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SENATE

EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS
AND EDUCATION REFERENCES COMMITTEE

Reference: Australia's higher education needs

THURSDAY, 12 JULY 2001

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SENATE
EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS
AND EDUCATION REFERENCES COMMITTEE

Thursday, 12 July 2001

Members: Senator Collins (*Chair*), Senator Tierney (*Deputy Chair*), Senators Brandis, Carr, Crossin and Stott Despoja

Participating members: Senators Abetz, Allison, Boswell, Brown, Buckland, Calvert, George Campbell, Chapman, Coonan, Crane, Crowley, Eggleston, Faulkner, Ferguson, Ferris, Gibbs, Gibson, Harradine, Harris, Hutchins, Knowles, Lightfoot, Mackay, Mason, McGauran, O'Brien, Payne and Watson

Senators in attendance: Senators Collins and Tierney

Terms of reference for the inquiry:

To inquire into and report on the capacity of public universities to meet Australia's higher education needs, with particular reference to:

- (a) the adequacy of current funding arrangements with respect to:
 - i. the capacity of universities to manage and serve increasing demand,
 - ii. institutional autonomy and flexibility, and
 - iii. the quality and diversity of teaching and research;
- (b) the effect of increasing reliance on private funding and market behaviour on the sector's ability to meet Australia's education, training and research needs, including its effect on:
 - i. the quality and diversity of education,
 - ii. the production of sufficient numbers of appropriately-qualified graduates to meet industry demand,
 - iii. the adequacy of campus infrastructure and resources,
 - iv. the maintenance and extension of Australia's long-term capacity in both basic and applied research across the diversity of fields of knowledge, and
 - v. the operations and effect of universities' commercialised research and development structures;
- (c) public liability consequences of private, commercial activities of universities;
- (d) the equality of opportunity to participate in higher education, including:
 - i. the levels of access among social groups under-represented in higher education,
 - ii. the effects of the introduction of differential Higher Education Contribution Schemes and other fees and charges and changes in funding provision on the affordability and accessibility of higher education,
 - iii. the adequacy of current student income support measures, and
 - iv. the growth rates in participation by level of course and field of study relative to comparable nations;
- (e) the factors affecting the ability of Australian public universities to attract and retain staff in the context of competitive local and global markets and the intellectual culture of universities;
- (f) the capacity of public universities to contribute to economic growth:
 - i. in communities and regions,
 - ii. as an export industry, and
 - iii. through research and development, both via the immediate economic contribution of universities and through sustaining national research capacity in the longer term;
- (g) the regulation of the higher education sector in the global environment, including:
 - i. accreditation regimes and quality assurance,
 - ii. external mechanisms to undertake ongoing review of the capacity of the sector to meet Australia's education, training, research, social and economic needs, and
 - iii. university governance reporting requirements, structures and practices; and
- (h) the nature and sufficiency of independent advice to government on higher education matters, particularly having regard to the abolition of the National Board of Employment, Education and Training.

WITNESSES

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BRAND, Ms Patricia Clare, Director, Resources, James Cook University..... 905

CLOSE, Professor Donald James, Executive Dean, Faculty of Science and Engineering, James Cook University 905

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MOULDEN, Professor Bernard, Vice-Chancellor, James Cook University 905

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THOMAS, Mr Roger James, Director, Indigenous Programs, University of Adelaide, and Member, Australian Indigenous Higher Education Association..... 877

TOMLIN, Mrs Denise Barbara, Coordinator, Nulloo Yumbah, Central Queensland University, and Member, Australian Indigenous Higher Education Association 877

VAN ISSUM, Mr Harry, Lecturer, Griffith University, and Member, Australian Indigenous Higher Education Association 877

WESTERHUIS, Ms Diane, President, James Cook University Postgraduate Student Association..... 893

WRONSKI, Professor Ian, Executive Dean, Medicine, Health and Molecular Science, James Cook University 905

Committee met at 9.17 a.m.

CHAIR—I now declare open this hearing of the Senate Employment, Workplace Relations, Small Business and Education References Committee. On 12 October last year the committee was asked by the Senate to inquire into the capacity of public universities to meet Australia's higher education needs. Over the past 15 years there have been a number of important policy changes affecting the higher education sector. The most obvious has been the increasing dependence of universities on revenue from non-government sources and from the Higher Education Contribution Scheme.

The committee's inquiry will focus on the capacity of universities to offer high standard undergraduate and postgraduate education, particularly at a time when the academic profession is under increased pressure to handle higher teaching workloads and when the quality and standards of courses are being questioned in some quarters. The committee notes that various accounts of questionable practice have been reported in the press and in submissions to this inquiry, and it will make an assessment as to whether such practices may result in part from the pressures faced by universities under current funding arrangements and stringencies.

The issue of research funding will also be examined, in particular the extent to which universities are maintaining their capacity to conduct basic and independent research and whether or not resources are being diverted from such areas of research in response to commercial pressures. The committee will also look at the evolving academic culture of universities and the effect of commercial pressures upon them. It will also consider governance issues and the internal accountability arrangements of university administrations.

Before we commence taking evidence today I wish to state for the record that all witnesses appearing before the committee are protected by parliamentary privilege with respect to the evidence provided. Parliamentary privilege refers to special rights and immunities attached to the parliament or its members and others necessary for the discharge of parliamentary functions without obstruction and fear of prosecution. Any act by any person which operates to the disadvantage of a witness on account of evidence given before the Senate or any of its committees is treated as a breach of privilege. I also welcome all observers to this public hearing. I would now like to welcome our first witness, Professor William MacGillivray.

[9.19 a.m.]

MacGILLIVRAY, Professor William Robinson, President, Australian Council of Deans of Science

CHAIR—The committee has before it your submission No. 296. Are there any changes you wish to make to that?

Prof. MacGillivray—No, not at this stage.

CHAIR—The committee prefers that all evidence be given in public although we will consider any requests for all or part of evidence to be given in camera or in private. I point out, however, that such evidence can subsequently be made public by an order of the Senate. I now invite you to make an opening statement and we will move to questions beyond that.

Prof. MacGillivray—I represent the Australian Council of Deans of Science. This submission has been developed by the board of that body. The board is very representative, both geographically and in university type, of the 38 member universities of the council, but of course without the aid of my colleagues today my responses to questions may have a personal slant to them. The theme of our submission essentially is that funding constraints in universities hit science harder than the other disciplines, the reason being that science, because of its equipment infrastructure needs for both training and research, is more expensive to mount than most other disciplines. When universities are put under pressure to make cuts, in our experience the cuts are, in a lot of cases, made to the general more expensive areas like science. Whereas perhaps disciplines like medicine may be preserved, the expense of science means it is seen as an area in which cuts can be made. This manifests itself in a number of ways. Student-staff ratios in the sciences have been climbing: in the experimental sciences it is not uncommon to find student-staff ratios in universities approaching 16 or 17 to one. In mathematical-information technology, it is not uncommon to find it at the 25 to one mark. Some of those ratios are higher than would be acceptable in a high school.

There are also hidden, extra stringencies imposed on staff. There is a common practice of filling vacancies by fractional and casual appointments, which throws extra responsibility on the permanent staff who are there. It must be recognised that academic staff on a continuing or a full-time basis are expected to spend about 30 per cent of their time on research. To do that, most staff are now working quite considerably longer hours than they would have been 10 or 15 years ago to achieve the goals that they have set themselves. Another area in which the effect is seen is the growth of information technology. It is now expected that most staff will have a computer on their desk—and that is not just academic staff but a great proportion of general staff as well across the university. Information technology has become quite expensive. The updating of information technology, both hardware and software, is quite expensive. In a lot of cases that maintenance of information technology is at the expense of more specialist science infrastructure, so that the infrastructure equipment that is now being used for training graduates and for doing research is getting older and older. That can have the outcome that graduates may not be as industry ready as we would like them to be, because they are not undertaking their training on the most up-to-date equipment. Library collections is another area that is under pressure: collections of journals, subscriptions to journals for the scientific research that is

required, are being cut back all the time, such that now core journals are being removed from some university library subscriptions.

Another comment I would like to make is about applied research and industry focused research; the development side of R&D versus fundamental research. There is a heavy emphasis from governments—and oppositions, I think—on the industry applied side. I would like to point out that there is irrefutable evidence internationally that says most of a nation's wealth generation is from blue skies research, discovery research. To give a couple of examples, go back two centuries to the 19th century and to Faraday pushing a magnet in and out of a coil and switching a light bulb on. That led to the now norm of power generation. All the electricity we know follows from that principle of power generation.

The laser—and that is an area dear to my heart as an experimental physicist—was the outcome of a piece of theoretical work. The theory was developed before the laser was actually built. It was not an invention; it was an outcome of some theory that had absolutely no focus, no applied goals at all. MRIs came out of fundamental physics research in the same way and then there was the transistor. They are four major elements of modern life that have come out of blue skies research, and wealth generation comes from that. I think something of the order of 73 per cent of papers cited in American patents applications come from publicly funded research, and it is over 90 per cent in Australian patents applications.

We find that there are problems with the differential HECS. It is dissuading students undertaking science training, particularly in the generalist science area. If it is a generic science degree versus a generic business degree or an arts degree, there is the likelihood that the student will undertake the latter because it is cheaper. We are greatly concerned about the lack of graduate scientists going into teacher training. We were very disappointed that the government did not take up the Batterham recommendation of HECS-free scholarships for secondary science teaching. That is particularly true in the areas of physics, maths and information technology. We can get into a vicious cycle here with the lack of qualified secondary science teachers not inspiring secondary students to go on in the enabling sciences, then we are going to have some real difficulties generating a knowledge economy due to lack of underpinning expertise.

It is really difficult to recruit academics from overseas. I have listed a number of reasons there. The second last dot point in the submission in section (e) is 'Competition from employers'. I attended the FASTS forum a month or so ago where the information technology centre of excellence, as mooted under the government's Backing Australia's Ability was discussed in some detail. There is very real concern in the science and IT community that that centre will strip university information technology departments of their top academics. It is a problem from the research context, but it is an even greater problem from a training context. In the departments of some universities there is staff turnover of over 50 per cent as it is. To have good graduates for the IT industry, we need to stabilise that situation. The development of a centre of excellence that is stand-alone and not based on a university and that will absorb up to 250 IT research scientists—and a lot of them will come from the university sector—is of some concern.

The other area of concern that we have at the moment is the decrease in the enrolments in the enabling sciences. The report we commissioned from Dr Ian Dobson at Monash two years ago

showed a marked decline in enrolments in physics, maths and chemistry since the mid-1990s. These are the enabling sciences that will underpin not just industries like information technology and communication technology but also biotechnology, the environmental sciences, very directly into communication technology and nanotechnology. So that is of marked concern.

Also of concern are statements coming out of DETYA from Michael Gallagher saying that the science employment market is saturated. We have recently released our employment review. The employment survey of first degree graduates over the last 10 years shows that the science market does not appear to be saturated, the unemployment rate is very low for science graduates and, what is more, well over half of them are using their science skills in their employment. So there seems to be a divergence of opinion from different data sets. We have every confidence in ours—it was conducted independently by Professor Craig McInnes and his centre at the University of Melbourne, the Centre for the Study of Higher Education.

CHAIR—Thank you very much. Starting with your final point about the employment market, do you know what fees Mr Gallagher was relying on?

Prof. MacGillivray—It is a DETYA publication from 1998, as I understand it. I have the reference here: Borthwick and Murphy, *Supply and demand for scientists and engineers*, 1998, DETYA—or DEETYA as it was then—analytical series No. 98/4.

CHAIR—I am curious with how that fits with the experience at the moment, for example, in senior secondary schools. Is there a correlation between the very low level of science qualified teachers and what is happening in the broader employment market in science?

Prof. MacGillivray—There is. For example, we found that from the survey absolutely zero per cent of IT graduates—these are Bachelor of Science with an IT major—went into teaching, because they are finding employment easy. This goes up to the highest figure of somewhat less than 10 per cent for students from a generalist—without major—science degree, who would probably find it more difficult in the marketplace to get an industry related job.

CHAIR—Your point about the growth of IT and the drain that that is causing on general university budgets is probably a further development of earlier discussions we have had about to what extent generating external finance is a drain on the university's budget and how much funding is actually going into marketing and those sorts of activities that would not have occurred a decade ago. With the IT area, a number of submissions have also indicated to us concerns with things such as substituting actual experiments with televiewing of experiments. To what extent are those concerns legitimate in terms of the training that a scientist needs as compared to utilising different forms of technology to provide the same sort of knowledge base?

Prof. MacGillivray—My experience is that it has been more prevalent in the life sciences than the physical sciences, where it is nice to have a look at human anatomy or anatomy of any sort through 3-D programming. Dissection laboratories are now not as prevalent as they were. Students are having a look at the various workings of, for example, a frog or a rat via information technology rather than hands-on.

CHAIR—It also goes back in part to your other points about where those funds are coming from. There is no upgrade of infrastructure, there is a much larger number of students, there are student-staff ratio changes—

Prof. MacGillivray—Information technology requirements are not just confined to the science areas. They are across the whole university. So the infrastructure cost for running any activity in the university has increased.

CHAIR—We are having trouble getting a feel for this. We are hearing many reports about the costs of that component to tertiary education. The question is: what are the benefits that were not available a decade ago to try and balance that out? Have you got any comment on that?

Prof. MacGillivray—From a science perspective, the benefits are that you can do your science, your numerical calculations and things like that on a desktop computer now that required major computing facilities even 10 years ago. Secondly, in terms of training of students, they can access data analysis type of programs much more readily. I am not sure whether word processing enhances their English, but these days word processing packages will correct your spelling and highlight grammar difficulties, so I do not know whether that helps the student or hinders them, really.

CHAIR—Going back to another area you mentioned, libraries and journals, are these core journals available via the Internet, for instance?

Prof. MacGillivray—Usually that is tied to the university library subscribing to a paper version. They can subscribe to an electronic version only but it is nearly as expensive as subscribing to the paper version. As far as I am aware, as yet there is no free access to journals electronically, although I will point out that there is a very active campaign internationally in the life sciences that is being led through the US at which scientists are going to not publish in journals that do not guarantee free access to publications within six months.

CHAIR—I ask that question because in some of our earlier evidence we were discussing that one of the reasons we have had to make these cuts in the journals available in libraries is, in part, the Australian dollar, and also because these things are available in different formats from what they were in the past. As you suggest and as I suspect, the charges associated with that sort of access make it difficult, particularly for students, to access these journals separately to a university library. From your experience, if the university cuts a core journal they do not maintain Internet access, for instance, to the journal separately.

Prof. MacGillivray—No, the publisher will not allow them. It is possible to do it with some journals on an individual basis. You can look at contents on the Internet. If you then want to download the paper you pay your \$30 or \$40 for one paper.

CHAIR—Where are you based?

Prof. MacGillivray—At Griffith University in Brisbane.

CHAIR—I am just looking at your comments about the current government not picking up the Batterham proposals. Are you aware of what is occurring in respect to teacher scholarships in different states?

Prof. MacGillivray—No. I am aware of the proposal in New South Wales with respect to retraining of current teachers in the science area, but not in terms of teacher scholarships.

CHAIR—There were different moves in Victoria as well, but I am not clear in my own mind of the extent to which science was an area of particular focus or attention. I was curious as to whether you were able to give us a feel for that.

Senator TIERNEY—Professor MacGillivray, I spent many years preparing high school teachers. What used to amaze me was that, when we looked at the then equivalent TER scores, the highest scores were in areas like PE, teaching, home economics, primary and early childhood. The lowest scores of the intake were in English, science and maths. But I have not done that for 10 years. Could you update me with a picture across Australia of the standards of students moving into teaching of science from high schools, whatever teacher preparation program they go into? Is that rising, falling or staying the same? What is the trend over the last 10 years?

Prof. MacGillivray—I can only speak of the Queensland and Victorian experiences which were dealt with in the enrolments. I think that essentially if it is just holding its own it is doing quite well at the moment. There have been a number of initiatives in developing combined degrees, double degrees in education and science, to make them more attractive to matriculants. We are still experiencing difficulties filling quotas at reasonable TER cut-offs.

Senator TIERNEY—Back then the choice was that people did a Bachelor of Education majoring in science or they did a science degree and then a Dip.Ed., and you mentioned the double degrees. Are there any figures on whether that is more attractive to students? Are you getting, as a measure, students with a higher TER score or equivalent as a result of that offer of a double degree?

Prof. MacGillivray—I do not think the double degrees have been in operation long enough for us to draw a conclusion. The rationale behind introducing the double degree and the marketing of them is that the graduates will be in a position to go on in education or go on in science. That is what we have been aiming at. That is coupled with the fact that state education departments have increased the education component—for something like a Dip. Ed. 12 months is no longer enough. They are requiring 18 months, so an 18-month Dip. Ed. was not popular at all.

Senator TIERNEY—You said that it is too early in terms of graduations, but it would not be too early in terms of intake cut-offs to establish whether we are getting a better quality student into that double degree option. Do you know whether there are any figures on that?

Prof. MacGillivray—At Griffith we have only had two intakes and, no, there has not been a marked increase in the quality or quantity.

Senator TIERNEY—One stunning statistic you presented was that, of all students majoring in IT, zero go into teaching. That is a huge problem.

Prof. MacGillivray—It is.

Senator TIERNEY—What policy changes would you suggest to perhaps lift that figure above zero? We cannot do much worse than that. Are there any things you can suggest which would improve the situation of attracting IT people to teaching?

Prof. MacGillivray—I do not think it is a simple problem, but things like HECS-free scholarships or market related salaries for teachers could be tried. We have them in other parts of the community, and even in universities IT general staff and IT academic staff can get a market loading to their salaries, because trying to retain them is a marketplace problem. I do not see why that cannot be extended into education departments.

Senator TIERNEY—It is a real problem. Even if it succeeded and you got people doing it, they graduate and then there are all these jobs around. As you rightly point out it is a huge problem. The committee has heard evidence in other parts of the hearing that biological sciences are holding their own in terms of attraction of students. There is declining interest in physics and chemistry. You are a physicist, aren't you? What do you think is the reason for that?

Prof. MacGillivray—I think there is a perception of hard versus soft—my biology colleagues would beat me around the ears if I said that biology was a soft science. An interesting statistic from the Victorian secondary system is that, when biology was introduced into the curriculum for senior secondary, chemistry enrolments went down. Recently, they introduced psychology subjects into the senior secondary system, and biology enrolments have gone down. So where students have to take a science, they look for what is perceived as the soft option.

But I also think that there is a more fundamental problem, and that goes back to primary school in terms of mathematics. Mathematics is the language of, particularly, the physical sciences and, to a lesser extent, the life sciences. As the role models in primary school education, most primary school teachers are not comfortable with mathematics and, unfortunately, most primary school teachers are female. So the role model for female students in primary school is that they should not consider mathematics. In the physical sciences and engineering where there is a heavy skew to male gender in the students, we could go a long way to balancing that up and increasing the number of enrolments in the physical sciences if we could get more girls interested. I believe that the way to do that is to tackle the problem way back at the primary school. It is a long-term problem.

Senator TIERNEY—That is difficult in terms of the fact that primary teachers are generalists. They are also scared stiff of teaching music, let me tell you—I have observed them as student teachers—as well as maths.

Prof. MacGillivray—Indeed. The Queensland education department has specialist music teachers going around among several schools. I do not see why they cannot have specialist maths and specialist science teachers in the same role. In fact, the Premier, in his pre-election policy statements, talked about setting up six centres of excellence in primary schools

throughout the state, which would be a resource retraining area in science and mathematics. I have not heard mention of it since the election, unfortunately, but I think that would be a reasonable strategy.

Senator TIERNEY—That is a very interesting idea. You mentioned the importance of blue sky science, and this leads me to basic research and the funding of that. The federal government has recently announced, through Backing Australia's Ability, the backing of ARC grants, for example. Would you see that as a major boost perhaps for what you are talking about—that is, basic research and the possibility for a better chance for blue sky science to happen in Australia?

Prof. MacGillivray—It has the potential. It depends on how ARC utilise that money, because they have two sections to their programs. They have the discovery program, which is the fundamental blue skies area, and they have the linkage section. I know that Professor Sara is very keen to enhance the linkage side by completing the symmetry of the personnel career path, which currently only exists on the discovery side. I know she is very keen to introduce a career path on the linkage side as well. I am not privy to her and her council's thoughts. The impression I get is that probably a higher percentage of the new money will go onto the linkage side rather than the discovery side.

Senator TIERNEY—You mentioned infrastructure. Over the last 20 years, have we ever had a golden age for infrastructure in universities? It is my understanding that a lot of the research grants that have been given over that period have not had a high infrastructure component or have had virtually none. Is this a very longstanding problem?

Prof. MacGillivray—It is a longstanding problem. From my own experience, we did at one stage have probably one of the best equipped laser laboratories in the world. Several of the lasers are now in excess of 10 years old and it is not obvious where they are going to be replaced. I think that is repeated around the country. I note that the Backing Australia's Ability funds for university infrastructure seem to be pitched at the major infrastructure level, which is fine—we need equipment in the half a million dollar and higher area. It is more in the area of the \$100,000 piece of equipment that I think we are running into problems, both in the postgraduate training and in the research area.

Senator TIERNEY—Is there more scope for collaboration for universities on infrastructure and science, particularly in the cities? All this gear is very expensive. In Brisbane, for example, what is happening in terms of joint proposals and then infrastructure being established in Griffith or Queensland and scientists from across the universities nearby using it?

Prof. MacGillivray—There is definitely scope for things like electron microscopes, even nuclear magnetic resonance machines. Cities like Brisbane have had good cooperative approaches between institutions towards that. But again, I take you back to something like a laser, which costs \$100,000 to \$150,000. If bought, it will be utilised 100 per cent in one laboratory, and then the collaboration will make things a little more difficult.

Senator TIERNEY—There is a bill currently before parliament which has over \$100 million of funding in it, including research money and infrastructure money. That is now being blocked in the Senate by the opposition. Have your council deans expressed any view on this?

Prof. MacGillivray—We are trying to be apolitical on this—we just want the infrastructure.

Senator TIERNEY—It is a bit difficult to be apolitical on it because it is actually being blocked by political parties. Has your council expressed concerns or done anything about it? There are obviously long lead times with the ordering of infrastructure. Instead of 1 July, your first chance may now be mid-August—we do not know. It depends on the program when we go back. Do you think the fact that the infrastructure money has been blocked will create a major problem in the sciences next year?

Prof. MacGillivray—Obviously, any delay in that sort of funding is of concern to us. Our approach has been to talk to all sides of politics and try to emphasise the importance of the infrastructure, and other aspects, to science in Australia.

Senator TIERNEY—Perhaps the dean should lobby to get the bill through as quickly as possible. There has been a proposal around for an IT university with 100,000 students studying online. We have had varying reviews of this in terms of feasibility and cost and in terms particularly of the more one-on-one tuition that is almost needed in IT-type universities. Has your council expressed any view on that, as to whether you should focus on an institution that is an IT institution, or would you take a view that perhaps it is better to just expand the online programs and approaches to teaching that exist in current universities?

Prof. MacGillivray—Teaching science online, particularly experimental sciences, is extremely difficult. I think you will find that most online curricula are in the non-sciences. Therefore my council does not have a very strong opinion on online versus non-online with respect to the sciences. In terms of resourcing current universities, my personal opinion is that I would rather see the money going to the current universities. We do have Online Australia, which is run by a consortium of universities, including my own. I have not seen the details, but I am a little perplexed as to how this proposal would fit in with OLA and other current university activities online.

Senator TIERNEY—Coming to OLA, there would be bits of science courses, of course, that you could teach online—the non-lab bits?

Prof. MacGillivray—Yes, you can teach mathematics online.

Senator TIERNEY—Can you give us some sense of the OLA? Is there a high take-up of courses in science on that, or does it tend to be more humanities courses?

Prof. MacGillivray—Yes, it tends to be more business and humanities, is my understanding.

Senator TIERNEY—People who want to study sciences really have to turn up to bricks and mortar?

Prof. MacGillivray—Yes, essentially. The other thing about science, and also engineering, is that they are the areas that have the highest percentage of school leavers starting. In the sciences and engineering you find that typically 70 per cent of an annual intake are school leavers.

Senator TIERNEY—That would be way out of line with, say, arts and the humanities.

Prof. MacGillivray—Yes.

Senator TIERNEY—That is interesting. I have not heard that statistic before.

CHAIR—Just before we finish, another area of questioning that occurred to me in the earlier discussion on schools—and, strangely, it is another component of the bill we were discussing earlier, but I will not ask you to be political in that sense—is that we had evidence in South Australia that only one university now is requiring physics as a final school year subject before students go into engineering. Is that a trend that has occurred through universities?

Prof. MacGillivray—Yes, it is. It is not just physics but the second maths as well. My understanding is that no engineering course in Queensland now requires what we call maths C up here, which is the—

CHAIR—The old maths 2.

Prof. MacGillivray—Yes, the old maths 2. That, in particular, had an immediate effect on enrolments in maths 2, maths C.

CHAIR—Has there been any attempt within universities to skew additional weight in TER scores to halve science courses?

Prof. MacGillivray—There has been a conception around the traps in Queensland that you have more chance of getting a higher TER if you take the hard sciences and maths. I think it is a circular argument because the quality of students undertaking the hard science and maths is usually higher. The same thing flows into universities. Science faculties are quite commonly criticised for having a higher percentage of first class honours graduates than an arts faculty, but it is the objective versus subjective method of teaching and assessment.

CHAIR—It has been suggested that Australian science standards are being watered down relative to science standards in some other countries. Is that not your experience if you have students coming into universities without the physics or maths 2 or, as you call it, maths 3 level?

Prof. MacGillivray—My feeling is that the standard of an honours graduate in science from an Australian university has not changed. They hold up internationally. My experience is that my PhD graduates have found employment worldwide, and in fact there are groups that keep coming back and saying, ‘Have you got any more?’ So I think the honours graduates are right up there. You have to remember that just about all science disciplines, the degrees, are accredited by a professional body—the Australian Institute of Physics, the Royal Australian Chemical Institute and the life science equivalents. Unless the professional bodies, which I find usually fairly objective and hard-nosed, are permitting degradation—then, no, I am not sure I have seen the evidence for that.

CHAIR—So how then do the universities deal with an absence of, say, basic physics principles in a science degree?

Prof. MacGillivray—You try to bring them up to speed by the end of the first year and then, following that, you increase the content. But what you may not have is the same sort of breadth.

You will have the depth but not necessarily the breadth, and I think that is reasonably obvious from university to university. One of the older, more traditional universities may have many more physics subdisciplines taught at an undergraduate level than some of the newer ones, even pre-Dawkins newer ones such as my own. We have the core of physics and chemistry and a number of options in which we have the expertise, and we have staffs of seven or eight in disciplines as opposed to maybe 20 in some other universities. So there may be more breadth in some universities than others, but the depth, the quality is still there.

CHAIR—But you have students who have essentially deferred some of their basic knowledge until their first year at university rather than doing it in high school as would have occurred previously.

Prof. MacGillivray—That is correct.

CHAIR—Thank you for your appearance today. We appreciate your submission.

[9.59 a.m.]

FAIRALL, Professor Paul Ames, Chairperson, Council of Australian Law Deans

REDMOND, Professor Paul Murray, Immediate Past Chair, Council of Australian Law Deans

CHAIR—I welcome representatives from the Australian Council of Law Deans. The committee has before it your submission which has been numbered 284. Are there any changes you wish to make to that?

Prof. Fairall—No, but there is one additional document which we have tabled this morning, which is the speaking notes that I intend to use this morning.

CHAIR—Thank you very much. I now invite you to make that opening statement and we will move to questions beyond that.

Prof. Fairall—Thank you very much, Senator. In the first place we would like to express our appreciation for the opportunity to come and make submissions to this committee. I thought I would start off with a very brief statement, just highlighting a few points, and then invite my colleague to make a few additional comments. I am going to be very brief in my opening comments. I just want to highlight a few critical issues which my counsel would like to emphasise in this submission.

In the first place the placement of law in the bottom cluster of the relative funding model is a matter of considerable concern to the law deans. We recognise, of course, that this is a matter to some extent of individual university policy as to whether to comply or follow the placement of law in the bottom cluster in the relative funding model. However, the initial determination that law was in fact a low cost discipline and belonged in the lowest band of the RFM has had very significant and, indeed, we would argue, very deleterious consequences for our discipline as a whole. It has in fact made it very difficult for us as law deans to argue for a more equitable distribution of resources within the unit. We would in fact argue that there are cogent arguments for significantly increasing the placement of law into a higher band. In fact our submission, as you are probably aware, suggests that we think that law should be placed somewhere between 1.6 and 2.2 in the relative funding model.

So essentially this first point is that we believe that law is inappropriately regarded—was inappropriately regarded in 1990 and to some extent still is inappropriately regarded as a low cost discipline which is essentially about talk and chalk rather than about the range of things that we believe modern legal educators should be seeking to impart to their students. That is the first point. It leads logically to the second point I would like to make which is to do with the quality of legal education and the quality of the legal experience that students are getting within our law schools.

We of course maintain that, despite funding pressures, Australian law schools continue to produce high quality graduates. However, we would point to what seem to be unacceptably high staff-student ratios across the sector. We are not in a position to table data for each law school,

although we are aware that DETYA would have such data tabled from each law school. But it is apparent that in some cases the staff-student ratios are reaching as high as 39 or 40 to one. This in our view is completely unacceptable. We would point to an all-discipline average of about, we believe, according to the AVCC figures, 18 to one. According to recent reports, of which no doubt the committee is aware, in an OECD publication it was suggesting an Australian average of about 11.8 to one, although we believe that that figure has been disputed by the AVCC itself. Whatever the true all-discipline average is for Australia, we would argue that an average range of between 20 or 25 to one and 40 to one, which is demonstrably the case in the case of some law schools, is simply unacceptably high. This is in our view adversely impacting upon the quality of the legal education experience that our students have within our law schools. Those are the two points I would like to make initially. I will ask my colleague to make another point.

Prof. Redmond—I also thank you for the opportunity to appear. The point I want to address is the differential HECS, the system that has been in operation since the entering classes of universities in 1997. The nub of the argument here is that law, which is in the lowest of five undergraduate funding clusters but is in the highest HECS charge band—band 3 of 3—is, in the opinion of the council, both inequitable and harmful in its long-term social impacts. I want to develop that argument, if I might.

By way of background, HECS originally provided for a flat contribution fee. The minister's higher education budget statement in August 1996 adopted a differential HECS system based upon twin criteria—relative cost of course provision, but moderated by projected average future earnings of holders of particular degrees based upon census data. The second criteria was cited by the minister as being necessary to moderate downwards in particular areas—and the only example cited was nursing—the HECS contribution where the future income earnings were likely to be relatively low but the cost of course provision relatively high.

The anomaly in law is that law is the only course in which the second criterion has been adopted to elevate upwards the HECS contribution. Law is funded, as I have said, in the first of the funding bands but in the highest of the student contribution bands. Law students share that third band with medicine, dentistry and veterinary science. These are all cluster 5 bands, for purposes of funding. Our statement is that there is a cuckoo in the band 3 nest, and that cuckoo is the law student. This is problematic, as I have said, for two reasons. The first is simply the questions of equity amongst law students. In some cases, law students are paying more by way of contribution than is directly attributed to their teaching and learning within their institution. Certainly, in terms of relativities with other disciplines, they are making a disproportionately high contribution.

A second aspect of the equity concern is the impact of what is, in the council's view, the imposition of a surrogate income tax upon law students, on the basis of prospective income. That might not be so problematic if incomes of law degree holders were not so diverse, ranging down from those of senior counsel in metropolitan practices or of partners in large law firms with essentially corporate clients. But in law there is an extraordinary diversity in forms of practice and in graduate destinations, and they extend, importantly, into particular areas of social need, down to community legal centres and a variety of non-corporate, personal plight lawyering. It is the impact upon that form of lawyering that we wish to emphasise. We would also want to emphasise clear evidence—based upon our own experience but also upon a variety of studies of graduate destinations—of gender differences in law graduate destination. Women

particularly are moving into forms of practice that are individual client practices rather than the more highly remunerated forms of practice, and of course have interruptions in career progression.

The other impact that is equally important and perhaps, in the longer term, more important is the long-term social impact. Law students who will graduate from the intake of 1997 will, if they were school leavers, have typically done a combined law program of over five years duration. That is the requirement of most Australian law schools. They will leave with a HECS liability, depending upon the non-law program they took, of somewhere in the range of \$25,000 to \$28,000—at least in terms of the current HECS levels. The effect of graduating with such a substantial HECS debt is to push students into the more highly remunerated forms of legal practice and away from the areas which have traditionally struggled to attract the best law graduates. By those, I mean the personal plight lawyering areas.

A second social impact is simply the social composition of the legal profession. Law has had a problem for a long time in that it has had a disproportionately high representation of students from high socioeconomic backgrounds and disproportionately low numbers. The most recent study I am aware of on social composition of law students is on the entering class of 1996, the year before the imposition of differential HECS. That showed that the aggregate social composition really had not changed much over the past 10 to 20 years in terms of law student population. But what had happened was a stratification between the law schools. I will quote from page 13 of the study entitled *A social profile of new law students*, published by the Centre for Legal Education in 1997 and written by John Goldring and S. Vignaendra:

The emergence of new and regional law schools has prevented the study of law being confined exclusively to the more affluent groups from higher status backgrounds.

These new and regional law schools are the schools which have the least capacity to generate fee income to augment their operating block grant income. It compounds the stratification in terms of educational resourcing and opportunity between the law schools. There are also considerations in respect of which evidence before us is more anecdotal in terms of debt aversion between different groups. In fact the argument and the concerns expressed by many in universities who have responsibility for equity policy are that people from lower socioeconomic status groups have a higher level of debt aversion.

This leads to the concern that law deans want to put here: at the end of the day there is a social danger if the social composition of the legal profession is too far removed from that of society as a whole. In particular, lawyers do serve useful and crucial social functions in asserting and protecting the citizenship rights of those who are on the margins of our society and who are perhaps least effective as their own social and personal advocates. The impact of differential HECS is to skew the social composition of the student body and their graduate destinations in ways that put at risk that balance between professional and social composition.

My concluding point is, simply, why is this so? Why has differential HECS been imposed upon law exclusively to elevate the contribution exacted from students? There is nothing in the public documents that law deans are aware of to explain that, except a report by, interestingly enough, Senator Colston and published in the *Campus Review* at the time of the Senate discussions—his vote was of course decisive in the passage, as we understand it, of the

amendments to the Higher Education Funding Act back in 1996—that someone has made the judgment that there are too many law graduates. That is a question that is one of subtle manpower planning. If this decision vindicates that judgment and implements it, it is one that seems to have been adopted without research, by stealth and with some degree of prejudice against law students and law graduates—and at some considerable social cost.

CHAIR—Thank you very much, Professor. It is interesting that you made that final point as you were going through your contribution: the level of saturation of lawyers was one of the points that occurred to me to ask you about. What does research indicate for the profession currently?

Prof. Redmond—There have been two very interesting and quite important studies on graduate destinations conducted by the Centre for Legal Education based most recently at the University of Newcastle. I can give the committee citations of those. They are longitudinal studies of the graduating students of 1991, 1995 and 1997—periods in which there has been a great increase in the number of law students. I am speaking from memory, but they show about three per cent of law graduates at a particular time seeking employment—figures indicative simply of the ambient noise of people seeking work at any time. In fact there is a high level of law graduate take-up across the profession, certainly in the private practice but, beyond that, into a variety of other destinations, because Australia has a system of combined degrees—not a mandatory one but still very widespread. So law graduates use their legal training in a variety of ways outside the private practice of law. So the answer is that there is a diversity of graduate destination, a diversity comparable with pattern studies elsewhere in the United Kingdom and North America. Secondly, there is a very low level of law graduate unemployment.

CHAIR—I am interested also in your comments about stratification. Back several years ago when I was at university in Victoria, for instance, we had only two law schools. We had a law studies school at La Trobe but, if you wanted to qualify as a lawyer, you went to either Melbourne or Monash University. What would the case be today in Victoria?

Prof. Fairall—The Victoria University of Technology has just been admitted. La Trobe of course does have a full LLB program now. Deakin has an LLB program, so that would make five law schools.

CHAIR—Five now, whereas previously there would have been two. Are you suggesting that students from lower SES backgrounds attend these less prestigious regional campuses?

Prof. Redmond—The study on the 1996 first-year entrants indicated in the portion I quoted that the sandstone law schools—the well-established, high prestige ones selecting on the basis of very competitive academic entry from the top 1½ per cent of those coming through from school—are still replicating long established patterns of overrepresentation of high SES students and low representation of low SES. It is in the newer schools, whose TER cut-offs are lower, and in the regional schools that those students are more highly concentrated. That point is made by the Goldring and Vignaendra study. With the aggregate figure, overall it is much the same, but there is a now a kind of filtering off into certain schools.

CHAIR—Yes. So there are fewer of your lower SES students in the high prestige schools today than there were previously.

Prof. Redmond—I am not saying ‘ than there were previously’. There has always been a question—

CHAIR—If the overall composition has remained stable, then that would have to follow.

Prof. Fairall—I think we might want to emphasise, though, that this data is somewhat ephemeral and that it might be overly ambitious to say that a good deal of research has been done about this SES or SEC composition across the sector. So I am not sure that we would want to be making strong propositions along the line that your question might have suggested.

CHAIR—What is the cost differential for a law student going to, for instance, Melbourne university, as compared with Deakin?

Prof. Fairall—Under the HECS scheme, none. They are precisely the same. But of course there are some universities, Melbourne being one of them, which have the capacity to generate full fee paying programs for domestic students at undergraduate level, and not all law schools have the capacity to do that.

CHAIR—Equally, if you looked at the destination of students from, say, Melbourne university compared to Deakin, you will find, I would assume, that your Melbourne university law graduate has a career destination with much higher earning capacity.

Prof. Redmond—I would respond to that in two ways. One is that the study in 1996 is a very careful and detailed study that was confined to 14 east coast law schools, and I cannot recall whether in fact all of the law schools were in it. It was a voluntary study, as you would expect. Deakin has, in any event, a strong commercial orientation or focus in its curriculum; so it is difficult to make one-on-one observations. We are talking across the system as a whole and, in particular, across the system with the 14 respondent law schools in that survey.

Prof. Fairall—I would make a further comment on that. In relation to Queensland, I was looking at the CEQ data which addresses that particular question which you have raised. The commencing salaries of graduates from the five law schools in Queensland did not seem to be hugely significant. I did not sense that it could be explained in terms of the relative prestige of the university concerned. If anything, it might have been that regional factors were at play, in explaining some slight variation between commencing salaries in that state. It may be that that would also be a factor. For example, in Townsville, commencing salaries were slightly lower than they were in Brisbane, as one would expect.

CHAIR—I am not sure whether commencing salary is the best test to apply to law.

Prof. Fairall—I think that is a fair comment.

CHAIR—So the issue that you are raising is basically that, in a tax sense, lawyers are subsidising nurses.

Prof. Fairall—Yes, indeed. To respond by putting that into graphic detail, law students paying \$5,722 for their HECS are aware that the university probably receives about \$11,000 to \$12,000 per student under the institutional grant but that the law schools probably receive

between the high \$2,000s and the mid \$3,000s to actually provide an education for them. I think they have a case that they are being discriminated against and, indeed, that they are cross-subsidising the higher cost disciplines. I think that is a matter of concern.

CHAIR—Which is not necessarily a fair basis, if you look at the range of destinations that law graduates can go to—

Prof. Fairall—That is correct, yes.

CHAIR—which would be more pronounced than, for instance, with medicine.

Prof. Redmond—In very striking contrast, if one may say so. Law deans see themselves as having the responsibility to develop and nurture a sense of obligation and social service amongst law students as being part of the educational process. Therefore, we emphasise this topic today because of the sense that we have a responsibility to produce people who will spend their lives meeting the full range of legal needs of the Australian community. Coming back to your comment, though, we do not see this as being a trade-off between law and nursing. We are not seeking to gain any advantage for law students at the expense of nursing students.

CHAIR—No, I appreciate that.

Prof. Redmond—These moneys come in not to the university from the HECS system in ways that have direct impacts upon the education—

CHAIR—I appreciate that, and I am not seeking to make that point. My final question is in relation to libraries. Law is probably an important area to explore with you what we are hearing about the state of university libraries across the board, particularly with problems associated with the exchange rate. In a nutshell, what is your experience and what is your most significant concern about the state of law libraries?

Prof. Fairall—The first point is to emphasise the appreciation that law deans have of the fact that there is a significant problem in terms of resourcing all libraries in universities. Law libraries are one element of that broader problem, and the declining exchange rate is exacerbating that problem. We are aware of that. However, we wish to emphasise that law libraries stand in a special relationship with our discipline and, we would argue, in quite a different relationship from that of other disciplines and their library collections.

The law is, in a very real sense, contained within the library. The library for us is in fact like our laboratory. It is like the test tube that scientists use. Without an effective law library, it is very difficult to engage in any kind of meaningful legal research. Without deep legal research, the full potential of law schools in Australia to develop international programs is considerably underutilised. We believe that there is in fact a serious problem, in that very few Australian law schools have what we would regard as first-class libraries. The law deans have in fact developed a minimum standards document which indicates what the basic holdings required for the provision of an undergraduate law program would be, and we believe that all law schools do satisfy that minimum standard. But we lament the lack of a larger number of accumulations of research holdings that would enable us really to perform to the highest level.

CHAIR—What do students do? Going back to my Victorian example, do they go to Melbourne University to access a higher quality law library?

Prof. Fairall—I suppose students in municipal centres have a range of options. If you are a Sydney dweller, you have probably five or six law libraries and some very good collections. Even if you live in Canberra, you can perhaps access the ANU library and/or the High Court library. If you live in one of the regional centres, of course it may be that you have no substantial collection. For example, if you live in Armidale and are reliant upon the law library at UNE, you might find it very difficult to access the full range of materials that you would want to access to do any kind of sustained research. So this is one area in which I think regional players are significantly disadvantaged.

CHAIR—It is one of the problems of diversification, too: the lack of concentration of the schools.

Prof. Redmond—Yes.

Prof. Fairall—I think the law deans are realistic and they realise that the practical problems associated with developing world-class libraries in each of the law schools are quite insuperable. That is not part of our submission, but we do think it is time for university administrators to recognise the special and distinctive characteristics and requirements of the law library in relation to our discipline.

CHAIR—And you are suggesting that that is currently not the case?

Prof. Fairall—We are suggesting that that is currently not the case. Do you want to add anything?

Prof. Redmond—No.

CHAIR—I personally do not have a lot of background, but I have done a fair degree of industrial law. It astounds me that you are having difficulty with university administrators in understanding the principal importance of a law library to a law school.

Prof. Fairall—Yes. It is a somewhat subtle proposition, because we are arguing that, in order to fully understand and develop the full range of skills that we would like to see our graduates possessing, it is necessary for them to interact with the materials that constitute the law in a somewhat different way from that which other scholars might interact with those materials. Law is about finding materials quickly and research skills. The acquisition of those skills in fact becomes a fundamental prerequisite for engaging in high-level legal research.

That is so whether one is dealing with empirical, jurisprudential or sociological legal type problems or whether one is simply trying to find the latest piece of legislation—subordinate or otherwise—dealing with a particular problem that is before one today. In other words, whether one is a barrister trying to find a solution to a particular instant legal problem or whether one is attempting to do deep, meaningful legal research which might embrace a range of different disciplines—psychological, sociological, economic, political and so on—these do to some

extent require slightly different skills. In some cases those skills are perhaps not unlike the skills that one would have in other disciplines, but in some cases they are quite distinctive.

Prof. Redmond—Could I add two comments. One is to emphasise the point that Professor Fairall made before that in law the library is like the laboratory. It plays the role that the laboratory does in the physical and other sciences. It plays a particularly central part of legal education. That means that the impacts generally upon library funding—with the cost of serials and the decline in the Australian dollar—impact upon law quite strongly, and potentially have much more of an aggravated negative impact.

The second comment is about the importance in the nineties of information technology and its application to legal research—to learning the law and the practice of law. This has become a central part of legal education, and a necessary formation for law graduates. Yet the difficulty is that some of these services are very expensive, and to provide online access to the major services is difficult for many law schools. The Australasian Legal Information Institute is a very important development, because it provides free access to some, but not necessarily to the full range. So there is a problem there structurally in the longer term to ensure that we continue to educate graduates with the skills of data retrieval and non-print skills that are necessary when they require access to sources which are commercially provided.

Senator TIERNEY—You have spent a fair bit of time in your discussion here this morning on things like differential HECS, which came in about 1997, so we have had some years to see what the effects of that would be. What has been the overall effect across Australia on enrolments in law since 1997? Have they been going up and down, or have they stayed the same?

Prof. Fairall—We can provide hard data after these hearings, but the impression would be that overall enrolments in law have in fact continued to grow, particularly in some centres. I think the law deans would acknowledge that the advent of differential HECS has not been a significant impediment to the continued growth in total law numbers. However, what has happened in many cases is that the entry standards required to get into law programs have in fact declined in many cases. I think it is the case that some universities have been able to use the fairly large market for and interest in—there is almost an insatiable appetite—law and legal studies to ensure that they meet their target profile loads. There would be a few cases where the growth in law enrolments over the last three or four years has been quite meteoric.

Senator TIERNEY—So can you give us some rough idea of the decline of the entry point? Are we going from 80 to 70? What is the extent of the decline in the entry point? Are we choosing between the extremely bright and the very bright, for example?

Prof. Fairall—I think the picture is variable. I would like Professor Redmond to comment with respect to some universities within, say, the GO8s, and I could comment about some universities in the regional areas. In the case of regional universities, there is a sense—and I cannot put it much stronger than that—that in fact there has been a decline in entry standards in some cases. I cannot quantify that.

Senator TIERNEY—Your council has not measured that in any systematic way?

Prof. Fairall—No.

Prof. Redmond—There are reported TER cut-offs in each UAI for each of the universities across the system. As a council we do not collect them and publish them. They are published by the university admission committees in each of the states.

Senator TIERNEY—What would be the lowest UAI for law around Australia, for example?

Prof. Fairall—I would not like to put a figure on it—I am more familiar with the OP level.

Prof. Redmond—It would be at some of the regional universities that have very large intakes. As Professor Fairall has said, a number of them—one in particular—have quite substantially increased their intake in recent years. If I may add to what has been said, your question is a profoundly important one. So far as we are aware, there has been no research done on the impact of differential HECS upon entering law student populations. There has been nothing since the entering class of 1996—the year before differential HECS. There is an absence of data to track, if you like, the impacts of entry in terms of SES status and graduate destinations. We have not yet, of course, got to the stage where we can see whether the foreboding that the deans reported, namely a concern that people will go into the better remunerated, non-individual-client based work, has come true. That research does need to be done. Based upon our own experience simply as deans, the TERs and UAIs for the GO8 universities remain very high. We are less clear about the social mix of those entering students.

Senator TIERNEY—Before we brought in differential HECS, there was a claim around that there are as many law students in Australia as there are lawyers. Is that true today?

Prof. Redmond—No, I do not think it is true today.

Senator TIERNEY—Can you update us on what has happened with supply there?

Prof. Redmond—The most recent figures I have seen are about four or maybe five years old. There were about 20,500 law students in 1996. That figure was in the legal and education yearbook published by the Centre for Legal Education. That was about 57 per cent of those who held practising certificates. It is a high figure, certainly, but one needs to be aware that they are finding jobs very easily, and they are finding a diverse range of jobs—within the private sector in the private practise of law, in industry in legal and non-legal roles and in the public sector.

Senator TIERNEY—What is happening here? Have we developed in large part an up-market arts degree in a sense? People are going out with more specialist skills. They may not want to become solicitors or barristers, but their law background gives them a jump in the market in terms of specific skills.

Prof. Redmond—They often have dual degrees. This is a reality—you come to law either as a graduate having done another degree elsewhere or in a combined law program. A great number of those who go into combined law programs go into those with a very strong vocational orientation. At my university we have 19 such combined law programs that range from architecture and law down to art theory and law. There is a very strong concentration in commerce. They go on to finance, investment and banking. A lot of them are moving into

higher level business advice. It is a very plural house—a very broad house—of law. A number are going into community legal centres and Aboriginal legal centres and the like. It is a diverse range of destinations. It is that diversity that we see as being put at risk.

Prof. Fairall—Law schools at the present time are blessed with success, but the law deans are not quite clear as to precisely why they have been so successful in attracting students to the program. These things are cyclical to some extent. For example, the popularity of the bachelor of economics degree seems to have waned in recent times. The bachelor of law degree is very popular. The arts degree has declined somewhat. I am not certain that one could say that the LLB has become the new arts degree, and I do not think law deans would wish that to be the case. We would still like to see our students come out with a good substantial humanist, if you like, orientation. For that reason, of course, we do encourage our students to take the combined degrees.

The significant thing I would like to underline, and what Professor Redmond has said, is that the studies that we are aware of, particularly that Centre for Legal Education study, show that overwhelmingly the preponderance of law graduates do use the legal skills and qualities that they learnt within their programs, whether or not they are engaged in the profession as such. Most of them are in fact working in an area which requires specifically the use of their skills—they are getting jobs.

Senator TIERNEY—On the getting of jobs, one of the things we do monitor very carefully in this country is the destination of graduates after they leave university. What are the figures for law? What percentage get jobs in the first six months?

Prof. Redmond—It is very high. I should not qualify that answer because it is very high, but a lot of people go into practical legal training immediately after law school. In Victoria it is often—

Senator TIERNEY—I mean after they have finished all professional training.

Prof. Redmond—Generally it is the first stage out that is most clearly studied in the graduate destination studies. It is the first year out from the degree that is most regularly tracked. The studies on graduate destinations that I have referred to look at trends over longer sequences. They are privately done—not government studies.

Senator TIERNEY—Do you have a percentage figure for graduates by broad destination, as follows: one, working as solicitors, in other words, going up the traditional law line and, two, those who do not do that? Is there a breakdown for that?

Prof. Redmond—There are two studies: one by Roper and Karris and a second by the Centre for Legal Education. Both studies are published in monograph form. They are the two graduate destination studies I referred to earlier. They show that in aggregate something between 70 and 80 per cent of law graduates two or three years out from graduation are using legal training in private legal practices—barristers and solicitors; I have forgotten the precise figures for those particular categories—or in the public sector in a role that draws upon comparable legal service skills.

Senator TIERNEY—Where you would need solicitor training to actually do that work in the public sector?

Prof. Redmond—Yes, exactly. Some are working as in-house counsel in private organisations, that is, acting in a legal role with a practising certificate but for a corporate employer.

Senator TIERNEY—About 30 per cent come out and do other things where law might be a useful background. I wonder whether we might be overtraining those people? It might be sensible in an arts degree to do a law major, for example, which would probably give you enough skills to do those sorts of things. It would be useful to have had a law major to become a member of parliament but we probably do not need to be fully trained solicitors or barristers.

Prof. Fairall—At present, given current funding levels, if indeed we are overtraining them then I would suggest that Australia is getting very good value for money because that training would be imbuing those graduates with, I would suggest, values, skills and qualities which are foundationally and fundamentally important for society.

Senator TIERNEY—Would not those 30 per cent be better doing a course like an arts degree with a law major and perhaps a philosophy and sociology major?

Prof. Fairall—That is a moot point.

Senator TIERNEY—In other words, they would then have a background for community work and that sort of thing.

Prof. Fairall—I do not think the law deans would dispute the proposition that a hypothetical graduate who had no interest at all in practising law as such in any one of its many different ways would be equally benefited by the sort of degree program that you have described as opposed to an LLB.

Senator TIERNEY—We have had universities evolving over the last 20 or 30 years, and we have had a lot of institutions that have moved through a series of stages and become universities. It has always been a view that, to become a fully-fledged university, it is a great idea to have a medical school and a law school. That has often been a mark of being a comprehensive university. Medical schools are very strictly controlled in the country. You cannot just set up a medical school, but it seems as though over the last 20 years it has been incredibly easy for universities to set up a law school. Some cynics have said that all you need for a law school, once you have your faculty established in terms of resources, is a stick of chalk and a good law library. Is that why we have so many students in law and so many law schools in this country—because it is so easy for universities to actually establish law schools?

Prof. Redmond—The answer to that really depends upon why the students are attracted to the law programs in the first instance. Also, the ease in which a law course can be established and the kind of thinking you have given are reinforced by the location of law within the lowest funding band within the HECS cluster; it is cluster 1. It is part of the impoverishment of legal education we have spoken about. Yet one has to say that, apart from medicine—which, as you say, is a very controlled intake group—the cream of tertiary students in Australia have flocked

to law programs. That is the reality. I think they have done that for a number of reasons. Some of them do it because they see this as having the prestige and high income potential, but I think also there are considerable educational advantages. What law schools do now is not teach areas of knowledge but teach skills of an intellectual kind which are generally transferable—that is, what used to be called compendiously thinking like a lawyer. Students are taught to apply knowledge, to communicate effectively in oral and written forms, to address problems under a process of analysis and with a clarity of thought, and the process of investigation, writing and research. These are at the centre of the modern project of legal education and they are highly transferable, intellectual skills.

The market seems to have spoken for law. Those students doing law—and whether the figure is 20 per cent or 30 per cent; I gave you the figure of 30 per cent, but on reflection I think it probably is closer to 20 per cent— particularly those doing combined degrees, find that they are getting from law school a superb preparation for a variety of jobs of a diverse kind but which includes certainly very sophisticated ones. There has been a degree of market choice in relation to this matter, and I think that is in many ways an endorsement of what is going on in law schools.

Senator TIERNEY—We are endorsing market choice, by the way. We have allowed this development to happen, but isn't there a wider question in terms of what we are doing with the best brains in the country? To some extent, because of prestige and job snobbery, they tend to flock to medicine and law if they can get into them. What does that then say about areas such as science, technology and industry, where we also rather desperately need our best brains? I take all the points that you say about the skills people develop, but it takes a very highly able cohort out of the game in terms of science, technology and industry. Haven't we got it skewed a bit too much towards faculties like law in terms of the top brains in the country?

Prof. Fairall—If you wish us as the representatives of the law deans to suggest that our students should in fact decline in entry standards, I am afraid you are not going to get us to do that.

Senator TIERNEY—In some of the GO8, that might be declining from 99 to 97.

Prof. Fairall—I take your point: we would indeed like to see Australia's science and technology initiatives increased, just as any other sensible members of society would. But for the moment I think law is in the privileged position, if you like, of being able to attract those students, and there is not really much that we can or should, in my view, do about it.

Prof. Redmond—I have two comments. You asked the previous witness who was representing the Australian Council of Deans of Science about combined programs. In fact, science-law programs have been a very important part of the combined law programs at those universities that focus upon them.

Senator TIERNEY—Do many students take those courses?

Prof. Redmond—Quite a number of students take those courses, and they are often amongst the very best students in those science programs. My own university takes the view, for example, that you should do the non-law program that is your passion, that is your interest.

There is a strong sensitivity that areas of commercial innovation, biotechnology and the like are going to require people who have a science specific background, facility and concept, and hence there is a very strong group of students taking those courses. The medallist in law from my own university a couple of years ago went on to do his chemistry PhD, and he is undecided as to whether his career will be primarily in law or science. That is an issue.

The other comment is that there is an element—we speak as people who have been teaching in law schools for a long time—as with medicine I think, of law students who come with a strong sense that this is a discipline that will give them opportunities of service where they can make a difference with their lives. That is a great, great privilege. It is a sense that we seek to nurture in law schools, and it may well be that that perception does not exist in relation to some other careers.

Senator TIERNEY—That brings me to the question of the social profile of lawyers, and you did make some points on that. You said that the mix possibly was at risk because of things like changes to HECS funding. But hasn't it always been the case that the overwhelming number of students who go into law come from higher socioeconomic groups? Has there been any point in the last 50 years where that has actually changed dramatically? I suppose the question is: haven't you still got the same problem you had previously in terms of the profile of people who go into law?

Prof. Fairall—I think one of the significant changes that has happened in the last 20 years is the increased number of women. The participation rate of women in the legal profession has dramatically changed. If you compare law with engineering, for example, it is quite astonishing how successful the law programs have been in attracting women into programs. In at least two university law schools of the 28 that we represent, women undergraduates outnumber male undergraduates within their programs. I am not wishing to correlate gender with socioeconomic status, but I would simply point to that as one fairly significant change that has taken place as part of a wider change perhaps.

As to whether there has been any significant mix in terms of overall SEC standard, it is hard to say. It is true that the anecdotal evidence is that, particularly in the prestigious law schools, the cohort was ever from the prestigious suburbs, and probably that has not changed significantly. But certainly my sense is that the regional law schools have made an extraordinary contribution in attracting people from a wide range of socioeconomic status levels.

Senator TIERNEY—I mentioned before the cynical view of what you need to start a law school—that is, a stick of chalk and a good law library. With online education now, particularly in regional universities, wouldn't it be far easier to access legal information online? I am thinking of a course in particular that the University of Southern Queensland established in a faculty in the middle of Sydney, which I thought was a bit cheeky. They did not have any sporting fields so they enrolled their students at Sydney University sporting fields, and they did not have a big library so they linked into the University of New South Wales library, which I thought was a very cunning strategy. Isn't there a lot more room for that sort of thing across all law systems? With online documents now, you do not need to have masses of shelves of old and dusty law books because you can increasingly access this material online. In your comments, you might like to also mention how we are going in terms of putting older material online. Is there any movement significantly to do that? New stuff, I am sure, is now going online as it

comes on, but you are dealing with stuff going back hundreds of years perhaps. You might want to comment on that as well.

Prof. Redmond—On the first question, it is obviously an important question. It bears upon how you see the enterprise of legal education—what the balance is between communicating simply areas of knowledge for their own sake and on the other hand developing intellectual skills that are either of a general character or specific to the discipline of law. The former of course is amenable to online education very easily and distance education generally. It is developing the skills though of communication, of dealing with ideas, of a facility with concepts, of factual investigation. Those are higher order skills which lie at the core of legal education, much less the wider professional skills which are now being seen as an important part of legal education. The University of Newcastle law school, for example, has pioneered the integration of professional education and professional skills into the LLB—interviewing, negotiating, counselling, advising, advocacy and the like. All those skills are really not addressed optimally, if at all, by online modes of education.

Senator TIERNEY—I was just segmenting. I am not saying it is all of law, but I am saying it is an important part of law to get access to the documents. The question is, though, is it a lot easier now?

Prof. Redmond—It is easier in the sense that bodies like AUSTLII, the Australasian Legal Information Institute—and I must declare that my own university is one of the two parent faculties for that, so I declare that interest—actually provides free online access to a great deal of legal material of a primary kind in a timely way. That is an important and very significant development that has seen AUSTLII move into the forefront internationally of free legal access to legal material. It is going backwards in picking up previous material but, nonetheless, in terms of value adding services and the like, these are resource intensive and are being provided commercially, and that puts a strain upon libraries. The answer generally is that Australia is doing very well and is well served by initiatives taken in that area, at least in terms of access to material as distinct from training and education outcomes.

Senator TIERNEY—Tell us why you are doing it for free.

Prof. Redmond—It is seen as being a very important democratic principle. Not only law students and law practitioners but also the community have free access to material which is central to the exercise of citizenship rights and obligations. If I may just mention this with great pride, AUSTLII has spawned the BAILII, the British and Irish Legal Information Institute, which has been established on precisely the same principles. Last week PACLII was launched—the Pacific Islands Legal Information Institute. There is also CANLII, which has grown out of AUSTLII, that has become an international network on these principles. It is central to the social mission of law schools to provide this function. This has been developed by very able people who have been supported by ARC and other competitive research grant funding, including an infrastructure grant. It is a major contribution to education. In fact the librarian at the Monash law library, Mr Nicholas Pengilly, described it some ago as being the major development in the Australian legal system since the passage of the Australia Act in the 1980s to secure the abolition of Privy Council appeals.

Senator TIERNEY—Thank you.

CHAIR—That concludes the questioning. We appreciate your appearance today.

Evidence was then taken in camera, but later resumed in public—

[11.43 p.m.]

ANNING, Mrs Beris, Deputy Chair and Director, Australian Indigenous Higher Education Association

HERBERT, Professor Heather Jeannie, Member, Australian Indigenous Higher Education Association

LESLIE, Mr Noel Gordon, Acting Director, Warawara, Department of Indigenous Studies, Macquarie University, and Member, Australian Indigenous Higher Education Association

THOMAS, Mr Roger James, Director, Indigenous Programs, University of Adelaide, and Member, Australian Indigenous Higher Education Association

TOMLIN, Mrs Denise Barbara, Coordinator, Nulloo Yumbah, Central Queensland University, and Member, Australian Indigenous Higher Education Association

VAN ISSUM, Mr Harry, Lecturer, Griffith University, and Member, Australian Indigenous Higher Education Association

CHAIR—Welcome. The committee has before it a submission we have numbered 349. As there are no changes that you want to make to the written submission, I now invite you to make a brief opening statement. I understand that Professor Herbert would like to make some comments first.

Prof. Herbert—Yes, thank you. I am simply here to acknowledge the traditional owners of this land as this is my university and I am a member of that. There are people here from six universities around Australia. I was asked to observe the protocols on this occasion, so I would like to acknowledge the traditional owners of this land and pass over to Beris.

Mrs Anning—Thank you very much. Basically, I would like to acknowledge that the submission has been written with contributions and support from my colleagues in a number of university indigenous units around the country. It has been written based on our continued concerns and issues in the indigenous higher education sector. The issues that we have had we discuss constantly: funding from DETYA based on decreases in terms of support and resources to our units; the situations of participation; the success of our students, and obviously the access for our students and our people to higher education. We know that there was a submission written in 1998, but not a whole heap of information actually came across, about higher education at that point in time. This year we believe that we have had a greater opportunity, not just the association but we have been supported by the National Tertiary Education Union as well as individual universities and institutions such as Batchelor in the Northern Territory that are represented here today. So we believe that based on our continued concerns, obviously, since 1998, and the decrease in the allocation of resources to our units, the static nature of the unit models is not conducive to the future path in academia that we would like to take in higher education. I think that this is an opportunity we have taken to look at a number of the

terms of references that we had to apply to to give more in-depth information, maybe, that other submissions did not supply. We obviously would like to take the opportunity today as we present face to face to you to be asked those types of questions that can actually clarify what was not clarified at past meetings and hearings. Our people can do that today.

CHAIR—Thank you. One of the principal problems—and this came from this committee's investigation into indigenous education as well, looking particularly at the higher education sector—is the issue of maintenance of students through the last years of secondary school. From your perspective of dealing with the higher education sector, what are the most significant things at federal government level we can do to address that problem?

Mrs Anning—Obviously, if the government is moving to address the retention of our young people to the secondary level of year 12, that is an enormous step forward. Obviously, we, as higher education groups promoting and recruiting from different parts of the community, find that we still have a major problem in terms of the numbers of students who are coming through to year 12 who are then eligible for higher education entry. There are great inroads being made there, but obviously there needs to be a lot more in terms of the transition from secondary into the higher education sector. No doubt a number of my colleagues in our units around the country do work quite closely with the secondary sectors in our regional or urban areas to try to overcome that and ensure that our younger people remain on to the year 12 secondary level and also, at the same time as staying on to year 12, trying to get an OP or a TER that is going to give them mainstream entry into higher education studies.

CHAIR—What sorts of inroads are you referring to when you talk about inroads at the recruitment level? That is a level that I am trying to explore with you. What has worked?

Mrs Anning—For me, our unit—and I cannot speak for everybody—we actually do run a number of university taste programs on campus. As a regional university we work with the south-west area of Queensland and into the Wide Bay-Burnett region, so we are drawing on a group of people who do not have a great level of education, so obviously we would like to work closely with the schools to maintain a number of people coming through later on in the year. So we run uni taste programs to look at motivating the younger people, looking at giving them incentives to continue on at school, giving them greater choices and awareness of choices for themselves at both career and study level.

CHAIR—What proportion of indigenous students enrol in courses run by the indigenous higher education centres?

Mrs Anning—It differs. Out of our university, where there is a total of about 25,000 people in studies, we have about 280 indigenous people. That is quite a large number compared with some other universities.

CHAIR—What is the total population?

Mrs Anning—If I compare indigenous students with the mainstream, the overall total, if there are 25,000 students overall at USQ, we have a small pool of 280. If you base that on the overall pool of about 8,000, I think, that are in higher education and by DETYA's statistics, the number is 280 compared with about 8,000-odd. I am not sure what the other universities have,

they all have different numbers of students, but, in total, at this point in time there are some 8,000 indigenous students in higher education.

CHAIR—That is 8,000 across the board, and then you are only talking about 280 at your particular institution.

Mrs Anning—If you have about 37 of our units, or 39 universities, around the country, that obviously makes up a considerable number of indigenous people. We work in our own catchment areas—and sometimes interstate and on a state level as well—in promoting the courses that would be conducive to indigenous people coming in and studying and going off into particular areas of employment.

Prof. Herbert—I would like to say something in response to that. I am not sure if you understand that they can be very different. For example, a number of higher education units are simply operating as support units, so they provide support programs for indigenous students in all discipline areas right across the university. Others will run some tertiary access type programs which are designed to bring students up to the standards that they need to actually gain access to mainstream programs. I suppose we see that as bringing people to a standard where they can be competitive in gaining access to mainstream programs.

Then there are other units like our own here: the School of Indigenous Australian Studies at James Cook. We actually run our own academic programs, which include undergraduate and postgraduate programs. We still run the tertiary access program and we still provide the support role in term of students right across the university, but ours is a very diverse operation and we are looking at two roles, if you like. I think it is difficult to answer your question in a simple way. The indigenous students we have come for support in terms of accessing tertiary access programs that will enable them to access mainstream programs, but we also have our own undergraduate and postgraduate students.

CHAIR—It is more the latter that I am trying to get to. What proportion of indigenous students would be enrolled at university in either graduate or postgraduate indigenous studies related courses?

Prof. Herbert—That is a very difficult figure to give you because it is only very recently that those students have even been identified within universities. It is a self-determining thing, if you like. Universities put that on their enrolment sheets and people choose whether they are going to identify as an Aboriginal or Torres Strait Islander person or not. That is the only way that you find that out.

CHAIR—But the number of students actually studying in these programs should be information that is available.

Prof. Herbert—Not necessarily. If students have not identified—

CHAIR—No. I am asking about students across the board, not necessarily indigenous or non-indigenous. How many students do you have studying indigenous studies related programs?

Prof. Herbert—For indigenous studies as such?

CHAIR—Yes.

Prof. Herbert—I do not know, but I can have a look. I have some figures from last year but these are only for my university.

Mrs Anning—My university does not have a specific indigenous course. We have a compulsory indigenous studies unit that pre-service teachers must study. They must study an Australian indigenous studies unit—one unit. So therefore in any one year we may have 200 to 500 students come through depending upon the enrolment of those students. Obviously if the university downgrades and does not make it a compulsory unit, then we have significant decreases in the number of students who take that on, and an issue for teaching in the future for those pre-service teachers who will become graduate teachers.

CHAIR—Has that been a compulsory unit for long?

Mrs Anning—It has only been a compulsory unit since 1996 and one of the areas of education has now been downgraded as an elective only, which is very concerning at the early childhood level. So we are discussing that with the university to actually make it a compulsory unit again.

CHAIR—That is interesting. That relates to recommendations we were making only a couple of years ago. It seems that they have gone further in the other direction.

Mr Van Issum—You are asking about the courses et cetera that these centres would teach in universities. It seems to depend on where these centres are located structurally within the universities. Some are sitting under equity type banners or welfare type areas, and you do not have access to the central academic teaching sorts of environments. Others have got established schools in which they run subjects. Others, like us at Griffith, have little bits of teaching. We might teach one subject here or there, but still the subject is located within another faculty or another school. We do not have any control over that, so it is almost like a piecemeal situation where we are trying to teach more but there is structurally not place within the university to allow us to do that. Even if we are looking at stats of how many students go into those subjects et cetera, we have not even got control over who goes in and the numbers that are in those courses because we are not within that school. We are only teaching little bits here and there, invited lectures and limited subjects.

CHAIR—Which would be the principal school for indigenous studies? Which university?

Mrs Anning—They are all differing. As you can see from the submission, there is only a very small number of universities that have created academic schools within the universities. So obviously they will have on or within their course structure a course or units that would be specifically indigenous orientated. Jeannie was going to give us that information from James Cook University because it is a school that is here; it is not a support unit only.

CHAIR—I am asking the question from the same background as an international researcher who might say to the community, ‘Which is the best tertiary institution for me to go to in

relation to how well developed indigenous studies is in Australia? What would your recommendation be?’

Mr Thomas—It is a bit hard to put your finger on any one of those. I am from Adelaide University and I can give you a bit of a snapshot of what happens at my university—and right next door is the University of South Australia which is completely different again. We have got a centre for indigenous studies, academic studies and research, and that has in its structure a support program and a foundation bridging program. One of the first questions that you put relates to year 12. We have got the foundation program because the numbers that are coming from the high school sector require us to have a bridging type program to move students through. We also have research and we are in the process of delivering an indigenous degree that will be available across the main stream of the university. A good example is in the law faculty, where there is a subject taught on indigenous aspects in law. It is a stand-alone minor at this stage. That is one example. In the university’s medical school, there is a subject on indigenous medicine. So it has got that kind of structure to it.

There is not one particular faculty in our university which could put their hands up and say, ‘We’re the best in Australia in delivering indigenous studies.’ I am not sure that any of my colleagues would be able to put their hands up because it is so different and it has so many different aspects to it in terms of its structure, content and style of delivery and also the population of indigenous people and non-indigenous people who choose to come and study those particular courses.

Mr Van Issum—A university that has been allowed to develop and has a strong teaching profile and a strong research profile in indigenous studies would be the type of university I would go to if I had the choice, speaking internationally as you are saying.

Mr Leslie—At Macquarie University we have two indigenous specific programs: a community management program and a Bachelor of Teaching in Early Childhood. We are situated in the northern suburbs of Sydney where there is a very limited indigenous population. We draw most of our students from New South Wales and Queensland where that community management program is not offered. It is a diploma of community management for the first two years and an advanced diploma for the third year; it is a three-year course, and 18 units are delivered over the period. It is aimed at mature age students. The Bachelor of Teaching in Early Childhood caters for indigenous people who work within the early childhood centres. Our programs differ greatly from programs offered at other universities. Because each university has its specific programs it is very hard to answer your question as to which is the best.

Prof. Herbert—If I were answering that question, I would say that Curtin University and Edith Cowan University, both in Perth, would have to be looked at very seriously in terms of the programs that they offer. Some universities tend to specialise in a particular area so their indigenous programs might reflect the research interests of that particular unit. For instance, at Curtin a lot of their programs reflect an interest in indigenous health, particularly in indigenous mental health, which is a reflection of the person who is the head of that unit.

The other reason for those universities being as strong as they are—and South Australia is another example of this—is that they are urban universities. They probably do have a greater amount of financial support to be able to give to those units, whereas your smaller regional

universities do not have that level of financial support to be able to provide units such as ours. There are also probably only five or six universities in the country that run their own academic program. Curtin, Edith Cowan, South Australia, here and the Northern Territory are probably about it in terms of running a straight academic program and doing research. There are six key research centres and that is what they do, but they do not run teaching programs as well, so you begin to see the complexity.

The changes that have occurred in Abstudy funding, the general changes that have happened, the maintenance of funding at a certain level and the change to the formula for the support funding allocation to universities have meant that funding for universities such as this whose student body draws from a remote rural catchment area—and we are drawing a lot of mature age people who have very limited previous education, so a lot of effort has to go into support—has really decreased in recent years.

I actually prepared this little sheet to give you some idea of what it is that I mean. This is the reality for us. I came here in 1997. I have just added them up, and I have simply put surnames there of people who were employed. Down at the bottom you have a figure in brackets, and there is a total which tells you the total staff. You can see that we went in 1997 from 23 staff to 14 staff this year. The plus is the part-time or casual staff we are employing. In brackets there is a number which says 12-plus in the first year of 1997 and it goes across. That is the number of teachers who were actually engaged in teaching tertiary access programs, straight support programs. In 1997 we had 12 academic staff allocated to that task, and now we have three. That is a reflection of the role and the service we are trying to maintain, with the financial situation continually getting worse for us, which is one of the reasons that we have now put into place a development unit. You can see there has been a change there where we have gone from 0.5 of a position in 1997 to two full-time positions now, or the equivalent, and that is to try to find another way for us to earn income so that this school might survive. I do not see the funding situation improving overall and, unless that improves, we have to find some way of surviving.

Mrs Anning—Which raises the issue in terms of the finances. Particularly in the submission we talk about the rest of the indigenous units around the country wanting to become valid academic research units in their own right to develop courses for indigenous communities, as well as to offer courses to non-indigenous people, both domestic and internationally. Therefore we are saying that if the government is at one end with DETYA decreasing the amount of funds on a per student head, or EFTSU head, to us, or maintaining a pool of funds at a static level, then obviously we have issues. But if we need to also develop new models then there have to be more resources available, both at university level as well as ours, within our individual units, to actually ensure that we can move forward for the future to develop our academic research models and be given at least three years. As you can see from Jeannie's own experience here, it needs three years to develop so that we can become economically viable within the university structure. Those considerations need to be placed before the inquiry, basically, otherwise for the next so many years we will remain as only student support services. We do far more work than that; we are not support units only. Even though we are not recognised as schools, we are still doing academic work within our units, we are still doing research and we are still involved very heavily with our communities in consultancies and advocacies. Therefore, we need to have that reflection within the models of the units that we should be placed within. Whether they are schools or whatever term the universities want to name them, we need to be valid but at the same time have the resources and the funding coming in to ensure that we can develop and take

that time to do so and to do it right. It is a big concern; it is a big issue. At the moment, the management of universities are finding it very tight in terms of their budgets. Obviously they are not going to consider that we can go down that path because it will cost them money. We are in a catch-22 situation in terms of being held back, and yet we are very vital to the Australian economy, basically, wherever our universities are located.

We bring in economic resources to our local communities and to the universities, as well as the major benefits to indigenous people as a whole because—as you can hear from the universities here—indigenous people come from different regional, rural or urban areas of Australia, then go back into their communities and are viable for the future, with qualifications as well as the skills and knowledge that they go into their communities with.

If we are talking about overcoming disadvantage, we are looking at the higher education sector as one of the areas that is going to ensure that, for the future, indigenous communities, indigenous people are very much able to work, study and have the same benefits within society as other Australians do. We need to ensure that the higher education sector is allowing us to do so. If it is resources, such as funding, that are the issue, then we really need to look at how that problem can be overcome, so that at some stage we can become economically viable. In the meantime, we need at least three years to develop these new models and resources are going to need to go in there.

CHAIR—I appreciate those comments. They relate particularly to our terms of reference about commercialisation and the impact in this area. I think the issues that you raised earlier in terms of where you reside within universities structurally, and the position in schools and how that varies from institution to institution makes that a particular issue and a particular problem. I appreciate what you are saying here in relation to how you now you have a development focus here. Have you looked collectively at what sort of model is best going to do that for you, and put forward any proposal?

Mrs Anning—There have been discussions, as far as I know, for the last 10 years about a collective model, or one where it would be conducive to indigenous knowledge being pooled and developed within its own autonomy. I think that is a different issue again, looking at an indigenous university, and whether or not it is a virtual administrative management type thing that is put in place and connected to each of these units that are already developed with infrastructure and resources. That is something that needs to be looked into and researched very well.

Collectively, we talk amongst ourselves. We know what another university unit is offering, so when we are out and people are looking at a particular course, we are able to give information and awareness of particular units and programs that are available around the country. But once again it is looking at where the university is situated geographically and the resources that it takes for an individual to actually remove themselves from a community to a place of study, whether it is on a full-time basis or part time with block release mode. It brings into question further issues concerning the resources that are available to do that for an individual, as well as for a group that might come into a university and study a particular course.

Mr Thomas—Some of us, and I use the South Australian model as an example, have talked amongst ourselves at the local state level. We have got a very unusual situation in South

Australia, where we have three universities that are in the same capital city, so there are lots of good reasons why we should talk and collaborate together and make best use of the dwindling amount of resources that each of us is receiving. We certainly do that in terms of the indigenous research centre. We have got a centre in South Australia that is based at the University of South Australia, and both the Adelaide and Flinders indigenous units work collaboratively with that research centre in terms of programs and developments.

It does vary from one state to another and one region to another. I think it is an issue that more of us are having to face, because of the concerns that we have about resources. We face the ongoing pressure—and I have found this in Adelaide—of a demand from the Aboriginal community for more opportunities for Aboriginal people to be studying at university. There is a further demand to try to get more indigenous students into what can be best described as the non-traditional areas. We are trying to get an increase in the numbers of students studying medicine, law and dentistry. In the last two years at Adelaide we have focused our efforts in those particular faculties to increase or at least get numbers in.

On that same kind of agenda is the cut in funding, so having the existing numbers and then trying to get those extra numbers in really makes our task very difficult, because those particular faculty areas are very expensive and they cost a fair amount of resource time to support students. We are really caught in a dilemma and it is an issue, I suppose, that those units that have those kind of specialty areas, particularly law and medicine, face more than some of the other humanities type subjects.

Prof. Herbert—I definitely support that response. I think it is very difficult for us to look at it as a collective nationally, if you like. I think that the notion of exploring these things within your state is a possibility, but we are all so different, and there are different sizes as well. For instance, one university might have 40 or 50 indigenous students and another might have 500, so the economies of scale would make it very difficult for that to happen.

Another thing is the way in which the IESIP funding has now been used for us to run our away from base programs. We run a media program here for indigenous media. In the past we have drawn students into that from right across the country. Last year we were told that we had to run our own administration for the IESIP funding—that is the away from base funding—and we have only recently been told how much we will get per student for this year. That made it incredibly difficult for us—to not know how much we were going to receive when our first residential program started in February. We had to bring the students in—fly them or bus them from wherever they came from—and then put them up for the period that they were here, and we had to hope that when we actually got our funding allocation from DETYA we would receive enough to cover those students, because the general attitude is, ‘If it doesn’t, well, that is tough. That is your expense.’

CHAIR—When did that funding come through?

Prof. Herbert—I do not know if the funding has come through yet. No, it has not come through. It changed to that system last year, so we are left to administer those programs without really knowing what we are administering until this time of the year. It is well into June, I think, before the amount of money is made known to us. This makes it really difficult, yet these are the sorts of things that continually happen in the indigenous education area within higher

education. While we are realistic enough to know that we have to learn to live within the budget, it would be really nice to know what the budget is before you have to start living within it. You are trying to find out about a very complex area in a very short space of time, so you are on a huge learning curve.

CHAIR—Does JCU have a medical school?

Prof. Herbert—Yes.

CHAIR—Are there indigenous students in this one?

Prof. Herbert—Yes, and there is a quota of indigenous students going into that medical program.

CHAIR—What is the quota?

Prof. Herbert—A minimum of five students out of sixty permanent places.

CHAIR—Is there any additional comment?

Mr Leslie—I have a comment on the away from base funding. I am the public officer of the NSW and ACT Aboriginal Higher Education Network, which consists of indigenous people who work in universities throughout New South Wales and the ACT. The points that we put in our submission were raised mainly by our members who had workshopped those points over a period of months. Away from base programs are one of the preferred options of indigenous students because they only take them away from their communities, their families and their workplaces for a limited time. At Macquarie University they are there for four blocks of ten days at a time, so they have face to face with their lecturers and can then go back and submit their assignments and so forth in external mode. They are not away from their homes for all that long.

One of the things we do at Macquarie is to bring them down in February before the on-campus courses start. We do that for two reasons: one is their accommodation while we have them down there, and the other is the use of the classrooms. The numbers are based on enrolment at the university from their census cut-off dates, which are 31 March or 31 August. In all fairness to the students who come down for that program, we must tell them, ‘Okay, if you don’t want to do this course, if it’s not the course you want or if you need to pull out of the course, you need to do it before 31 August.’ If they do not, they are up for HECS fees and student fees, so we advise them on that. Some people do pull out, but in the meantime we have paid for their travel and their accommodation and there is no way that we can recoup that under the funding because their enrolment is not included in the census. For instance, in 2000 at Macquarie—that was the first year that the funding was given back to universities—17 students were classed, for various reasons, as being not effectively enrolled. One of the reasons was that some of the students did not pay their student activity fees, so those 17 students were taken off the numbers submitted to DETYA. But in the meantime Warawara, the Aboriginal program, had outlaid an amount of \$34,000. It is a big problem and it is a problem which should, I think, be addressed by the Senate committee because we, in good faith, allow these students to come down but we are not recompensed for the money that we outlay for them.

Mrs Anning—I would like to add to that. As you can see, those students are enrolled; they are enrolled from the beginning of semester to that census date. In all fairness to our students, we advise them about the census date and tell them that, if they continue on and do not put in their assignments for assessment, they are going to get a failed unit. If we allow that to happen we are penalised, under the new formula for indigenous support funding that Jeannie talked about earlier, in that we could lose 50 per cent, overall, of the money based on the retention and the success of the students. With the new change to the formula we may get them in and get 50 per cent of the EFTSU, which might be \$2000, but we would lose half that if we kept them on the books, allowed them to fail and they did not continue in the course. Obviously we have problems at both ends. The first problem is at the away from base end if they come in as enrolled students but then are cut off from the census date because they no longer wish to study, although we have expended money on them; and the second problem is if, at the same time, we are not fair to the students and say, ‘You must stay on. We’ll cut you off afterwards unless you do something.’ In that case we would be putting them in jeopardy of having to pay HECS for units that they are not going to study. We are trying to be ethical here, but at the end of the day it is the attitude of DETYA in relation to resources that is making it really difficult for us.

Mr Leslie—I would like to add something to the issue of the away from base funding. I think one of the unfair aspects of it is that it was given to us in 2000 without any proportion for administrative costs. I stand to be corrected but I assume that when it was done by Centrelink they may well have been given a costing for administrative work. When it was given to universities it was out of the funding that was paid for accommodation and travel for students in the previous years, with no component for administrative payment.

CHAIR—I understand.

Mr Leslie—For the away from base programs that we have, you have to arrange for travel, airline tickets, accommodation et cetera so there is a very big administrative load in that.

Senator TIERNEY—Could you provide us with some sense of the graduation rate from secondary schools—which is the main cohort from which you would draw for university study—from 1990 to 2000, say? Could you give us some view on what is happening with the rate of Aboriginal students graduating from high school?

Prof. Herbert—In terms of our student numbers here, the majority of our students are mature age. We have a very small number of students who are coming directly from secondary school. Over two-thirds of our students would be mature age students.

Senator TIERNEY—Would that be the case with Aboriginal entry into university right across Australia?

Prof. Herbert—Yes.

Mrs Anning—It is very much the same.

Senator TIERNEY—It is mainly mature age?

Mrs Anning—It is mainly mature age at the moment. Obviously when we plan strategically for the long term we are targeting the secondary levels, knowing there is going to be an increase further down the track. But at that moment that pool is quite small. Individually we may visit about 50 schools in a year, talking to year 12 indigenous students. In some schools we may only find two. We may only find one. In some schools we no indigenous students at the year 12 level. We find a lot in year 8 and 9. When we come to the next year, year 10 has decreased, year 11 has a very small number and year 12 has very, very decreased numbers. That is my experience in the schools through a number of the regional areas in Queensland that we go into, mainly in our rural areas—the south-west region and the central Wide Bay area of Queensland.

We know that we have to work with the schools, but at the same time there needs to be—and obviously there will be—work undertaken at the secondary level to maintain the numbers coming through to year 12. We have to ensure that we are a part of that. We have a stake there for the future, needing to have our young people with the skills, knowledge and entry scores to get into mainstream education, particularly in those areas where we do not have a large number of graduates. As you can see from the tables presented, they are in the health, education and humanities areas. We have very few in the other areas—and particularly at the postgraduate level, too. We have a lot of mature age people who have come through, and now the issue is to increase the postgraduates who are indigenous people.

Senator TIERNEY—Over the period 1990-2000, what has happened to the number who get through and successfully complete secondary education?

Mr Thomas—I can give a figure for Adelaide. In the year 2000 our intake of indigenous students who were enrolled at Adelaide University was in the 63 to 68 range. Of that figure, there were five who had enrolled and ticked the box that they were graduates of year 12. In South Australia the three universities, as part of our collaborative efforts, run in mid-year a program called ‘Experience uni’. That program involves bringing some 120 year 11 and year 12 students from rural South Australia to Adelaide for a week and giving them exposure and orientation to the three universities. Of that 120-odd students, of whom about a quarter of would have been doing year 12, only five came to Adelaide University as enrollees during 2000.

Senator TIERNEY—I take it that as an association you do not have this figure of what is happening across the country over time?

Prof. Herbert—No. As an association we do not.

Senator TIERNEY—Does DETYA have that?

Mrs Anning—DETYA would have those figures.

Senator TIERNEY—But have not got those from them?

Mrs Anning—No. Our research has been at the higher education level—my research, particularly. I have not gone back into the secondary level at the moment.

Prof. Herbert—I was a guidance officer in the education department before I came across into higher education in 1996. I would say that probably the majority of students are now

completing year 12 or staying to the end of year 12, but that does not necessarily mean they are getting an OP score that will enable them to come into university.

Senator TIERNEY—But it would give you a bigger pool to draw from if it is increasing.

Prof. Herbert—Yes. It gives you a bigger pool to draw from if those people decide that they want to go to university. My personal belief is that we need to do a lot of work—and we have already started to talk about it here in this university—going and talking with students in late primary and early secondary school. In that role as a guidance officer it was my experience that in general most indigenous students do not really have an expectation or a notion of going on to university. We really need to be working with groups such as guidance officers. We also need to be getting into the upper primary and early secondary school years ourselves to talk about what a university is and what it does. While we are talking with students there, we should also be talking with teachers because there is a general sense amongst teachers that indigenous students are not really going to make it into university—that they are going to go to TAFE but that is about all.

We need to work with those groups and we also need to work with our own communities in terms of what we expect for our kids. That is an enormous challenge facing us. It comes back to the same thing. As you can see there, for a group like us to start trying to take on that role as well, when we do not have those resources—

Senator TIERNEY—I understand that.

Mrs Anning—In our own case studies and in the schools that my university and my unit actually touch base with—and that has only happened in the last month or so, that we have actually coordinated a real effort to get into a number of the schools around the state—the response from the guidance counsellors from those schools would be: ‘If I have got, say, 100 indigenous, Torres Strait Islander and remote rural boys in one boarding school, only one of these students can go to university.’ So we are having to deal with that kind of thinking and non-awareness of those counsellors within schools. They have already stated to those students and made them aware: ‘You are not going to university. Don’t worry about it.’ We are having to do a lot of work there to increase the awareness and the awareness of the alternatives—that you can go to university a little bit further along the track if you so want to. We are having to break down a lot of those myths that are instilled in our young people.

As Jeannie was saying, with the way our units are structured and the work we do now, to take care of this particular important area of business that we need to move into would increase the workload on our individual staff now, or on our unit. Without the resources, obviously we cannot do a good job there.

Senator TIERNEY—From what you have said, when they arrive at university the overwhelming preference is to go into humanities type areas, not into science type areas. Do you have any insights into ways in which this might perhaps be better balanced up?

Mr Thomas—I can speak from the Adelaide University experience, where we offer two foundation programs, which are bridging programs. One program is designed for those students who are wishing to go into humanity related mainstream undergraduate courses and the other is

specifically designed for those students who have an interest in going into the science related programs. They spend 12 months in a science foundation program that will then bridge them into any one of the science related faculty courses. The 12 months involves studying both in the foundation in our unit and also over in either dentistry, medicine or engineering—whichever course they were wishing to eventually study in. So in the foundation year they get a taste of those particular mainstream courses.

We have found that there is not a high number of indigenous students coming from the school sector that have sufficiently high marks to get access or enrolment straight into any of the science related courses. Our bridging prepares them for that and gets their academic levels up so that they can then seek and get the enrolment directly into the course after 12 months with us.

Senator TIERNEY—Have you any suggestions about how the balance could be restored in the secondary system? It seems as though by the time they have arrived at university their attitudes and approaches to science would have pretty much been set.

Prof. Herbert—I think you have to go back before the secondary school even. I have spoken to people who have done research in preschools where Aboriginal children have said, ‘We do not do science; we are Aboriginal.’ So I think we need to be looking at this right across the board, nurturing those attitudes that start back as early as preschool, and bringing them right through. That is going to take many years. At the same time you need to in primary and secondary schools start specific programs that are set up to highlight success. We do have indigenous students who are successful in the sciences. There are people in medical programs and so on now. I think we really need to start highlighting those within the secondary school area to make students see that they actually can do it if they choose to do it. But I believe you have to put a lot of funding into that area.

Mr Thomas—There are a couple of universities—and I am not sure if you are aware of this, Senator—which run summer schools for indigenous students who have excelled in their science related subjects in the high school sector. But I think Jeannie’s point is very pertinent. We have to go back even further than the senior years of high school; we have to go back to upper primary and the lower parts of the secondary school, because that is where I think the critical part of study for those kinds of areas are. The University of South Australia runs a summer school and I think one in New South Wales runs the other.

Prof. Herbert—There have been programs set up over the years. About seven or eight years ago CSIRO was running a program with students in secondary schools. It picked students who were showing promise in maths and science in year 10 and brought them through years 11 and 12 by giving them work experience and generally encouraging them. I do not know if that is still happening in other areas. I know that the one in Townsville just faded away. There have been isolated incidences around the country from time to time, but I do not think that enough ever is made of those successes, and they just peter away.

Senator TIERNEY—In an area like medicine, for example, you have at James Cook five students out of 60 entering the cohort. There was a similar program at my own university that started in the late 1970s I think. It needed a science background, being medicine. So how are students coping with that? You would not be through to your first graduate group of that system yet. I am not too sure what year the first intake at James Cook would be up to. In terms of the

five that you take in, what has happened in terms of attrition as you have gone through the years so far?

Prof. Herbert—I do not know what is happening in terms of attrition up there.

Senator TIERNEY—Perhaps you could take it on notice.

Prof. Herbert—Yes. We originally set up a SCITAC program, which was similar to what Roger was talking about in terms of giving people an alternative for access. That had a focus on science, maths and chemistry. This was when the medical school planning was happening, and we worked with them in terms of developing a program that was designed to really prepare those students to be competitive in medical school. I do not know how that has worked out, but this year we did not run that program.

In the first year we had four students that were interested in it and one finished; in the second year we had nine students who came in and five finished—I do not know how many got into the medical school; we are focusing not only on medicine but also on engineering and science—and this year we had three students who were interested in it but it was not viable for us to run it. There is a lot of interest being expressed at the moment and we will probably pick it up again next year, but those sorts of programs take several years to really take hold in the indigenous community. That has been my experience, but I do not know about my colleagues' experiences.

Senator TIERNEY—Your submission emphasises the importance of mixed mode away from base funding under IESEP. When I was at Macquarie University on another matter I received a briefing on what was happening there. Mr Leslie, you might want to comment on this. In terms of the success of that model, which seemed to be a very promising model, do you see what Macquarie is doing, in terms of away from home base, as a model that other universities should apply in Australia in terms of the success rate of Aboriginal students studying in those programs?

Mr Leslie—The community management program is very successful. The success of it, I think, is attributable to the applicants. We do a fair bit of promotion of the program through indigenous organisations, but the bulk of our applicants go there through word of mouth from other students—which indicates to me that it is a course that the students are happy with. As I said earlier, they do 18 units over three years. After that, some of them go on to do a Master of Commercial Law, which is offered by the Division of Law at Macquarie. This year we started an indigenous pathways program which sends them into other mainstream courses, and they are getting BAs and Bachelors of Science.

The program, which has been running since 1992, is very successful as far as we are concerned. As I say, it is a program that the indigenous students want away from base because it does not take them out of their communities and their homes for a good length of time. The ones that do the community management program mainly work back in their communities. The idea is to give them the skills to go back into the communities and be better prepared to run their organisations. They do accounting and marketing—just to mention a couple of the areas—so that they can go back in their communities. A lot of those who come to the program have already worked in those areas, and they say to us, 'Yes, we do have the skills.' What the program does is sharpen up their skills. They come there for the academic qualifications and

they take those away with them. At Macquarie we have found that it improves their employment chances, and they go on to get better positions in other organisations.

Senator TIERNEY—The submission proposes an ambitious program to expand indigenous studies toward creating a full indigenous university. Given the experience at Macquarie and at other places and given resourcing problems, is that really the best way to go or would we be better expanding programs like the one at Macquarie?

Mrs Anning—Macquarie has a specific course that other universities do not have, a model where appropriation of knowledge is no longer going to be a problem within universities, because indigenous people will be taking control of that knowledge and developing courses and units that are applicable to their own communities and for indigenous people, and then for use within the non-indigenous context as well. Because of where we are all located we have specific catchment areas, and we have specific local contexts that are quite different—say, where I am is quite different to North Queensland. The ability to collaborate and to combine majors from, say, two universities with a third university is a very good model to look at.

I have been having discussions with a number of universities around the development of a course. Instead of reinventing the wheel for an entire 24 units, why not look at developing the major basis of a course at one university and then look at where students can actually tap into another major to combine to develop the degree? It may be conducive that universities have understandings or that the units work together with MOUs to actually allow students to be quite flexible, to actually undertake those units that are very specific to their knowledge needs and to their industry.

I think that, at this point in time, if universities have not allowed us to develop to the potential that we have, then we are saying, ‘We can’t be support units for the next 10 years or so before another inquiry comes around. We need to move forward now.’ If that is the way that we have to move, I think there needs to be some more research into that, because obviously there are units all around the country. We need to know exactly how we collaborate and work with a university in terms of students who do not fit into our courses and stuff, but then we need to know how we work with a university that is specific to indigenous people as well as the other local university that we sit out of. There is a model there, but I think there needs to be a more in-depth feasibility study of that.

Mr Thomas—I think our association would probably give a simple answer that there is not one model that could be used across the country for indigenous education.

Senator TIERNEY—Professor Herbert, you have circulated a table showing the unit’s full-time staff in 1997, 1998 and 2001. You have not included what the matching EFTSU was for those particular years.

Prof. Herbert—I can provide you with that if you want. Our target at the moment is 107. You have those three as simply as an exercise to show you the effects of the funding.

Senator TIERNEY—I am wondering if it is, or whether it is a reflection of the EFTSU change. That is what I am trying to establish. What was the EFTSU in 1997?

Prof. Herbert—In 1997, it was purely a support unit. In 1998 we became a school. So 1998 was the beginning of the School of Indigenous Australian Studies. That is what we had then and this is what we have now.

Senator TIERNEY—What was the EFTSU in 1998?

Prof. Herbert—Just over 100. Our target EFTSU at the moment is 107.

Senator TIERNEY—What was the actual figure in 1998?

Prof. Herbert—It would have been around 110. That was the target.

Senator TIERNEY—Sorry, I do not understand the difference. The year has passed; what actually happened?

Prof. Herbert—We are given a target that we go for in terms of EFTSUs. If you reach a target then that is fine. If you go over your target, you get paid less per student than you would if they were included in your target. If you do not reach your target, you have to pay money back to DETYA.

Senator TIERNEY—So what happened in 1998 in terms of your target? Did you go over it or under it?

Prof. Herbert—We probably came out about even. 1998 was a long time ago.

CHAIR—Perhaps, Professor, you would like to provide us with the precise details on notice.

Prof. Herbert—I can do that.

CHAIR—That concludes our questions for you. Thank you.

[12.49 p.m.]

HINDS, Mr Clayton Mackay, General Secretary, James Cook University Student Association

JELBART, Ms Margaret Ellen, Representation and Research Officer, James Cook University Student Association

KNIGHT, Ms Karen Louise, Former Coordinator, Academic Support Services, James Cook University Student Association

McINTYRE, Mr Mark Douglas, President, James Cook University Student Association

WESTERHUIS, Ms Diane, President, James Cook University Postgraduate Student Association

CHAIR—I welcome the witnesses and invite you to make a brief opening statement, and we will move to questions beyond that.

Ms Jelbart—Before we do that, there is a slightly amended version of our submission. It does not contain any significant changes that alter the thrust of our submission; it is just a change in some of the figures.

CHAIR—Thank you. Please commence, Mr McIntyre.

Mr McIntyre—On behalf of the students at JCU I would like to thank the Senate committee for giving us the opportunity to present and discuss our submission. I present the submission as a graduate of JCU, master's student and President of the James Cook University Student Association. The main issues that concern the association about the capacity of the JCU to meet the higher education needs of the region are outlined in the executive summary.

There needs to be recognition by the federal government that regional universities play a unique role in tertiary education in that they provide access to higher education for people who otherwise might not attend universities and they are a major contributor to their local community. JCU will be unable to continue to supply quality education if public funding does not increase. Regional universities are unable to access equivalent levels of non-government support compared with metropolitan universities.

In recognition of academic staff workloads and reduced job satisfaction, the vice-chancellor has been investigating ways in which job satisfaction can be improved. It is acknowledged that JCU is unable to increase staffing levels; therefore the option of reducing the number of subjects offered is being discussed. This potentially will impact on the variety and the level of disciplines that may be taught. This will reduce the opportunities being offered to potential regional students. When members of this Senate committee are compiling their final report, I encourage you to be frank in emphasising what many people have already said—that is, the current level of public spending on higher education is insufficient in Australia if Australia wishes to capitalise on its intellectual abilities.

Ms Westerhuis—I will not reiterate what you have probably heard many times from postgraduate students around Australia. From discussions with students on this campus we have great concerns about the career paths of budding academics and about what this means for the future of students at JCU in particular and in Australia in general. Many good, bright students are not becoming academics as they would have liked to have been because of the lack of opportunity or the difficulty in obtaining a full-time position. Many positions are now casualised, as you are probably aware. Therefore, although there is the opportunity for employment during the semester, between semesters there is no income for those people. We have other concerns too. However, these are across Australia so we will not go into those any more, but we would be happy to answer any questions on any other issues.

CHAIR—Thank you. Could you give us a feel for class sizes in different faculties at JCU?

Ms Jelbart—It varies quite a bit. I compiled most of the figures, but we have not actually looked at the class sizes between disciplines. The size has been increasing over the last few years.

Ms Westerhuis—I can give an example in my discipline of sociology. In the first semester we had 217 students in year 1 sociology.

CHAIR—And tutorials?

Ms Westerhuis—Tutorials have been difficult because of funding not being available for as many tutors as we would like to have. There are only a couple of postgraduate students at the Townsville campus doing PhDs full time. We did some tutorials for those classes, and there would have been three of us for 270 students.

CHAIR—How many tutorials did you run?

Ms Westerhuis—The lecturer plus two postgraduate students did the tutorials and the numbers were up in the 20s when there should have been ideally less than 20.

Mr McIntyre—I can give some examples in relation to law and arts. There would be around 160 to 180 students per class doing first year law. Some of those tutorial groups would be 25 to 30, which is a fairly high student-staff ratio when you are looking at a tutorial. A lot of the tutorial classes seem to be extremely crowded; you have students sitting on the floor and students sitting out of the actual classroom on seats.

Also, in relation to the photography course the arts faculty runs, approximately 120 students attended the first class of last semester. About 30 of those students had to sit on the floor. Many of them were international students, who were appalled at the size of the room that was offered for such a large class. Those are two examples of very large class sizes.

CHAIR—Often what the committee has been able to collect on this issue has been reasonably anecdotal, sometimes of the experiences of student representatives across a variety of faculties. But it is one direct sense we can get for the overall stresses occurring at the teaching end of the student-staff figures for a university. What you say about, for instance, tutorial sizes of up to 30 in arts is occurring across a number of regional campuses and in

tutorial rooms—which were obviously built probably around the same size as JCU—for tutorial sizes of about 12. Would that be right?

Mr McIntyre—That would be right.

CHAIR—So you have tutorial sizes about double the theory behind the tutorial experience. You mentioned the experience of international students. Your submission notes without comment that the university plans to encourage students from abroad as a means of additional income. Are you aware that a number of student associations have actually commented about the adverse effects, in terms of diversion of funds, where international students have been used as an attempt to boost the overall university's budget?

Mr McIntyre—Yes. A lot of student accommodation on campus tends to be taken up with a lot of international students who wish to live on campus. Even though there is more accommodation being built, the price of the weekly board of that accommodation is outside the scope of most domestic students. Even indigenous students cannot or do not last in a college environment, especially remote indigenous students from up around the North Queensland area. International students are taking up a lot of the places, and there is not a lot of rental accommodation available within close proximity to university. There is a need to look at further on-campus accommodation for students.

Another area international students are very disappointed with when they get here is the lack of quality sporting fields and facilities on campus, which have not been maintained over the years, through lack of government funding. That is one area the government could look at: promoting sporting excellence on campuses. A prime example is our own Northern University Games, which we have just had here. No events were actually held on campus; everything was held off campus because the quality of the grounds was not up to standard.

Ms Jelbart—It was noted in the submission that last year internationalisation was included in the university's strategic plan. The association certainly acknowledges that in the short term we would assume there would be a diversion of funds channelled into that area to develop that aspect of university in acknowledgment of long-term future income. In the immediate short term it impacts on other areas in the university for the students and, like any investment program, sometimes you do not know what the return is going to be at the end of it. It is just an acknowledgment that as part of the strategic plan it will impact definitely in the short term and hopefully in the long term. In the long term it will be good, but in the short term it has meant that limited income has been stretched amongst more diverse activities.

CHAIR—Mr McIntyre, your comment that the vice-chancellor is looking at subject offerings into the future gives me an impression that JCU is at a stage a couple of years behind what has occurred in some other regional universities, where those declines in subject offerings have already occurred. They had previously gone down the path of internationalisation. The student associations have said to us that in that environment, rather than a longer term benefit, the experience for the university in the domestic climate has actually been to see some of the traditional subject areas further diminished in order to channel resources into those areas that are seen to be able to attract a particular international market. So unlike what some people might regard as the theory behind bringing in international students—that is, 'They won't be a significant cost, because we'll offer them to our current class offerings'—what in fact seems to

occur is that new schools are developed to cater for this market and the resources are channelled away from the traditional schools. Has that been considered by the student association at all?

Ms Jelbart—It has. In some ways we believe that it is a philosophical issue of what the role of a regional university is. Up until now JCU has maintained a regional focus by trying to offer a broad range of subjects, but at some point—as has already happened at the universities you referred to and might happen at JCU because of the limited income that we have—a rationalisation would have to occur. Therefore, a choice has to be made between whether you maintain a regional focus on what you need to offer your community and what you have to do, which is make decisions that might disadvantage your local community but increase your financial viability. So in some ways it is a philosophical argument about what the role of a regional university is and what the role of a public university is. That is the point we made in the submission, that as a regional university JCU has a unique role and we would not like to see it forced into rationalistic decisions purely to survive if its finances are limited. Townsville is 1,500 kilometres from Brisbane—it is a bit less than the distance between Brisbane and Melbourne—and we play a unique role in the region. The association believes that the university is there for the regional area, and to do that we have to provide a broad range of subjects. We are not at this point yet, but the indications seem to be that management will have to make a decision one way or the other. If it is financial rationalisation then, yes, the student body will be affected and local students will be affected, but those decisions have not happened yet.

Ms Westerhuis—Management is now looking at the number of subjects at JCU.

Ms Knight—My understanding is that, to some extent, JCU has actually already done some rationalising and does look quite seriously at the number and nature of subjects and whether they are being covered elsewhere within different faculties, trying to cover things in that way, but not necessarily with the purpose or the intention of setting things up to collect additional international business.

Ms Westerhuis—At the moment my school is looking at making decisions as to whether to offer subjects on alternative semesters or years, rather than each semester or year, as a way of cutting down the number of subjects offered at any one time.

Ms Knight—That already happens within the Law School and a number of others around JCU.

CHAIR—Your submission refers to the case of foreign students arriving to undertake postgraduate studies to discover that there is no supervisor available. How was that problem rectified?

Ms Jelbart—That was an individual case. That student transferred over to a master's by coursework, because it was a situation where they were in the country, they had their visa, they were enrolled at a university and what were the choices—to go home and forfeit what they had already expended or to stay? In writing the submission, we asked postgraduate students for feedback about their postgraduate experiences, so a lot of the information in the submission is anecdotal and it might only be a small number of students but it is the valid concerns of students who come here. Because of various factors I am sure that this would not be an isolated instance.

Other postgraduate students, both domestic and international, have commented on the lack of access to supervisors because of their supervisors' workloads. The supervisory issue is a problem in some areas. It will vary from discipline to discipline, but students have reported that having adequate feedback from supervisors and organising contact time with their supervisor is a problem.

CHAIR—This case was a bit more significant than that, and in some other universities it has been the case that some people enrol in a university only to arrive and discover that the subjects are not on offer, full stop.

Ms Knight—That has also happened.

CHAIR—How frequent are these types of problems for international students?

Ms Knight—I was going to say that the subjects I was mentioning have been undergraduates. They were the ones that I primarily dealt with. Not all of them come to the student association and complain, but probably over the last couple of years I would have had half a dozen to a dozen—closer to a dozen. Alternative solutions were able to be arranged for them.

CHAIR—How many international students are we talking about at JCU currently?

Mr McIntyre—Thirteen hundred.

Ms Jelbart—I might have to take that one on notice.

CHAIR—And break that into the postgraduate and undergraduate level, if you could.

Senator TIERNEY—You have made much of things such as overcrowding. When I was a student in 1964 at Sydney University I went into my first lecture and sat on the floor along with a great number of others because the conditions were overcrowded. In 1963 the universities were in crisis. In 1970 I started lecturing, and I lectured tutorial groups of 30. I remember it very clearly because one of those tutorials was at 3 o'clock Friday afternoon and the next one was at 4 o'clock Friday afternoon. I remember those things very clearly. I did spend 20 years in the sector out of the last 30—the last 10 being in the Senate—and I just wonder when this magic, golden age of universities was. From my experience it certainly was not in the 1960s, 1970s, 1980s or 1990s, and, given the funding in the 1950s, it probably was not then either. You are putting up these things as if they are new problems. My question is: is any of this really new?

Ms Jelbart—They may not be new. Overcrowding in lecture theatres and tutorials may not be new, but the carryover impact from that is on students being able to access their lecturers and their tutors for feedback. A couple of years ago one area that always used to employ postgraduate students to conduct tutorials decided that they would not do that any longer so the lecturing staff took over the conducting of tutorials. Because their contact hours increased, that made those staff less available for student contact to get feedback. In some disciplines like business and accounting where a lot of the tutors are employed on a casual basis and they are employed in the industry so they are not physically on campus the students are not able to have contact with feedback for their work. The actual overcrowding situation itself might not be new

but we are in an era now where one of the attitudes the students display is that they are paying for something and they want what is their perception of a good service. Overcrowding might not be new but when they go to a lecture or a tutor asking, 'Can I have feedback on my assignment, please, and please explain these notes,' they want to be able to communicate with the staff member in a positive way. Also there is the impact on workloads. I have been working in the student association and we have students come with complaints about staff acting in an unprofessional manner, the staff member having obviously exhibited signs of stress in front of the student, which is not good for either party. It is just the rollover effect of having increased staff-student ratios.

Senator TIERNEY—I just say again that, sitting in lectures to over 500 students at Sydney University in 1965, we would have liked a bit of feedback too. I remember one lecturer in economics I made the mistake of asking the 500 students, 'Do you understand that,' and he got a resounding 'No' and then did not quite know how to handle that. I am saying that this is nothing new, really.

Mr McIntyre—That was back in the good old days when education was free.

Senator TIERNEY—It was not free. In the mid-1960s there were fees; it was not free.

Ms Westerhuis—In our submission on page 14 you will note we say that in the last six years the number of teaching staff has been reduced by 22.3 per cent. Although it might not have been a golden age six years ago it was still better than it is now.

Ms Knight—I guess part of what we are mentioning or noting as well is primarily a focus on the tutorials rather than the lectures. I certainly know that in the late 1980s when I did my undergraduate studies, whilst the lectures may have been so full that we had people sitting in the aisles and all across the floor, that was primarily at a first and second year level and it was not really in tutorials, whereas now the tutorials are often overflowing.

Senator TIERNEY—You did mention the situation with postgraduate students. What is your attitude to the new PELS system of postgraduate loans where students in postgrad are offered loans which they can repay through the HECS-type system with no interest? I do not think anyone else in the world offers that. What is your view on that?

Ms Westerhuis—Although it sounds like it would be of great benefit to students, there are problems to do with the cap on the loans and so on.

Senator TIERNEY—What about the general approach? We have not had this before. Those sorts of things will probably be sorted out in Senate debates. I am just talking about the broad principle that postgraduate students for the first time, under Backing Australia's Ability, get the opportunity to repay in a HECS-type system.

Ms Westerhuis—It certainly does offer opportunities for some students to undertake studies where they may not have been able to before. Therefore, in principle, it sounds like it is a good opportunity for students, but, as I say, there are some problems with the practice.

Senator TIERNEY—Have the postgrads across Australia formed an attitude on the recent blocking in the Senate of this PELS legislation by the opposition?

Ms Westerhuis—I would not be able to say that we are of one opinion as yet. I have just read the NUS response this morning, and they raise some issues that I have spoken of about the cap, et cetera.

Senator TIERNEY—Have they raised the issue that this possibly will not be in place by next year because it is a totally new system? Universities have to get their machinery in place, and there was a good chance from 1 July, but that has been missed, so maybe it will be August. It depends on the Senate program. Who knows? Maybe it will be in September. Is the association concerned that the whole 2002 cohort may miss out on access to this scheme because of the delay in the Senate?

Ms Westerhuis—We are concerned about the upcoming election, too, of course.

Senator TIERNEY—That will not affect this because it will be far too late by then.

Ms Westerhuis—We would like to see something set in place for the beginning of the new year, if possible, if there is going to be an opportunity there for students to undertake studies, as I say, that they would not have been able to before. It would not be a good thing to see 2002 students disadvantaged. However, we would rather see it set in place without the disadvantages that we are looking at at the moment. We would rather a short one-year delay than something set in place that may not be as beneficial as it could be.

Senator TIERNEY—Even though an entire cohort next year will miss out?

Ms Westerhuis—If it is going to disadvantage future students then we do not want to rush into something.

Senator TIERNEY—Mr Hinds, you are the association's general secretary. Are you responsible for the administration of the council?

Mr Hinds—Yes, I am.

Senator TIERNEY—Was the document that has been put before us as the submission from James Cook students ever formally discussed by the council?

Mr Hinds—The people appearing before you today have been given permission by the council, although the document has not been formally endorsed by the council itself. It has not been presented to council.

Senator TIERNEY—What status does it have if it has not been presented to the council?

Mr Hinds—Employees of the association and student representatives of the association were given the opportunity to contribute to it, although it was not endorsed by the council at all.

Senator TIERNEY—What restrictions does this place on the whole situation?

Mr Hinds—It means that other councillors who have not seen it, or have not taken part in the compilation of this, have not had the opportunity to contribute.

Senator TIERNEY—This is a pretty serious matter. You have put a submission before a Senate committee which does not seem to have any standing. Would you like to respond to that, please—under the rules of your organisation?

Ms Jelbart—Yes, that is fine. Initially when the submission was submitted it was confidential, and subsequently when it was discussed and we were informed there would be a hearing in Townsville it was suggested we would like to consider making it public, which we agreed to. Subsequent to that the submission was circulated to all members of the student council and their feedback was requested. Very few members of the council took that opportunity. As Clayton said, the people sitting here had the majority of input and discussed it with other staff members and students when we had the opportunity.

Senator TIERNEY—You then had a final document after asking for input. Why didn't that then go through your formal processes of approval?

Mr Hinds—It was never presented to me to be put to council and therefore it did not go to council.

Senator TIERNEY—Could you explain why it was not presented? It seems a pretty simple step.

Ms Jelbart—It does. I would say there was a series of reasons for it, initiated by the submission being confidential in the first instance.

Senator TIERNEY—Why was it confidential?

Ms Jelbart—When we first submitted the submission, it was a decision made by the senior management within the association that we would keep it confidential. It was then made public.

Senator TIERNEY—Why was it kept confidential?

Ms Jelbart—Because we were aware that it was a potentially sensitive document with respect to JCU providing a quality education, and we did not want some of the negative things that we put in there to be taken out of context of the submission.

Senator TIERNEY—You have the right to ask for a submission to the Senate to become confidential, but I am talking about the process leading up to that.

Ms Jelbart—All I can say is that it did not go to council in the formal manner, due either to a series of misunderstandings or to a lack of knowledge of some of the process.

Senator TIERNEY—Under your constitution, what is the standing of such a document if it is not approved by council?

Mr McIntyre—It would be taken to the next council meeting.

Senator TIERNEY—After you have presented it here and it has become part of the public record of the Senate of Australia?

Mr McIntyre—It was not not endorsed by the council either. The students could have not endorsed it if they wished to.

Senator TIERNEY—Where would they get that opportunity?

Mr McIntyre—They knew that the document was in existence. They could have brought the document to council and showed no support for the document.

Ms Jelbart—It was circulated amongst—

Senator TIERNEY—The final form was circulated.

Ms Jelbart—Yes.

Senator TIERNEY—If I were a student out there at James Cook University and I had had a problem with that, how would I have expressed that?

Ms Jelbart—You would have contacted either Mark or me, because our names were on it.

Senator TIERNEY—How do you then, without a formal meeting and a formal resolution to put it through, establish for the record the objection process? I cannot understand how that works, because people might have objections. There is no public debate; that is what I am saying.

Ms Jelbart—We gave people the opportunity for public debate, but they did not want to participate in it.

Senator TIERNEY—How were they given the opportunity of public debate, if you did not—

Ms Jelbart—Maybe ‘public’ is the wrong word. They were given the document, it was circulated and their feedback was requested. They chose not to provide feedback.

Senator TIERNEY—No-one provided feedback?

Ms Jelbart—Very few of the student councillors whom this was given to provided feedback.

Senator TIERNEY—If that was the case, why didn’t you just put it through a normal process?

Ms Westerhuis—Because we have not had a meeting yet.

Senator TIERNEY—Sorry?

Ms Westerhuis—We have not had a council meeting since this has been completed.

Senator TIERNEY—You are putting a formal submission on behalf of your association to the Senate of Australia. Don't you think that is a fair reason to call a meeting before you send the document? This inquiry has been going on now for eight months. You had plenty of time to do it.

Ms Jelbart—It has just been brought to my attention that one of the standing committees of the student council, the management committee, did meet to review the document. I was not present at the meeting, so I was not aware that it was held. The councillors were given a copy and the document was discussed then and it was agreed by the management committee, the standing committee of the council, that it would be a document on behalf of the student association. The management committee meeting has seven members, all of whom are members of the full student council. I apologise for—

Senator TIERNEY—I do not have a copy of your constitution before me, so I do not know what your procedures—right or wrong—are. Mr Hinds, do you have any comment on that?

Mr Hinds—My only comment is that I was in that management committee meeting. Not all councillors attended that meeting. The only thing that was decided in that management committee meeting was to put it off until the next management committee meeting when all councillors had had the opportunity to review it, because they only got that document when that material was put out with the management committee agenda.

Senator TIERNEY—Did the subsequent meeting occur?

Mr Hinds—The subsequent meeting did occur and that is where the five of us were given permission to sit here before the committee, although the actual document was not endorsed at that management committee meeting.

Senator TIERNEY—If that was the process you followed, why did you not endorse the document at the meeting?

Mr Hinds—My opinion as general secretary would be that the document would have to go to council, regardless of having to go to management. Council is the overriding body, the ruling body, that it would have to go to.

Senator TIERNEY—Mr Hinds, what is your view of the standing of the document that has been presented to the committee?

Mr Hinds—My view is that the document has been compiled in a professional manner and I do not want to take away from the work that has been done on this submission—although the submission just has not been passed by council and I would question its standing.

Senator TIERNEY—Thank you.

CHAIR—Is there any reason outlined in your constitution why the student body could not make a submission to a Senate inquiry without it going through a full council meeting? There are quite a number of organisations that make submissions to Senate inquiries that do not need to take the policy or the information involved in those submissions back to their broad policy-constituting body.

Mr Hinds—Because this is a submission of the James Cook University Student Association and throughout the document it says things like, ‘We believe’ and other statements like that—which have also been made here today—it is my opinion that it would have to go to council as a document of the association, not as a document of the president or of another representative body.

CHAIR—That is all right, and most organisations have rules which allow for that sort of endorsement to occur after the fact—as I am sure you would be aware.

Mr Hinds—Naturally it can, but if it is not—

CHAIR—Then you can inform the Senate. Is there anything in this document that is actually contrary to the student council’s policy?

Mr Hinds—The student council has not met, so we do not know.

CHAIR—No. Is there anything in this document that is contrary to policies of the student council?

Ms Westerhuis—When we were asking students to respond in general over the email—all students were sent an email saying, ‘We are getting information together for this’—students were given the opportunity to give information and retain confidentiality. So that would be a possible reason, as Margaret said before. We do not want to be negative of JCU at all, but the students still had the right to remain confidential if they did want to submit anything that they thought may not be in their interests.

CHAIR—I appreciate that, but in relation to the operation of organisations and their putting forward submissions or views, let me establish firstly—and contradict me if I am wrong—that there is nothing in this document that is contrary to current student council policy.

Mr Hinds—I do not believe the student association has a policy on the information that is in there. I am not sure. It may do.

Mr McIntyre—It was prepared for the student association by Margaret and by Karen Knight, and I was the person who endorsed it to go to the Senate.

CHAIR—All right. I thought this document was, as you have said, a very professional document which sought to address our terms of reference. A Senate committee obviously does not expect every organisation to have policies or views on every issue it seeks to cover in its

terms of reference. We appreciate the effort that has been put into this document by the student association as an attempt to do that. I found that the executive summary, for instance, was extraordinarily useful in terms of looking at what has happened to overall funding in a regional university. Most organisations dealing with public policy have a means for endorsing documents of this nature even if it needs to be after the fact. I suggest you might like to do that to clarify the status of this document, but you certainly have not misled the Senate in relation to any of the information you have put forward.

Senator TIERNEY—That is how the Labor Party runs! They would not allow it in the Liberal Party.

CHAIR—Wouldn't allow what?

Senator TIERNEY—Not going through proper process.

CHAIR—I do not think there is anything in their rules that says it has to. You can provide me with an example if there is.

Senator TIERNEY—That is not my experience of the organisation, Senator.

CHAIR—I think that badgering a group of students over what processes you think they should follow is not necessarily the way that we should go in this committee.

Ms Jelbart—I would just like to make a summary. The one point I would like to make is with respect to the impact that some of this has had on students. The submission mentions student support areas like employment, careers and other administrative areas actually having to close their doors for part of the working week because they cannot maintain their workloads and be open all the time. From a student point of view, we would like those services to be more accessible. The other part is the budgetary system within the university which, I suppose, is like most organisations—that is, you start at the top of the pyramid and the money filters down. So a lot of the decisions that get made which directly impact on students happen at the school level and at the discipline level. There have been changes happening over the last few years where people have had to make hard decisions about how they spend their money, but it varies from discipline to discipline so it is very hard to have overall global statements about what changes have happened. For example, one school might wish to spend its money employing tutors and another school may wish to use that money to buy computers for students. So the problems, at the ground level where the students are, are many and varied and it really is discipline dependent on what they are studying as to what their conditions of study are. Because the level of public funding has decreased, the student association is concerned that the level of public funding should be increased so that the JCU can maintain a true regional focus and a true regional role. As we said in the submission, there are fewer opportunities to get non-government money and it might come back to what the definition of a public university is. Last year 42 per cent of JCU's general operating money came from the Commonwealth government. Does 42 per cent general operating funds still class you as a public institution?

CHAIR—Thank you.

Proceedings suspended from 1.27 p.m. to 2.18 p.m.

BRAND, Ms Patricia Clare, Director, Resources, James Cook University

CLOSE, Professor Donald James, Executive Dean, Faculty of Science and Engineering, James Cook University

McTAGGART, Professor Robin, Pro-Vice-Chancellor, Staff Development and Student Affairs, Academic Support Division, James Cook University

MOULDEN, Professor Bernard, Vice-Chancellor, James Cook University

WRONSKI, Professor Ian, Executive Dean, Medicine, Health and Molecular Science, James Cook University

CHAIR—Welcome. The committee has before it your submission, and we have numbered it 134. Are there any changes you wish to make to that submission?

Prof. Moulden—There are no changes.

CHAIR—I invite you to make a brief opening statement and we will then move to questions.

Prof. Moulden—Thank you. In order to make this as brief and straightforward as possible I have given you some notes on three pages. May we take them as read? I will skip through the salient points and leave it for the record to show what I submitted.

CHAIR—Yes, certainly.

Prof. Moulden—The major points are that our costs continue to increase inexorably, although our income does not. One of the major sources of an increase in costs is the increase in accountability requirements on universities. This has made enormous demands on the increased bureaucracy that we need to fund, so that the proportion of the income that we can direct to academic business, as compared to administrative business, has declined. That is one of the sources of major starvation of funds to academic business.

Point 3 gives one key, take-home message: that the major consequence or, if you want, the real touchstone of the result is that over the last five years our student-staff ratio has declined from a figure which I acknowledge to be luxurious—14 to one, which is probably unsustainable in any climate—to around 21 or 22 to one, which is too high. It is unconscionably high. JCU's student-staff ratio is the same as the average for Queensland, but it is rather worse than the Australia wide average. What I would say to you is that the Australia wide average has declined dramatically and too far.

One of the consequences is that research is getting squeezed, but I make the point that research is no longer discretionary. Along with teaching and administration, research is one of the performance criteria against which we gauge our staff in terms of their suitability for promotion and in terms of their competence. It is no longer an option for them to choose

whether or not they do research. So in order to maintain the quality of the teaching that they deliver, to respond to the vice-chancellor's and to other managers' demands for their management and administration response, and to keep up their research, they are then digging into resources that frankly we have no right to ask of them. We are asking for hours of work from our staff that are too long in order for them to maintain the quality that they are currently delivering.

The last point that I make, under 4.4, is a very important one. It is a more general point: I worry gravely about the future of this university as a research university, and I worry not just for this university but for other small universities and other regional universities. There is a grave danger that the positive feedback built into the recent funding model will drive out of business those who are already at low scale and will reward those who have other resources—such as my previous university, the University of Western Australia, most of whose income comes not from earned income but from the privileged position of very large endowments. I would hate to see that built-in inequity manifest itself in deeper form as the positive feedback mechanism of the research funding model bites.

We have increased our research income. You may wish to question me about the consequences of the main way in which we have done that, which is in terms of overseas student income, and we have made quite a dramatic change to our trading position as a result of that. There are special challenges faced by regional universities, some of which you have heard about already. The first and major one is simply the cliched tyranny of distance. If we go to any meeting from here it has to be by aeroplane. If the meeting is anywhere but Townsville then we have to travel by aeroplane. There is nowhere within driving distance that a meeting would be held. Secondly, we are the only game in town. If subjects are to be taught here and thus be accessible to people in our region—which is not a rich region—then they have to be taught by us. Thirdly, and related to that, there is no way in which we can share the costs. We cannot share facilities and resources; we cannot say, 'You do law and we will do ancient history.' We have to do everything. These are additional costs that regional universities face that other universities may not.

The closing statement to all of that is what you would expect me to say: times are very hard. JCU is maintaining its quality but the way in which it maintains its quality is by living on borrowed time. We are borrowing that time from our staff and we cannot continue to dig into their resources. If we do not do something fairly soon to increase the quality of their lives then—and it will be evident not only in this university but also in others—we shall see a collapse of the Australian university system. That is end of my opening declaration. Thank you.

CHAIR—Thank you, and thank you also for being very frank in the statement that we have dealt with this morning. I take you back to your comment that you have increased your research funds through overseas students.

Prof. Moulden—We have increased our resources in general, yes. I am sorry—if I said research funds I should not have done; I should have said resources.

CHAIR—I may have misheard that, and I was trying to understand the connection. Your submission suggests that you have not rushed into the quest for foreign students, so I think your perspective might be interesting in terms of how you hope to maintain the balance between

being a regional public institution compared to being a commercial enterprise attracting overseas students.

Prof. Moulden—The question, I think, has to be split because, as you will be aware, we have two campuses, one in Cairns and one in Townsville. We analyse the demand for our university courses and we see that domestic demand is probably reaching an asymptote in the Cairns region. In the Cairns region specifically we intend to grow the overseas market, let us say, almost without limit until we can begin to see what the consequences are.

In Townsville, we are growing the market as fast as we can within certain constraints that we have already met. Let me give you one example. In marine biology, which is probably the most popular of all of the courses—JCU is known worldwide for marine biology—we have now had to put a quota on courses because we cannot run field trips, which are an essential component of that course. There are limits to the number of field trips that we can run safely, the number of people that we can get through our island research station, and so on. So there will be natural limits set in some courses. In other areas we do not currently see an obvious resource limit, but we have imposed on ourselves the limit that we should aim for about 15 per cent of overseas students—15 per cent of our total complement—with a maximum of 25 per cent in any one class.

CHAIR—So, in terms of some of the issues that are being faced by other institutions, you are not looking at establishing classes solely to attract overseas students?

Prof. Moulden—Let me be absolutely honest with you. In Cairns, we have modified, renamed, restructured and introduced two courses that come to my mind with the deliberate intention of attracting students but because we also know that they will be attractive to domestic students. Those two are coastal zone management and underwater photography.

CHAIR—Then your overseas students would not go beyond the 25 per cent?

Prof. Moulden—Correct.

CHAIR—Is there anything else that comes to mind in terms of how your institution is seeking to manage that dilemma, aside from the 15 to 25 per cent issue?

Prof. Moulden—I will just ask my colleagues whether they have any problems with dealing with the overseas student load. The answer is no.

CHAIR—What would you budget for marketing expenses for overseas students?

Prof. Moulden—This is a vexed problem. Currently, the way in which we fund that whole process is to pay a fixed dollar sum, which is effectively a capitation sum. For every equivalent full-time student unit that is recruited by the overseas marketing office we give them \$1,750 to fund their future activities, which, according to a review we have just had done by IDP, is the smell of an oily rag. We are told that we have to increase that component, otherwise they will not be able to sustain their management.

CHAIR—In terms of additional costs, some other submissions to this inquiry are saying things such as: the traditional 60:40 break-up between administration and the other activities of the university is diminishing through factors such as IT costs, marketing and a new level of managerialism that has come into universities—and that probably partly relates to your comments about accountability requirements. What has changed within the last decade, and when within the last decade, to increase to this new level of accountability?

Prof. Moulden—Firstly, there is the auditing process. You do not need me to remind you, so I say just for the record: auditing is not just about finance. It is about propriety in all aspects of operations. All of our operations are now subject to policies which we have to create and then have to implement, monitor, maintain and report against. Those are the kinds of things that have dramatically increased our workload. I am not saying that is a bad thing. I am not trying to get out from under that burden. But it is a major impost.

CHAIR—When did that change commence? What drove it?

Prof. Moulden—I would be hard put to say, because it has been incremental. It would be like cooking a frog slowly. I will just ask Ms Brand whether she has any indication of when that started.

Ms Brand—DETYA's requirements in terms of reporting certainly increased with the change in funding arrangements around 1996. From then on, differential HECS and so on all had a major impost and have continued to grow ever since.

CHAIR—In your view, to what extent do these accountability requirements actually touch the quality of what you deliver in terms of teaching?

Prof. Moulden—The only way in which I could answer your question would be a whole series of examples. Let me give you one. The research funding model requires that we give an account of our research productivity. It requires us to give an account of how many of our postgraduate students have graduated, what publications our staff had done in recent years, and so on. One of the big problems for us is that we do not have any excess income. We are unable to fund capital investment in things like a record system which would enable us to capture this information reliably on a database. All of our computer systems are old and they cost a fortune to replace. We hear dreadful stories of UNSW spending \$40 million on the development of a new student system. We are looking down the barrel of maybe \$4 million to \$6 million for replacing certain of our systems. That is very relevant here because when we want the information that we need to collect, we have to go to individual members of staff, and individual members of staff have to fill out on an individual piece of paper or an email a record of what their recent history of postgraduate success has been and their publications. This is just a small example that would be multiplied 50 times a year.

CHAIR—Is there an example at the other end in terms of teaching standards?

Prof. Moulden—All of the academics that I know—I have to leave the possibility that there are some that I do not know—are in the job not for money but because they believe in what they are doing. Because they believe in what they are doing they will drive themselves at the expense

of their own private life to maintain standards. I say again to you I do not think there is a major impact on quality, but that is at a cost which is unsustainable.

CHAIR—If you look at one measure that we have applied around the country, which is tutorial size, the concept of 30 students in a tutorial completely denies what the tutorial experience is meant to be.

Prof. Moulden—It is absolutely absurd. I was very privileged. Like Senator Tierney, I think, I grew up at a time when we had big first-year classes, but—I do not know about your experience—a tutorial was a group of four or maybe six students at most, when you would get together, you would read your essay, and you would have time to read your essay.

Senator TIERNEY—That was not my experience.

Prof. Moulden—In the tradition which I was privileged to enjoy, that was what a tutorial was. When I came to Australia, the University of Western Australia—the richest university in Australia per capita of staff—I was astonished that they were having things that they called tutorials with 12 people in them.

CHAIR—What year was that?

Prof. Moulden—In 1988. By the time I left to be executive dean four years later, they were up at 25 or 26 people in a tutorial and I had lost contact with the meaning of a tutorial. This was much more like what in a different world I would have called a seminar. It was a discussion group but really rather a large-scale discussion group.

CHAIR—Yes, and in an environment where there are no tutorials and students complaining about how they cannot access supervisors for the time that they need.

Prof. Moulden—Correct.

CHAIR—So, on the one hand, while you can say we are making extraordinary demands of our academics, if we are no longer offering as part of an undergraduate degree course the opportunity for dialogue then surely quality does have to be affected in some sense?

Prof. Moulden—We are not offering the opportunity for dialogue but again it is like cooking the frog slowly—instead of having one-twelfth of the lecturer's attention, you have one twenty-fifth of the lecturer's attention. Is one twenty-fifth much worse than one twenty-fourth? You have to look over time scales to see that a change has taken place. It is declining and there is no point at which you can say quality has suddenly gone. What I do say to you is that it is a system under stress—it is stretching. It is surviving because of the elasticity of the staff, and I am afraid something is going to break before long. There is not going to be a gradual appearance of a problem. It looks as though it is going to take a catastrophe before anybody is prepared to say, 'Oh, now we believe what you said.'

CHAIR—Going finally to your comments about class sizes, you stated here that your class sizes are rather worse than the Australian wide average?

Prof. Moulden—By about 0.1—

CHAIR—Is that slightly worse situation a reflection of your inability to attract other income and because of your regionality?

Prof. Moulden—The difference is down in the noise. Our student-staff ratio is very healthy in many contexts; it is just the same as the average Queensland student-staff ratio.

CHAIR—So, if you compared it, for example, to the University of the Northern Territory then you are doing well.

Prof. Moulden—We would be better off. In fact, the difference is between a 20 to one ratio of students to staff for JCU and a 19 to one ratio as the Australian average—and that is really the square root of not very much.

CHAIR—Does that significantly skew in some faculties as compared to others?

Prof. Moulden—Yes, there are differences. I have looked at the DETYA figures and what we find is that in visual and performing arts, for example, we have a rather poor figure, which is 18 to one. Remember that 18 to one is better than our average, but other universities are managing 15 and 13 to one. So there is not a consistent picture here. For example, in education our ratio is 30 to one, whereas Sydney has a 12 to one average. So you would have to pick your way through disciplines and you would find pluses and minuses all the way through. But I am just drawing attention to the big picture. The reason I do that is there will always be special arguments for each of the disciplines, and the higher the level of aggregation you can get, I assume, the more reliable the statistic. So, if we just stick overall to the way in which the student-staff ratio has changed for Australia and for this university over recent years, I take that as an infallible index of a potential decline in quality.

CHAIR—You have recently established the school of medicine here?

Prof. Moulden—Yes.

CHAIR—Have you had to produce a disproportionate effect on other faculties in order to achieve that?

Prof. Moulden—No, I came from UWA where I was very familiar with the potential impact of medicine on other faculties. The deal we struck, both with the medical people and with the rest of the university community, was that the school of medicine's funding and activities would always be quarantined—the monies they get they keep and they do not act as a drag on the rest of the university. The only condition that departs from that is that we have relieved them of taxes for the first three years of operation. So we are subsidising their administration—they are not making a contribution back into the central administration costs of the university. But that is time limited and after that I shall make certain that there is a tight steel collar kept around the funding of the medical school. The dean is here, by the way, if you wish to ask him a question.

CHAIR—What level of assistance do you get from the Queensland government for the medical school?

Prof. Moulden—We had a capital subvention of \$10 million to help us build the medical school building but there is no recurrent—

Prof. Wronski—No, there is the transfer of the North Queensland Clinical School, which is a state development in the three or four major hospitals up this way. It amounts to something like \$1.2 million to \$1.6 million or \$1.7 million per year, depending on how many of the staff are appointed.

CHAIR—Thank you.

Senator TIERNEY—My first question goes to the mechanisms in resolving university disputes among staff. I do not want you to comment on any particular case, just the general principles of dispute resolution. In some universities they have a position that goes back to ancient times, called a visitor. There are more updated variations suggested from time to time, such as creating a university ombudsman. Do you see a role for such an officer? You might also comment on why there is not a visitor for this university.

Prof. Moulden—I do not know the answer to that question. I do not even know why any university does or does not have a visitor. It is a matter of history in the original establishment, as far I know. I am sorry; you have me at a complete disadvantage. Do I see merit in having one? Yes and no. We have an external function provided by the chancellor, who is not part of the management: he is not appointed, he is elected. He is my supervisor. So at the end of the day we have that external view on matters. We have the CJC, who are able to resolve matters where we have problems that we feel we need external advice on. I can think of only one academic staff dispute that we have in this university at the moment and have had for a long time. There is a particular professor who is from a generation of ‘god professors’ who feels himself to be disenfranchised because of the management structure of this university. There is only one such dispute.

Senator TIERNEY—So you bring it back on the chancellor. I served on the council of the ANU for a number of years, as chancellor and as vice-chancellor. There was a group of us on the council who sort of led a charge against the academic controlling group a few years ago. We actually managed to get the vote to nine-all on this particular restructure of the ANU. Then we lost on the casting vote of the chancellor. I think the feeling at the time was that the chancellor had to support his vice-chancellor. I was wondering how independent a chancellor necessarily is, given that they are really part of the structure of the university.

Prof. Moulden—I think at the end of the day it has to be a matter for an external reviewer like you to form your own opinion. You have every right to wonder how independent someone is. It seems to me from where I stand that that person is very independent. Certainly he does not side with me, inevitably.

Senator TIERNEY—If we go to the more general principle, apart from the history of what has happened, do you see a role for a university ombudsman—either a university by university appointment or perhaps a central university ombudsman? You might do it on a state basis or you might do it on a national basis. Do you have any view on the role of such a person?

Prof. Moulden—Yes, if someone else would pay for it, I would be very happy to see such a role created.

Senator TIERNEY—I will just assume someone else would pay for it, so what is your view on it?

Prof. Moulden—The more we can externalise our processes, the better I am pleased, because it relieves me of the responsibility. I am very happy to externalise any of our processes. There is a subtext to this conversation and I might tell you that, in a case that we both know about, I have attempted to do everything I can to externalise that case too. So I would be very happy indeed.

Senator TIERNEY—Part of externalisation—and it has been a position in universities for quite some time now—is the role of the EEO. I do not know if this varies from state to state, but evidence we received in Queensland seems to indicate that those officers are responsible for the administration of the university, not to the EEO offices in the state capital. Could you clarify that for me?

Prof. Moulden—It is true that we are required by statute or by audit requirement to have an equal opportunity officer. That officer does report ultimately to me through the pro-vice-chancellor, Professor McTaggart, who is here on my left. So you are right that there is not a reporting line from that officer back to state, but—

Senator TIERNEY—None at all?

Prof. Moulden—No, except through me and the annual report of the university.

Senator TIERNEY—You do an annual report that goes back.

Prof. Moulden—I do not know whether it helps to add that it is true, for example, of Internal Audit. Internal Audit reports ultimately through the Pro-Vice-Chancellor (Corporate And Commercial) to me and then I report to the Auditor-General.

Senator TIERNEY—On another matter, you mentioned the possibility of a growing overseas market for students that James Cook might get more involved with, particularly through your campus in Cairns. You mentioned a growing market without limits. I wonder if, in a nutshell, you could indicate to us where the market is, as you see it, for James Cook University with overseas students through that facility in Cairns or elsewhere.

Prof. Moulden—It is not an easy question to answer. I have to answer that question in two ways: one, the current situation; and, two, the situation as we see it about to become. The current situation is that JCU has a unique profile in Australia. It is a most remarkable profile in that, unlike most universities which have a predominance of students from South-East Asia and Malaysia, it has very few from those countries. A very large proportion of our students come from America and from Scandinavia. Indeed, just to give you one indication of the extremity of that profile, of all of the students who come to Australia from anywhere to study for their year abroad—

Senator TIERNEY—Is that a climatic skew you have got there?

Prof. Moulden—Let us come to the reasons in a minute. The facts are that about 10 per cent of them come to this university, which is dramatic, given that, as a rule of thumb, we are 1.5 per cent of everything in terms of the Australian scale. That is the history. The future is that we are now going to target markets, particularly in China and India and certain other countries, rather than just taking whatever comes adventitiously our way. In terms of why might this be, I think it is largely climate and the fact that we are clean and safe and a long way from the hurly-burly of some cities in Australia.

Senator TIERNEY—If I could just turn to the way James Cook University is serving Northern Queensland. There are a number of other universities in Queensland. I am thinking of, in particular, Central Queensland University. It has a number of points of presence around its central campus in Rockhampton and, indeed, in a cheeky sort of fashion, it has also set up campuses in Sydney and Melbourne.

Prof. Moulden—So have we.

Senator TIERNEY—Well done! You might want to mention that. Apart from Cairns, what other points of presence does James Cook University have?

Prof. Moulden—A ‘point of presence’ is a good way of describing it in Mackay. I guess that is just about it. We have ended our list.

Prof. Wronski—Mt Isa.

Prof. Moulden—That is a new location that is to do with health developments.

Senator TIERNEY—Do you have any plans to go beyond that, to smaller communities?

Prof. Moulden—For a point of presence, probably not. This is something I need to discuss. It is a policy matter which I would have to ask my council for guidance on, and I would certainly want input from my senior staff. So this is a personal, unconsidered response. My personal view is that it is dangerous for a small university like this to have its lines of communication overextended. I would rather reduce than to expand points of presence. I would like to be able to deliver by distance delivery with very small numbers of support staff, maybe; but I do not want to expand.

Senator TIERNEY—Could I suggest that someone on your staff look at the University of the Highlands and Islands in Scotland. It has 17 points of presence across a very sparse regional area delivering university services to communities under 1,000. I thought that would be a reasonable model for Northern Queensland.

Prof. Moulden—I will get someone to look at that. We have lots of people with affinities in that area.

Senator TIERNEY—Other universities, such as the University of New England, are looking at establishing about 11 points of presence across north-west New South Wales. Their model seems to be to work in with the TAFEs, with their infrastructure—buildings and classrooms. Do you think that is something the university could look at? One of my great areas of interest is universities as drivers of regional economies. Could you explain briefly how James Cook University does that, particularly in relation to Cairns and Townsville.

Prof. Moulden—I do not know whether you want me to take as read the fact that our mere presence, particularly with the overseas student market, is of enormous importance to our region.

Senator TIERNEY—That is an obvious point, with people then going out to restaurants and buying food and petrol. But what about beyond that, in terms of growing or adding to the regional economy with the university being here?

Prof. Moulden—We have a high level strategic document, which we refer to as the millennium document, in which we commit ourselves to helping develop the regional economy. To that aim, we have tried to increase our connections with industry. I will give you one example of a very successful collaboration with the sugar industry, which happens to be, as you know, very big around here. By using finite element analysis to define the way in which hot fluids flow through boilers, we have been able to make major contributions to improving the efficiency with which boilers operate. Using the same kind of technology with visualisation techniques on the end of it, we have been able to analyse the pressure brought to bear by different milling heads on sugarcane as it passes through at different speeds with different pressures and so on. By combining the building of a machine, which was given to us by the cane industry, with the theoretical analysis through finite element analysis, we are able to improve the efficiency with which sugar fluids are extracted from sugarcane. The third example within the same industry is that we have just set up an unincorporated joint venture with a group called the Sugar Research Industry. We will now be pooling our research expertise, which will help to align the output of some of our schools with the needs of the industry. They are just some examples of ways in which we are trying to involve ourselves with local industrial endeavours.

Senator TIERNEY—Perhaps for the benefit of the committee you might like to take on notice a request for someone to do a summary—it does not have to be a long one—of the other ways in which the university is involved with regional economy.

Prof. Moulden—Yes.

Senator TIERNEY—Apart from the University of the Northern Territory, yours is probably the university that is the most remote from major population centres in Australia.

Prof. Moulden—Yes.

Senator TIERNEY—What particular problems does that create for the university, in terms of trying to be a comprehensive university?

Prof. Moulden—I did point this out earlier, but let me just say it again: given that our population does not have a very high income per head—we are talking about people who do not have a lot of disposable income—travelling 1,500 kilometres and then getting accommodation and living away from their community is a major problem or deterrent to their going to university.

Senator TIERNEY—Hence my point on points of presence.

Prof. Moulden—Understood. I will look at that. I am very suspicious about what we can offer. The result is that, if anything is to be offered in the region, we have to be the ones who offer it. We cannot split up the business with other people.

Senator TIERNEY—It normally works by access to the main campus. They have online access to what you are doing.

Prof. Moulden—Sure, okay. But you have asked me why we have to be a comprehensive university and what the extra pressures are. One of the extra pressures is that we have to provide discipline facilities because, if we do not, no-one else will. To give you an index of the pressure on us to do that, we are one of only seven universities in the country, some others of whom are very large universities, who teach at undergraduate levels in nine out of 10 of the discipline areas. We are one of only four universities in the country—

Senator TIERNEY—Which one have you missed? Which one is the 10th?

Prof. Moulden—We do not teach vet science at undergraduate level but we do teach it at graduate level. At postgraduate level, we teach in all 10 discipline areas, which is something that is shared by only three other universities. Incidentally, in talking about trimming our offerings, I might just mention that earlier there was a misunderstanding afoot, I think, when you were talking to the students. When I talk about cutting subjects, that is not the same as cutting courses. We are not talking about cutting disciplines, so we are not talking about cutting history, but we might be talking about cutting the history of the third week of the Second World War. That might be a subject that is part of a discipline. I am reducing the number of subjects within the courses. There is no question of cutting courses. So we cannot share that load. If anybody does it, we have to do it.

A second problem with remoteness is that we cannot share resources. We are ‘the library’ and we are the local library for other institutions as well as our own students. Everywhere we go we have to fly. I do hear what you say about the university of the Outer Hebrides but we still feel that, if we are to deliver a wide range of subjects, we have to deliver a wide range of lecturers.

Senator TIERNEY—It was actually the University of the Highlands and Islands, but it does have a presence in the Outer Hebrides.

Prof. Moulden—I forgot, I am sorry. We feel that we have to deliver a wide range of lecturers. We do that in two ways: firstly, by physically flying them to the site in Cairns; and, secondly, by using, at high cost, high quality video links between here and there and between there and here. So they are just four examples of the way in which our remoteness adds costs.

Senator TIERNEY—The universities are governed by state acts, and funding has largely been federal. But, as I have indicated and we have discussed, universities have a major role in the regional development of an area. What does your state government provide you with to support that regional role of your university in northern Queensland?

Prof. Moulden—At the moment, very little. It makes available, at competition, sources of funds. We currently have not been able to benefit from those. For example, I am talking about our seeking support for a biotechnology initiative. Nevertheless, it may be that the state has a different policy from supporting regional exemplars of that particular discipline. So the short answer is that potentially there is support available; currently I cannot think of any that we are benefiting from.

Senator TIERNEY—I am not quite familiar enough with Queensland, but most states have departments of regional development. I assume that Queensland has one.

Prof. Moulden—Yes, it has a state department.

Senator TIERNEY—Does it engage with you in any way in perhaps developing the region further via what universities have to offer?

Prof. Moulden—It does, and that is part of the university's attempt to engage with the economic affairs of the region through my membership on various external boards. Townsville Enterprise Limited is a regional self-improvement, self-promotional board. It is through that that I interface with state development.

CHAIR—That concludes our questions. Thank you for your appearance today.

[2.59 p.m.]

TABRETT, Ms Mavis Leigh, Director, Office of Higher Education, Department of Education, Queensland

CHAIR—Welcome. The committee has before it your submission, which we have numbered 339. Are there any changes you wish to make to that?

Ms Tabrett—No, thank you.

CHAIR—I now invite you to make a brief opening statement; we will move to questions beyond that.

Ms Tabrett—Thank you very much for giving me this opportunity to speak to you. Perhaps I could highlight two or three things out of our submission for your attention. The first is that population growth in Queensland does not conform to the general overall pattern of population growth in Australia. We see there being a period of renewed pressure on opportunities for accessing higher education generated not only by population growth in the age cohort but also by increased participation in secondary schooling and pressure on adults to participate. We have a longstanding concern that the current approach to the treatment of opportunities for growth may not meet our needs in Queensland. The Queensland population is very sensitive about this issue, having had a long period where access to higher education in this state was very difficult to acquire. We have given you some figures about what we think are reasonable ambitions in that area.

I endorse the comments made by James Cook University about funding. If I were to identify what we think is the single most difficult issue, it is the level of funding per student in the system. This has a particular edge in Queensland, because a substantial amount of our growth in recent years has been funded at marginal cost. This has made it very difficult for universities in Queensland to develop at the high-cost end of the discipline mix without cross-subsidising, and that shows up in our profile and in a lower average cost across institutions. That continues to be a concern. We have said in our submission that many private schools are better resourced than public higher education institutions. That is not a tilt at funding for private schools; it is a concern about the relative experiences available to students when they come from very good quality schools into very large first-year classes that are not well resourced.

Perhaps I can say two more things. The Queensland government has put more than \$400 million of its own money into higher education over the last 10 years—\$100 million of that in the last couple of years. Historically, the bulk of that money has been directed to supporting regional capital and acquisition of campuses. James Cook University has had money for capital at both its Cairns campus and its Townsville campus. The large amounts of money in recent times have been to support the development of research infrastructure—which is, as Professor Moulden said, on a competitive basis.

With respect to the points of access matter, I should draw to your attention the fact that the Queensland government also funds a network of learning support centres—50 learning support

centres; essentially they are funded through my office. They provide access to higher education to people in regional and rural centres—50 different centres. There is a part-time coordinator in each centre. All our universities have free right of access to use those centres to deliver into the regions. So there are centres in the smaller communities in this region. In fact, not only Queensland universities but Australian universities and Otago University in New Zealand use that delivery framework.

CHAIR—Starting off with your last point, to what extent does James Cook use those learning support centres?

Ms Tabrett—It is open to James Cook to use them. It certainly has used them for the delivery of remote area teacher preparation to indigenous communities on Yorke and Badu on the peninsular and also in Mount Isa. Part of the question is: how well prepared is James Cook in terms of its capacity to deliver online? So it is a supporting strategy for institutions that are well prepared for online and package delivery.

CHAIR—And that might be a significant hurdle for them.

Ms Tabrett—It is for some institutions. The major users of that network, as you might expect, are the University of Southern Queensland and the Central Queensland University, which are longstanding well-equipped distance education providers.

CHAIR—Going back to the issue of research funding from the state level, is there a particular reason that James Cook has not been successful in that area?

Ms Tabrett—No, I do not believe there is a particular reason. In fact, it would be my hope that the state government would extend its initial commitments to biotechnology to a further raft of forms of support, which might well include support for James Cook. It is just that a very large commitment was made to a couple of projects—

CHAIR—What were those projects?

Ms Tabrett—The Institute of Molecular Biosciences at the University of Queensland and the Centre for Biomolecular Science and Drug Discovery at Griffith University. I think the government is now gathering its resources for another strategic look at what its priorities would be and, in that, there is no reason why regional institutions should not be considered.

CHAIR—I want to go back to an earlier discussion we had today in relation to conflict resolution within tertiary institutions. I am not familiar with the Queensland legislation. We have noted today, for instance, that there is no provision for a visitor, an ombudsman or whatever label you might attach to that person. Is that an historical thing in relation to the Queensland legislation? Is it applicable across all institutions?

Ms Tabrett—None of the public institutions has the jurisdiction of the visitor. That is very longstanding. It is at least 30 years old. I am not sure whether the University of Queensland ever had the jurisdiction of the visitor. There is a lot of law about the overlap of the jurisdiction of the visitor with other forms of appeals processes and so on. Bond University has the option of appointing a visitor.

Public universities are covered by judicial review, freedom of information, the state ombudsman and potentially the Criminal Justice Commission. They also are required to have statutes, which have the force of subordinate legislation in Queensland, on dealing with grievances. That is a very comprehensive regulatory network. My instinct would be to say that you would want to know why that was not adequate before you leapt to the conclusion that there ought to be another office.

Some universities have chosen to create their own student ombudsman kind of figure. The University of Queensland and QUT certainly have such people. I can see some merit in doing that for the private higher education market and the overseas market, particularly in the case of the private higher education market where there are no sources of review other than breach of contract actions in the courts, which are not accessible to most students.

CHAIR—You make the point that you would like to know that the current judicial review processes are not working before you looked at a separate office. Is there any material to that effect—that they are working to satisfy the current government or that they are not working? Or is there just a void of feedback?

Ms Tabrett—What I would say is this: a large number of complaints and concerns are dealt with by processes already in universities and in those structures. As far as I know, there have been very few that have actually gone to, say, a judicial review. From where I sit looking at ministerial correspondence, a very small number of complaints fall outside that network. That is not to say that every person was satisfied by the process that went on obviously.

CHAIR—And it is also not to say that every internal process is satisfactory?

Ms Tabrett—No, not at all.

CHAIR—Your submission in terms of recommendations refers to the establishment of an independent source of policy advice and commentary on higher education. I suppose that goes back to my point about the state legislation and the role of someone like an ombudsperson as an independent source of conflict resolution. I think you have probably covered that issue in your answer to the earlier question.

In your submission, you refer to the national program on the regulatory environment for commercial activities of universities. This inquiry, if I recall, commenced in Brisbane with material related to commercial arms of universities. I am curious about what is occurring at the state level and also what progress in this national review you might be able to apprise us of.

Ms Tabrett—As universities need to engage more widely in commercial activities—and I include in that the exploitation of intellectual property, which is a central interest for them, in addition to other sorts of activities which might be more genuinely commercial—there is a tendency for them to run up against the regulatory structures which apply to them as state statutory bodies. This is a concern not just in Queensland but in a number of states and has given rise to criticisms by the auditors-general in various states about the powers of universities or about them potentially overstepping their powers.

One thing that is going on in Queensland is that we are currently engaged in a review of the commercial powers of universities and the effect of the existing regulatory structure on their capacity to do the things they need to do, and at the same time protect both the universities themselves and the state government from unnecessary risk, obviously. Because this is an issue that applies to more than one jurisdiction, the state offices together agreed to embark on a national comparative project. We are working on it jointly with the Commonwealth. It is being funded from the EIP funds of the Commonwealth. Phillips Fox have been employed as consultant and have done a scoping study which reports on the regulatory arrangements applying to universities and their financial powers in all states. We are just about to push that one level further to get a more deductive, analytical statement out of it. But you will see changes in the regulatory arrangements at least in New South Wales, Queensland and Western Australia, and that is work that is going on at the same time.

CHAIR—Changes to regulatory arrangements?

Ms Tabrett—Changes to the regulatory environment.

CHAIR—So what has been foreshadowed there at this stage?

Ms Tabrett—It is primarily to do with not restricting their ability to engage in commercial activities exclusively to do with exploitation of intellectual property, but to allow them to engage in things which might have other commercial characteristics—that is, joint ventures which might include a partnership with an organisation which is not in intellectual property, which is doing other things. At the moment that is not possible in Queensland, so our interest is to make that possible but at the same time to build in a structure which ensures that the university adequately protects itself from commercial failures of those activities. At the moment, I would say that we have contradictory public policy positions—that is, we want universities to do everything for us in terms of new industries, commercialisation, new inventions and so on, but on the other hand we do not want any risk, and those two things are not entirely mutually compatible.

CHAIR—In terms of the area of private universities or the commercial arms of universities beyond the intellectual capital issue, is anything being envisaged there with respect to regulation?

Ms Tabrett—No, not specifically. I think what we are looking at is the development of protocols or guidelines about how universities enshrine in corporate entities their riskier ventures, to put a degree of separation between the commercial activity and the university. That really does not go precisely to the behaviour of the commercial arms, but I think more of them will do the thing I described rather than do this work through their commercial arms.

Senator TIERNEY—If I could return to dispute resolution, do you think it would be a good idea to create a state ombudsman for universities, just so that justice is seen to be done, I suppose?

Ms Tabrett—We have argued the merits of it on a number of occasions and researched it and written up various versions of it. I think our concern is the one I alluded to earlier: not to create additional burdens of regulation without clarifying the other ones first. That is quite a complex

issue, since the role of the parliamentary commissioner, the judicial review power, all of those things are embedded in other bits of legislation and it is not actually a simple matter to clarify that package of things.

Senator TIERNEY—It is possible the committee might make a recommendation along this line. Is there any documentation you can provide to the committee on just the way this sort of thing could be set up?

Ms Tabrett—I am familiar with a piece of work that was done by an officer in another state which I would be happy to look for. It canvasses some of those issues.

Senator TIERNEY—Currently it seems to be being raised by people who have grievances that the whole process is not sufficiently arms-length. You do of course have EEO offices through state legislation. We were told, and it seems to have been confirmed, that they report through the university, which raises questions about an arms-length process, or what finally feeds through to the EEO office. Why is there no direct reporting to the EEO office? Obviously sometimes the senior staff of the university are the very people embroiled in these conflicts.

Ms Tabrett—I am sorry that I do not feel confident to give you a precise answer. I know that some matters in universities are heard by the human rights commission, so there is a capacity to go outside the university and have matters of discrimination heard. I think the answer is just that a particular decision was made because of the jurisdiction of the Commonwealth Affirmative Action Act. At the time that the Queensland legislation was passed a decision was made not to create a separate reporting requirement within the state. I personally would not necessarily see that as the most likely mechanism for resolving most grievances.

Senator TIERNEY—The point is that we actually do not seem to have an independent mechanism. You mention the human rights commission, but that would have a narrow area of jurisdiction relating obviously to human rights matters when these are often not human rights matters. These are matters of justice that perhaps EEO officers would have jurisdiction over, but we are just a little bit concerned about the independence of the process if they actually report via the university and not directly to an arm of the state government.

Ms Tabrett—I would not necessarily assume that an arm of the state government would be a way of doing that. I think it is a fair question to ask how well totally internalised processes can provide the form of redress that people might need. I might say that it has been an issue with the Bond legislation and it is an issue we will look at if we do legislation for further private universities to work out how to create a separate jurisdiction that might deal with complaints or grievances by people in those institutions.

Senator TIERNEY—I was interested in what you had to say about learning support centres. Could you provide us in a nutshell with a potted history of where they came from and how long they have been operating?

Ms Tabrett—Yes. In 1989 the Queensland government did a major review of participation in higher education and identified the distributed nature of the population as a main barrier to people getting access to universities. At that stage about 84 per cent of the students in Queensland were in Brisbane, but more than half the population was not. So there was a very

big difference in access to higher education for people living in the city from those living in the regions.

Senator TIERNEY—Do you know what the figure was in 1989?

Ms Tabrett—In our submission we have a figure. It might not be for 1989, but it will certainly tell you a figure for a significant year. What we tried to do at that point was to address some of those concerns. One of the commitments was to have branch campuses across the state to extend access in regional centres. That is why you have seen over the last 10 years a flowering of campuses in centres like Gladstone, Bundaberg and so on. But the other thing we did was to recognise that a huge number of centres would never be big enough to support a campus of any kind. The state government, having looked at what goes on in Canada where there are similar networks, set up a structure which has a technical support centre and head office in Brisbane and 26 originally, going up to 50, small centres. They are based in community infrastructure; we do not normally rent space. Local councils, local communities or local committees give the buildings. They include all the paraphernalia necessary—three or four state-of-the-art computers, Internet access, access to careers advice and course materials from universities; a part-time coordinator who is a very important person because community level access to higher education needs a lot of mediation and support; and facsimile, television, video and audiographics conferencing, which enables you to teach from a point into another place without the cost of videoconferencing.

In addition to their support for higher education students, they support people who want access to higher education and who are doing preparatory materials. They support TAFE students studying by distance education. They support a whole range of return to employment and return to work programs funded by the state government. There is a very nice course called Planning Your Career, which takes people who have been out of the work force for a long time and gives them a return to work program over a two- or three-week period. There is also Internet access for farmers, and small business people courses. So there is quite a range of services run through the network.

Senator TIERNEY—Just to provide us with a better picture of this, typically how many staff would be employed at such a centre? What would be the balance between administrative and tutorial, and what would be the rough floor plan of one of these buildings?

Ms Tabrett—I can actually give you one. There is a standard floor plan model.

Senator TIERNEY—Could you provide that to the committee?

Ms Tabrett—Yes. There are a couple of rooms, 24-hour access to private study facilities, coffee and tea making facilities, a bit of a library space and somewhere for people to work quietly at computers.

Senator TIERNEY—How many computers would one typically have, for example?

Ms Tabrett—I would be guessing. It would depend on the size of the centre. A minimum of two, possibly up to four or five, depending on where it is located. A part-time coordinator would

work about half a day, but in the later half of the day because typically people want to come and study after hours.

Senator TIERNEY—Are there any tutorials at all in terms of at least pointing them to where to get help?

Ms Tabrett—There is a lot of help putting them on to the online services, like OZJAC and the new Commonwealth funded careers program that is coming up. There is a lot of help with preparing assignments and getting them off to your lecturer, but also linking people in different centres into a learning support group—that is, your own local tutorial, which is in the form of maybe a teleconference or an audiographics conference, with your lecturer back home able to talk directly to a group of students either all in one centre or in several centres at the same time.

Senator TIERNEY—So if I lived at Longreach and I wanted to study at Monash—

Ms Tabrett—You can do that.

Senator TIERNEY—There is no penalty for interstate, no charge or anything?

Ms Tabrett—No. Anything Monash does in a packaged or online form you can do at Longreach. In fact, we graduated a group of students out from the Mount Isa centre some years ago, and they represented six universities. One was Edith Cowan and one was Monash Gippsland.

Senator TIERNEY—Do these centres charge the participating universities any fees for any of the services offered through the learning centres?

Ms Tabrett—No. The state government pays the base grant, which is \$1.3 million a year. Universities pay a trivial levy per enrolled distance education student. It is \$10 per distance education student, which is a kind of nominal membership fee. Their students get free access and support as a consequence.

Senator TIERNEY—Has there been any study since 1989 on what that has done to participation rates outside Brisbane?

Ms Tabrett—We have tried very hard to do a piece of work of that kind, and it is quite difficult to do. We can demonstrate a real shift in participation. It has got closer to 60 per cent of the students in Brisbane and 40 per cent in the regions. It is not exclusively down to the open learning network, because we have done the branch campus structures at the same time. Malcolm Skilbeck has just completed a review of the Queensland open learning network, and I hope there will be a public report available on its services in the next three months or so.

Senator TIERNEY—Could you send the committee any material or any documentation you have on the open learning network and how it works?

Ms Tabrett—Yes.

Senator TIERNEY—There are a number of other states that are grappling with some sort of policy to improve access in regional areas, so that could be quite handy to the committee. The state government has obviously paid for the set-up of these centres, and you mentioned \$1.3 million per year as an operating grant. What was the establishment grant?

Ms Tabrett—I cannot remember. There was the initial \$1.3 million plus some funds for the development of course materials, bridging, access and preparatory courses. I could look for those.

Senator TIERNEY—Do you tend to locate these in stand-alone sites, or are they integrated with a TAFE?

Ms Tabrett—Some are in TAFEs and some are in branch campuses of universities. Where we have got a new regional branch campus, we put an open learning centre there. But a lot of them are in old courthouses, facilities provided by local councils, CWA halls, whatever.

Senator TIERNEY—With the branch campuses of places like the University of Central Queensland, this of course puts a cost impost upon a university—to set up more spots. What sort of contribution has the state government made to the establishment of, for example, the one at Emerald, I think it is, for Central Queensland?

Ms Tabrett—The capital cost of establishing those regional campuses has been about \$80 million and the state government contributed \$50 million of that, so most of that has come out of state government funds. That is for the acquisition of land and for the initial building construction.

Senator TIERNEY—And the university picks up the rest out of its general budget, does it?

Ms Tabrett—Yes, the running cost. You are quite right that it does marginally push up the cost of an institution to proliferate the number of places where it is operating.

Senator TIERNEY—Are you aware of whether any other states have picked up a similar model?

Ms Tabrett—No, and I think most of that has to do with the population pattern in Queensland.

Senator TIERNEY—You have got a much bigger percentage outside the capital city than any other state does, have you?

Ms Tabrett—That is right.

Senator TIERNEY—So it is a bigger issue here. That covers that. Thank you very much.

CHAIR—Ms Tabrett, thank you for your submission today. We have appreciated your time with us. Unfortunately our time is limited also. Thank you very much for your appearance.

Committee adjourned at 3.27 p.m.
