted in State of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in State of an offence that, if committed in State, would be an offence so punishable, or

g) is, or becomes, disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001 of the Commonwealth, or

h) is removed from office by the Senate pursuant to section 44, or

i) is absent from 3 consecutive meetings of the Senate of which reasonable notice has been given to the Fellow personally or in the ordinary course of post and is not, within 6 weeks after the last of those meetings, excused by the Senate for his or her absence, or

j) in the case of an elected Fellow, ceases to be qualified for election, or

k) in the case of a Fellow appointed by the Minister, is removed from office by the Minister, or

l) in the case of a Fellow appointed by the Senate, is removed from office by the Senate.

2. Filling of vacancy in office of Fellow

(1) If the office of an appointed or elected Fellow becomes vacant, a person is, subject to this Act and the by-laws, to be appointed or elected to fill the vacancy.

(2) The by-laws may provide that, in such circumstances as may be prescribed, a person is to be appointed or elected in such manner as may be prescribed instead of in the manner provided for by this Act.

3. Committees of the Senate

(1) The Senate may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not Fellows.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Senate or (subject to any determination of the Senate) by the committee.

4. Liability of Fellows and others

No matter or thing done or omitted to be done by—
a) the University, the Senate or a Fellow, or
b) any person acting under the direction of the University or the Senate,

if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subjects a Fellow or a person so acting personally to any action, liability, claim or demand.

5. General procedure

The procedure for the calling of meetings of the Senate and for the conduct of business at those meetings is, subject to this Act and the by-laws, to be as determined by the Senate.

6. Use of technology

(1) Without limiting clause 6, a meeting of the Senate may be called or held using any technology consented to by all the Fellows of the Senate.

(2) The consent may be a standing one.

(3) A Fellow may only withdraw his or her consent a reasonable period before the meeting.

(4) If the Fellows are not all in attendance at one place and are holding a meeting using technology that permits each Fellow to communicate with other Fellows—
(a) the Fellows are, for the purpose of every provision of this Act and by-laws concerning meetings of the Senate, taken to be assembled together at a meeting and to be present at that meeting, and
(b) all proceedings of those Fellows conducted in that manner are as valid and effective as if conducted at a meeting at which all of them were present.

7. Presiding member

(1) The Chancellor is to preside at all meetings of the Senate at which the Chancellor is present.

(2) At any meeting of the Senate at which the Chancellor is not present, the Deputy Chancellor is to preside and, in the absence of both the Chancellor and the Deputy Chancellor, a member elected by and from the members present is to preside.

(3) Except as provided by subclause (4), at the meetings of a committee constituted by the Senate a Fellow appointed by the Senate (or, if no Fellow is so appointed, elected by and from the Fellows present) is to preside.

(4) At any meeting of a committee constituted by the Senate at which the Chancellor is present, the Chancellor is entitled, if he or she so desires, to preside at that meeting.

8. Quorum

At any meeting of the Senate, a majority of the total number of Fellows for the time being constitutes a quorum.

9. Voting

A decision supported by a majority of the votes cast at a meeting of the Senate at which a quorum is present is the decision of the Senate.

10. Remuneration

The Senate may, but need not, provide from time to time for a Fellow of the Senate to be paid such remuneration (if any) as is determined by a resolution passed by at least two-thirds of the Fellows of the Senate.

Schedule 2 Duties of Fellows

1. Duty to act in best interests of University

A Fellow must carry out his or her functions—
a) in good faith in the best interests of the University as a whole, and
b) for a proper purpose.

2. Duty to exercise care and diligence
A Fellow must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her

functions.

3. Duty not to improperly use position

A Fellow must not make improper use of his or her position—
a) to gain, directly or indirectly, an advantage for the Fellow or another person, or
b) to cause detriment to the University.

4. Duty not to improperly use information

A Fellow must not make improper use of information acquired because of his or her position—
a) to gain, directly or indirectly, an advantage for the Fellow or another person, or
b) to cause detriment to the University.

5. Disclosure of material interests by Fellows

(1) If—
a) a Fellow has a material interest in a matter being considered or about to be considered at a meeting of the Senate, and
b) the interest appears to raise a conflict with the proper performance of the Fellow's duties in relation to the consideration of the matter,
the Fellow must, as soon as possible after the relevant facts have come to the Fellow's knowledge, disclose the nature of the interest at a meeting of the Senate.
(2) A disclosure by a Fellow at a meeting of the Senate that the Fellow—
a) is a member, or is in the employment, of a specified company or other body, or
b) is a partner, or is in the employment, of a specified person, or
c) has some other specified interest relating to a specified company or other body or to a specified person,
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
(3) Particulars of any disclosure made under this clause must be recorded by the Senate in a book kept for the purpose and that book must be open at all reasonable hours for inspection by any person on payment of a reasonable fee determined by the Senate.
(4) After a Fellow has disclosed the nature of an interest in any matter, the Fellow must not, unless the Senate otherwise determines—
a) be present during any deliberation of the Senate with respect to the matter, or
b) take part in any decision of the Senate with respect to the matter.

(5) For the purpose of the making of a determination by the Senate under subclause (4), a Fellow who has a material interest in a matter to which the disclosure relates must not—
a) be present during any deliberation of the Senate for the purpose of making the determination, or
b) take part in the making by the Senate of the determination.

(6) A contravention of this clause does not invalidate any decision of the Senate.

(7) This clause does not prevent a person from taking part in the consideration or discussion of, or from voting on any question relating to, the person's removal from office by the Senate pursuant to section 44 or the person's remuneration pursuant to clause 10 of Schedule 1.

(8) This clause applies to a member of a committee of the Senate and the committee in the same way as it applies to a member of the Senate and the Senate.

(9) For the purposes of this clause, a Fellow has a material interest in a matter if a determination of the Senate in the matter may result in a detriment being suffered by or a benefit accruing to the Fellow or an associate of the Fellow.

(10) In this clause—
associate of a Fellow means any of the following—

a) the spouse, de facto partner, parent, child, brother or sister, business partner or friend of the Fellow,

b) the spouse, de facto partner, parent, child, brother or sister, business partner or friend of a person referred to in paragraph (a) if that relationship is known to the Fellow,

c) any other person who is known to the Fellow for reasons other than that person's connection with the University or that person's public reputation.
Note. "De facto partner" is defined in section 21C of the Interpretation Act 1987.
Schedule 3 Investment

1. Definition of "funds"
   For the purposes of this Schedule, the funds of the University include funds under the control of the University and real property, securities or other property comprising an investment.
2. Funds managers

(1) The Senate may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.

(2) Such a funds manager may on behalf of the Senate invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

3. Investment common funds

(1) The Senate may establish one or more investment common funds.

(2) The Senate may from time to time, without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust funds or other funds of the University.

(3) Subject to subclause (4), the Senate must periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.

(4) The Senate may, if it considers it expedient to do so, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

(5) If an investment is brought into an investment common fund—
a) the University is to be taken to hold that investment on behalf of and for the benefit of the common fund instead of the participating trust fund or other fund, and
b) that participating fund is to be taken to have contributed to the common fund an amount of money equivalent to the value attributed to the investment by the Senate at the time it is brought into the common fund, and
c) on the withdrawal of that participating fund from the common fund, the amount of money to be withdrawn is to be the amount equivalent to the value attributed by the Senate to the equity in the common fund of that participating fund at the time of withdrawal.

(6) The inclusion in an investment common fund of trust funds does not affect any trust to which those trust funds (or money attributed to them) are subject.
(7)
(8) On the withdrawal of trust funds from an investment common fund, the funds (or money attributed to them) continue to be subject to the trust.

4. Terms of trust to prevail

In respect of the trust funds of the University—
a) the investment powers of the Senate, and
b) the power of the Senate to bring the trust funds into an investment common fund, are subject to any express direction in or express condition of the trust.
