

## 1.0 Differences of Opinion

Rote learning and indoctrination and authority may have a role to play in schooling; however, higher education is more about creating a community of scholars who think for themselves.

In many areas of scholarship, there are legitimate differences of opinion. Even in the hard sciences, disagreements about the fundamental laws of physics still exist in cosmology and astrophysics.

There is a role at university for academic and political freedom. Winning over other scholars' to one's point of view by rational argument, rather than imposing one's point of view by authority, enables the search for truth to proceed.

Whether the authority is imposed by professorial dictat, or by setting texts as authorities, the freedom to rationally criticise and develop an argument is imperilled by the authoritarian nature of this Bill.

## 2.0 Constitutional Law

I believe the constitutionality of this Bill has already been questioned. <sup>i</sup> A university is not a business selling apples and bottles of milk. Though said to be - typically - a body politic and corporate in its constitution this does not mean it is a trading or foreign corporation. Therefore, the states will have to refer power or a referendum would have to be held.

For major reasons of policy, this Bill should be rejected anyway, irrespective of its constitutional status.

## 3.0 Lack Of Democratic Safeguards

A democratic community of scholars requires a University Council to set its laws, and the autonomy of the university that enables and facilitates the advance of knowledge is threatened if the Minister and the Vice Chancellors become too powerful. Many things that could and should be spelt out in this Bill are instead delegated to the Executive Council of the Commonwealth to determine by Regulations.

And some matters are left to administrative determinations by the Minister - not disallowable even by Parliament, and Ministerial directions - also not disallowable by Parliament. <sup>ii</sup>

Nothing is said, say, about the role of graduates in university governance, say by electing a few representatives on a University Council.

Worrying also is the attempt to give the "privileges and immunities of the Crown" to the Commissioners and Standards Panel Members. This sounds too authoritarian in my opinion, and is unnecessary. <sup>iii</sup>

The Minister would become much too powerful in my opinion.

#### 4.0 Dumbing Down and Levelling Up

Under the wrong Minister, the wrong Commissioners, the wrong Standards Panel Members, this Bill might be used to dumb down theoretical courses of study in the name of making said studies more vocational and in the name of equality.

Nevertheless, with sound leadership by the Minister, this Agency and its Commissioners and Standards Panel Members could be used for levelling up and increasing the number and quality of graduates both in terms of their vocational utility to society and their knowledge and skills.

The problem is that too few real policy considerations have been detailed in this Bill.

For example, the Bill might require that a Doctorate be required to be a degree with a thesis and an oral exam on said thesis before a panel of three examiners.

For example, the Bill might require that universities provide curriculum materials in most subjects to an Open University which creates open learning curriculum materials for free reading on the Internet in the name of making most knowledge available to all Australians, such universal access in the name of education levelling up, rather than dumbing down by restricting knowledge to the ivory tower.

For example, the Bill could reject the value free education philosophy, and instead mandate that a plurality of values be taught implicitly and by explanation in order to enable the scholar to learn the subjects together with associated values based material in the name of enabling the scholar to think for themselves.

Unfortunately almost all policy considerations are delegated ...

I also fear the Standards Panel is too small to properly consider the merits of many issues specific to many varied common or obscure areas of knowledge and skills present in the wide variety of courses and subjects taught and researched in Australia today.

#### 5.0 My Experiences

I have studied Pure and Applied Mathematics at the University of Melbourne, rather theoretical knowledge, in my Bachelor of Science. I have also studied Internet Software Development at the Swinburne University of Technology in a rather vocational Graduate Diploma.

There is a role for both theoretical and vocational studies in universities. With technological change and economic development, I have found need for professional development courses and retraining at points in my career, and may have need for such again.

There is space in the university for many mixtures of theoretical and vocational knowledge and skills. Both have value to society and the individual scholar.

#### 6.0 Academic and Political Freedom

Should climate change sceptics be denied university tenure in Australia, even if misguided? Should members of non-government political parties be denied university tenure? I ask because in living memory in the Soviet Union dissidents were persecuted by the state for their views. The absence of strong protections of academic and political freedom is a major problem with this Bill.

## 7.0 Conclusion

In my opinion the Bill should be rejected in its current form.

I ask that the committee consider the above in its deliberations.

## 8.0 Endnotes

---

<sup>i</sup> The Australian, Wednesday 13<sup>th</sup> April 2011, p23.

<sup>ii</sup> Sections 136 and 182(1) of this Bill.

<sup>iii</sup> Sections 137 and 169 of this Bill.