

18 January 2024

The Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Australian Research Council Amendment (Review Response) Bill 2023

Thank you for the invitation to contribute to your Committee's enquiry into the Australian Research Council Amendment (Review Response) Bill 2023 ('The Bill').

Academics for Public Universities (APU) is a national group of independent academics undertaking independent research to understand, address, and positively contribute to the current state of Australian public universities. The group encompasses a wide range of academic disciplines, as well as current and retired staff. We began our collective research in 2020 as a result of the current crisis faced by the Australian tertiary education sector, allegedly as a result of the COVID19 pandemic over the past two years.

APU welcomes this legislative initiative. We offer commendations and concerns about two aspects below:

Clarification and/or reduction of scope of ministerial power to intervene in ARC decisions

Section 10 of the Bill states:

Minister may give directions to the Board

...

(2) *However, the Minister must not give a direction in relation to the making of a decision by the Board about whether or not to give a particular funding approval.*

APU strongly supports this amendment. It believes it is axiomatic that the research work of a university should be understood as fundamentally a 'public' good. This notion of a public good is, in turn, fundamental to what distinguishes a university from other research-active institutions.

While Governments and other funding bodies will always have a political, ideological, financial, or similar interest in directing the research interests of a university, the university itself should ultimately be concerned *neither* to further the narrow self-interests of its researchers, *nor* to pursue the interests of a particular government or outside interest.

For a university to be able to function effectively as a public institution it requires not just those in it, but also those who materially support it, such as governments and their ministers, to put aside the furtherance of narrow self-interest.

Several internationally accepted statements of principle support this view (and thus the intention behind this part of the Bill). These include the famous declaration from the University of Chicago's 'Kalven Committee', which was charged in the late 1960s by that institution with preparing "a statement on the University's role in political and social action."

It ultimately declared:

The mission of the university is the discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting...

Similarly, the *Magna Charta Universitatum* a document that was originally adopted by 388 rectors and heads of universities in 1988 and which now includes as signatories ten Australian universities, declares that in order 'to meet the needs of the world around it, [a university's] research and teaching *must be intellectually independent of all political authority and economic power*'. This 'freedom in research and training', it continues, is the fundamental principle of university life'.

It should be expected that a university research funding body like the ARC will, from time-to-time, be involved in supporting research that may upset a government Minister of the day, but should be taken as a sign it is serving its proper public function, not the opposite. Noting the already-existing exceptions to a 'hands off' approach to the ARC around matters of national security, the Minister's default position should be an overarching presumption that the ARC is exercising, not thwarting, the public trust invested in it.

If this part of the Bill was not to be enacted and thus the potential misuse of a minister's current prerogative were to continue to stand, not just the integrity of Australia university research culture, but the very idea of a university, and behind that, the public sphere that informs, and (in the best sense) enriches it, is at risk.

We therefore believe this particular legislative amendment is both very significant and necessary, and hope that it receives the enthusiastic support it deserves from all political sides.

The proposed establishment of an ARC Board,

APU also supports, in principle, the notion of an ARC that should itself be subject to objective, independent, oversight and review. We acknowledge that it, like any grant system, is always at risk of embedding perverse incentives and thus losing focus on its overriding academic purpose and responsibilities. Insofar the proposed creation of a Board (Division 2 of the Bill) sets out, in part, to mitigate that risk, we would endorse it.

The composition of the Board, however, is absolutely crucial to its ability to meet this aim. We note, with concern, that the Explanatory Memorandum for the Bill suggests that the Board will contain an 'appropriate mix of skill-based appointees with sector experience, industry and governance experience, and broader social and economic experience.' It may be

an unintended omission, nevertheless we are very concerned that specific high-level academic expertise is missing from this list of the proposed Board members' skills set.

For one thing, criticisms of the current ARC are often specifically academic in nature. The application process, for instance, can tend towards grant proposals that are a kind of speculative fiction, given that no academic can really know for sure what they'll be researching by the end of a multi-year research project, and the ARC needs to be able to deal with that level of uncertainty fairly and equitably.

The process can also be strongly biased toward incremental research because ambitious proposals are generally too easy to poke holes in. Researchers can instead resort to the subterfuge of proposing to do what they've already largely done but not yet published.

The ARC must also be able to recommend research applications that have no direct or immediate business or economic application, but the composition of the Board as it is currently conceived seems instead to be premised on the idea that research is essentially economically focussed. We believe that national research should not be predominantly or exclusively focussed upon any narrow definition of 'national interests' or priorities. Not only does the notion of 'academic freedom' require government not to place disciplinary research agendas on a bed of Procrustes, there is also a legion of counter examples where it is precisely the flourishing of 'pure research' which has led directly to innovations of great economic benefit.

Most of all, to reiterate our larger point, it is academic values and academic expertise which at their core are obliged to *be intellectually independent of all political authority and economic power*. A Board without a majority of academic members will likely not be able to embody and protect such an ethos of independent research. We submit that it therefore would not be able to meet or protect the core public mission and purpose of ARC.

It is thus critical in our view that high level academic research expertise (across the main disciplinary areas of the material and social sciences and humanities) be prioritised as necessary skills for Board membership and we hope the Committee will recommend further amendments to the Bill to this end.

General Observations

While we accept our final point takes us beyond the scope of the Bill, we nevertheless feel it important also to raise the broader point that a research culture of excellence in Australia is also at risk because Australia's universities are themselves also increasingly not governed by people with high-level academic expertise, and are increasingly not free and open places in which to work. Reform of the ARC as outlined by this Bill will not be enough to secure a national culture of research excellence into the future if the institutional environments themselves remain overly constrained or corrupted by forces external to, if not downright hostile to, scholarly values.

Australians for Public Universities.

W: <https://publicuniversities.org>

E: academicsforpublicuniversities@gmail.com

M: 0419 608 624