



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND
WORKPLACE RELATIONS

Reference: Academic freedom in school and higher education

THURSDAY, 9 OCTOBER 2008

SYDNEY

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**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

Thursday, 9 October 2008

Members: Senator Marshall (*Chair*), Senator Humphries (*Deputy Chair*), Senators Arbib, Cash, Jacinta Collins, Crossin, Fisher and Siewert

Participating members: Senators Abetz, Adams, Barnett, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Colbeck, Coonan, Cormann, Eggleston, Ellison, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Forshaw, Furner, Hanson-Young, Heffernan, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Stephens, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

Senators in attendance: Senators Cash, Jacinta Collins, Fifield, Humphries, Marshall and Mason

Terms of reference for the inquiry:

To inquire into and report on:

The current level of academic freedom in school and higher education, with particular reference to:

- a. the level of intellectual diversity and the impact of ideological, political and cultural prejudice in the teaching of senior secondary education and of courses at Australian universities, including but not limited to:
 - i. the content of curricula,
 - ii. the content of course materials,
 - iii. the conduct of teaching professionals, and
 - iv. the conduct of student assessments;
- b. the need for the teaching of senior secondary and university courses to reflect a plurality of views, be accurate, fair, balanced and in context; and
- c. ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms.

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Committee met at 9.13 am**MARTIN, Professor Brian, Private capacity**

CHAIR (Senator Marshall)—I declare open this public hearing of the inquiry into academic freedom. This issue was referred to the Senate Education, Employment and Workplace Relations Committee subject to Senate approval. The committee has agreed to report on 27 November 2008. The terms of reference include consideration of intellectual diversity and indication of ideological, political or cultural prejudice in regard to teaching content and conduct. The committee has also been asked to consider the need for a charter of academic freedoms.

Before the committee starts taking evidence, I advise that all witnesses appearing before the committee are protected by parliamentary privilege with respect to their evidence. This gives them special rights and immunities because people must be able to give evidence to committees without prejudice to themselves. Any act which disadvantages a witness as a result of evidence given before the Senate or any of its committees is treated as a breach of privilege. Witnesses may request that part or all of their evidence is heard in private; however, I also remind witnesses that giving false or misleading evidence to the committee may constitute a contempt of the Senate. I welcome our first witness, Professor Brian Martin. We have received your submission and I invite you to make an opening statement to the committee, to be followed by questions.

Prof. Martin—My written statement is pretty short. I do not need to say anything more.

CHAIR—Okay. I want to ask you about complaints raised by students about the ideological or political bias of their lectures and tutors, and reports of intimidation of students through the marking down of essays. Do you accept that that is under the heading of academic freedom, or is that more in the realm of professional misconduct?

Prof. Martin—Probably it is worth looking at different definitions of academic freedom, and one is in relation to universities overall and their autonomy from government, typically. The second main usage is in relation to individual academics and their right to speak out on matters of public interest, either in their professional domain or in a wider context. Those are the two main definitions. I could go to others to extend it to students and so forth, but I have not really seen that much in writings about academic freedom talking about student rights. Certainly they are important issues.

Senator HUMPHRIES—Is Whistleblowers Australia the organisation that John McNicol did or does head up at the moment? Do I have the same organisation?

Prof. Martin—John McNicol was involved in the foundation, but he bowed out very early on in the piece. I think I have only met him once or twice; that was in the early nineties. At that time the name was Whistleblowers Anonymous, which sounded unfortunately like people trying to swear off being whistleblowers, so it was changed to Whistleblowers Australia. It has really been under a different sort of regime ever since John McNicol left.

Senator HUMPHRIES—We had ACT legislation some years ago, and I remember that he was consulted at the time about that. You make reference in your submission to the lack of

advantage in changing processes or procedures but an increase in the skills of people to deal with issues associated with enforcing rights with respect to freedom of expression and so on. We are focusing in this inquiry particularly on students, and I wonder how you feel it is possible to develop the skills of students to be able to enforce whatever rights they might have—and those rights are not particularly clear to me at least. But if there are such rights to complain, to bring to the attention of authorities what they would see as bias, how do you develop those skills in students?

Prof. Martin—I might just preface my response by describing the normal way that I respond to many whistleblowers who come to me, and a whistleblower could be a student, it could be a senior professional in an organisation, somebody in a church, the police or whatever. Often whistleblowers come and they have already spoken out, already suffered reprisals and already gone to an ombudsman or undertaken grievance procedures inside the organisation. Nearly always by the time they come to us those things have turned out either to be useless or even to have made things worse for them. The typical thing that I say is that, first, you should do a sort of practical thing such as documenting your case and often writing up a short account. It may mean consulting with others, building a support group, and part of that is being able to understand the organisation that they are in, that they are up against, that the problems are, and to then formulate a strategy to oppose the injustice or whatever the problem is. So it is really a practical sort of approach that I take in most cases.

There are some people in Whistleblowers Australia who are much more expert at the official processes. So, if someone has an appeal to the AAT or whatever, ‘Then here is what you do—you raise this,’ and so forth. My focus has been on the practical side because that is where most people seem to fall through the cracks. They trust in the official processes; that is fine when they work, but often they do not, and it is a weak person against a strong organisation.

The practical advice that I would give is spelled out in one of my books, *The Whistleblower’s Handbook*; it is all there, and there is lots of stuff on the web, but they are the sorts of skills that lots of people do not have. There is no training in it that anyone ever gets, and no-one is told that, while the system is said to be fair, actually you could be subject to serious injustice. When these things happen suddenly to conscientious employees, they just do not know how to handle it, so an understanding and the skills in how to respond, I think, are fundamental—and the same thing would apply to students. A lot of students come into university and they think, ‘Ah, these teachers, they know everything; they’re sort of ideal representatives of society.’ I am not sure whether students really think that, but some of them must—

CHAIR—Senator Mason was a lecturer once.

Senator MASON—They did not think that about me, Chair, I can tell you!

Prof. Martin—But, in any case, people tend to trust those in authority, that they are going to do the right thing. So if they are suddenly subject to some unfair treatment—it could be that they presented their original ideas in an essay and the teacher takes the ideas and publishes them somewhere else, that sort of exploitation of student work, which happens—then what do they do about it? They think, ‘Can I put in a complaint somewhere?’ I know that the complaint procedures are set up. They are very effective, but they very seldom turn against the people who have a greater amount of power. So it is about having students develop the skills, and part of the

skill is to understand when it is a serious injustice as opposed to, 'This is just my interpretation; maybe it is really just an honest opinion by the lecturer,' and so forth, but how do you decide that? Part of that is being able to talk to others, get independent views and make a judgement as to whether there is something really wrong. If there is something really wrong, and a lot of people think so, how should they deal with it? Sometimes it is better just to ignore it altogether and get on with your life; sometimes you want to make a major issue out of it; and sometimes it is something in between, such as going and talking to somebody and getting advice, getting an academic onside to go and make a representation about it. There are a whole range of things, and the key thing is to look at the different options.

Senator HUMPHRIES—But none of us plan to be whistleblowers. It comes on us with great surprise, I assume, in virtually every case. So, if you are suddenly in a position where you want to take advantage of processes you are not aware of, how should we make sure that, for a student particularly, that knowledge or access to that knowledge is readily available?

Prof. Martin—I think it is about having a wider awareness that these things can happen and knowing that there are some people around who do have experience in how to deal with them—and these are often the student associations. Students turn to them. When they say, 'I will go and find someone in the student union who can give me some advice', that may or may not be a wise idea, but the idea of getting advice is useful. But, if it is a sort of amorphous, supermarket style of university where everyone is just going along to their class and they do not really have any connections, then students often do not know who to turn to. That is a big problem. So, the more there are interlinking networks that allow students to find out where they can get reasonable support that is going to be well informed and effective, the better off they are going to be.

A lot of lecturers would be happy with that too, because the other side of the story is the students who make what others consider to be unreasonable complaints, just like there are people who claim to be whistleblowers when they just have a personal grievance. We get plenty of those coming to Whistleblowers Australia. So where students make unreasonable claims—and some of them have a mental illness and there are all sorts of things that go on—that is an issue for the academics, and they have set up all the procedures to deal with those students. Those procedures often then dampen down the genuine cases. That is the sort of dilemma whenever you set up procedures to deal with situations: you get the genuine ones and those that are not genuine.

Senator HUMPHRIES—Should we have posters up in classrooms and tutorial rooms and so on indicating what students' rights are and where they can go for help if these incidents arise?

Prof. Martin—It is very hard to say. The modern-day student is not like the old days when they were spending all their time on campus in a sort of community, learning. The students that I have are much more likely to have part-time jobs, about 90 per cent of them, and they are juggling all these different parts of their life—jobs, studies, personal life. Often they have family issues going on. So if you stuck something up in a classroom it would be just like the emergency notices we have about what you do: we have to raise that at the beginning of every semester, but it is sort of like in and out because, unless you actually have to practically deal with something periodically, it is just ignored. I am raising the negative side; by all means—

Senator HUMPHRIES—Yes. So tell me how we do this? How do we get the skills in the hands of students?

Prof. Martin—I would say the sort of thing that is useful is that you get a reasonably small number of students who are active about these sorts of things—and putting stories in student newspapers is useful—and go around, especially to large lectures. They do it at the moment on certain issues. They come in and the lecturer gives them, say, 10 minutes to speak about certain issues. We could have the students come in and say, ‘If you have a concern, here are the people to contact.’ Maybe they could have a leaflet to pass out. That sort of thing is useful. It just makes students aware that somebody is taking this seriously. There is a set of resources if you need it; maybe even just a website. Each uni has a sort of student challenge. These days information is no longer the long narrative. Students search the web to find what they need to solve their problems at the time.

Senator HUMPHRIES—Okay. Thank you.

Senator FIFIELD—Yesterday we heard evidence from a number of witnesses, including academics, and representatives of the National Tertiary Education Union, and those witnesses indicated that, in their professional experience, they had never come across any instances of academic bias. It struck me as odd that, in a career that might span 35 years, they had never come across an instance personally or heard of one. I was wondering if any students have approached your organisation over issues of academic bias?

Prof. Martin—Students almost never approach Whistleblowers Australia, but I have certainly had cases where students have come to me as an academic—in different capacities but showing me something that they think is outrageous treatment. Personally I would say that this happens all the time. It is inevitable whenever there is someone passing judgement on something else that one’s personal biases can enter into that judgement. The hard part is to know when that is happening, how serious it is and, more importantly, what to do about it. I think in most cases students just put up with it and carry on. Maybe they avoid that lecturer in the future. The students feel that they are very weak in relation to their teachers, although they do not realise that actually they are fairly strong because the academics are very vulnerable to student complaints. Basically, academics do not really care about students; the students will come and go, and the academic will still be there, so the academic’s reputation is much more long lasting than the duration of the student’s period there. So students have much more power than they realise.

Senator FIFIELD—But they underestimate their ability to inflict damage, for want of a better word?

Prof. Martin—That is right, and they are afraid that, if they complain, there will be reprisals in the future. I think that is a serious issue at the postgraduate level or even the honours level, when you get into one-to-one supervision. Then, if a student gets targeted, they have nowhere to go. It is not just about taking another class; the person’s colleagues are actually the ones who will be making judgements. At the typical sort of undergraduate level, first and second year certainly, students might make complaints and so forth, but what happens if they put in a complaint is the universities say, ‘We don’t really worry about whether it is bias or just inadvertently marked down too much; give it to somebody else to mark that essay.’ That is the

easy way out for academics. They say, ‘We are not trying to judge whether this academic was being unfair for one reason or another; get someone else to mark it.’

Senator FIFIELD—So, in your view, bias is a real issue?

Prof. Martin—Certainly.

Senator FIFIELD—I am not necessarily suggesting it is a systemic problem or something that is inflicted deliberately by an academic on a student; but in your view bias is a real problem?

Prof. Martin—I would say bias is a real problem, but I would say there is another thing, and this relates to the actual whistleblowers versus the impact on others. If one person speaks out and gets attacked, everyone else does not speak out: they are too afraid because they saw what happened. That is the bigger problem, in my view. It is not so much what happens to that person but the spin-off effect. What happens in universities is that most students are afraid to speak out, not because they have ever seen any students suffer reprisals; they just assume that this is a risky business.

Senator FIFIELD—There is a great power imbalance.

Prof. Martin—There is a power imbalance, but the strange thing is that, for someone like me, teaching social science, I actually would like the students to be speaking out much more—disagreeing with me. I have written a lot of stuff, it is all on the web, and the students very seldom ever challenge my things. I would love a bit of intellectual challenge there. ‘Come on, give me a bit of criticism!’ But they are afraid. And I have heard students say this many times about other lecturers: they are trying to find out what the lecturers are looking for, because then they will give it to them. These are strategic students; they are not just there to push forward their own view. They want to get ahead. They want to get good marks, so they are trying to figure out what their lecturers want. That is a far bigger problem in my mind than the bias that may exist.

Senator FIFIELD—Your evidence is refreshing, because our academic witnesses to date have been very big on the rights and the freedoms of academics but have not seemed to care terribly much about the rights and freedoms of students. Academic freedom has been construed as freedom for academics, with little concept of the rights of students.

CHAIR—You can say that, but I am not sure that that is the evidence that has been put before the committee so far. I think every witness has talked about the rights of students and the importance of that, but nonetheless—

Senator FIFIELD—In a very passing and cursory way before they race to the ultimate rights of academics!

CHAIR—Well, I guess it is a good example about how people take different things from the same evidence—or the same tutors, I suppose!

Senator FIFIELD—Let me put it this way, Chair. I am glad that we have a witness who is putting a little more emphasis on the rights of students rather than the rights of academics. They

are of course important, but I think that is what true academic freedom is about. It is about the freedom and the rights of the academic and the freedom and the rights of the student as well.

Prof. Martin—I did write a book, which I could never find a publisher for, called *Tied Knowledge: Power in Higher Education*. It is on my website. There are various chapters about the structural factors that influence higher education, including the state, capitalism, professions, academic self-interest. I had one chapter called ‘The subjugation of students’, because it is a fundamental feature of higher education. But, surprisingly, there is a lot of academic writing on most of those other areas but there is not very much on subordination of students. I think it is mainly because the literature is written by academics as opposed to being written by the students.

Senator FIFIELD—A lot of these academics in particular disciplines would spend a lot of time researching and focusing on issues of power and balance, but this seems to be one that they are not quite so concerned about sometimes.

Prof. Martin—A lot of my research has been on suppression of dissent, looking at academics but also more widely outside of university systems. But early on, and it is one of the chapters in the book, *Intellectual Suppression: Australian Case Histories, Analysis and Responses*, which is more than 20 years old, I came across a few examples where students had been what I called exploited: it could be a PhD student where there was a religious difference between the student and the supervisor and the student was then being hindered and basically prevented from submitting the thesis. There can be all sorts of reasons for that, but I documented a few of those examples. I think they are all anonymous. None of them wanted to have their name put to this short chapter called ‘Academic exploitation’, but that sort of thing does go on.

Senator MASON—I was going to ask you about that when it came to my turn.

CHAIR—Well, it is your turn.

Senator CASH—I have one very quick question, and then I will let you have the floor, Senator Mason. Professor Martin, we talk about giving students more knowledge in terms of their rights if they feel they have been aggrieved. What do we do to address the situation that was raised yesterday that academics themselves do not necessarily get any formal education in terms of how to actually go out and teach, in terms of their understanding of academic freedoms and whether or not there are any parameters around academic freedom and how they behave in a classroom situation? What do you believe that we can do to make academics more aware of what they should be doing in terms of academic freedom within a lecture-classroom scenario?

Prof. Martin—I would say that one of the important things is to open up academics—and this, you might say, is professional development—so that they are more willing to share with colleagues what happens inside the classroom. The strange thing about universities is that a large part of the so-called work of the academic takes place in the classroom or in preparation for it, but most of us when asked, ‘Have you ever visited a class of one of your colleagues?’ will say ‘No.’ It is very rare for an academic to sit in and watch another academic’s teaching, whereas on research you publish an article and everyone can read it, and there are referees and it is peer reviewed and so forth. Teaching is an area that does not receive the same sort of peer scrutiny as other areas. I do not think a punitive approach is the way to do this, because what people are

actually afraid of is that someone will look in and see that they are not doing it as well as they could as a way of penalising them as opposed to helping them do better.

I think the thing to do is have peer observation as a means of improvement and, as part of that, we say, ‘Do you see the way this person does it?’ Most people want to improve. If you see others and get ideas or you hear a student interviewed in a way that has helped them see things, you think, ‘I could teach that way.’ There are all sorts of little things that you can do by observing. There are people in universities who are promoting this sort of thing in the staff development, career development or teaching development—whatever you want to call it. They are promoting that, but it is a struggle because there is a deeply ingrained culture that this is a private activity and you do not need any training. You just come in and do it because you are delivering information, you are delivering knowledge, as opposed to the learning process.

Senator CASH—But that is the nub of the issue. Are you delivering information and are you delivering knowledge?

Prof. Martin—I think that is totally outdated. Personally, I am at the radical end of things, and I would say it was outdated once printing was developed. The idea of giving a lecture—

Senator MASON—In 1540?

Prof. Martin—As the joke goes, a lecture is a way for information to go from the notes of the academic to the notes of the student without passing through the head of either one. The lecture implies that that is an efficient way of information transfer, but once you have a written text, it is much more efficient. People can read five times as fast, and there is research that is decades old that shows alternatives to the lecture, like reading, are just as effective for learning information but more effective for generating critical thinking. But the lecture continues on. My analysis is that higher education is as much a part of a tradition of the authority in control as opposed to a dialogue of learning process. That is a bit separate from what you are looking at. In terms of teachers improving, I would suggest more thought and more peer interaction in terms of how we can improve not just teaching but helping students to learn better. We live in a totally different world these days, with the internet and all the rest.

CHAIR—Earlier you talked about bias. I am wondering about the extent of it.

Prof. Martin—No-one knows. The short answer is that I do not know anyone who has ever researched bias by academics in marking or even in the way they set their assignments. Setting the assignment probably has the most bias. You set it in a way that leads students down certain tracks. The bias in marking is something that is a bit more open, in a way.

Senator CASH—It can be challenged?

Prof. Martin—Yes, but I would say that no-one has researched it, no-one knows how widespread it is, how serious it is or what impact it has. I will just mention, at the risk of going off the track, that there is a lot of research about how students’ perceptions of the world respond to university teaching, and basically they do not change their world view. They might be worried about bias, but they are not being influenced; we are not brainwashing a whole bunch of students to lead to a different perspective on the world than they had before they came in. More likely, the

careers that they go into later are much more influential than anything we teachers ever do. That is a sweeping generalisation but that is the research I have seen. There is more in that direction to say there is a problem.

Senator MASON—Senator Fifield touched on an issue that we have not really looked at thus far. Our focus has really been on undergraduate students. You mentioned graduate students or honours students, because there the relationship between the academic and the student is, for want of a better term, more academically intimate.

Prof. Martin—It is one-to-one, usually.

Senator MASON—Yes, and certainly in a sense if there is an issue—

Prof. Martin—It is an apprenticeship.

Senator MASON—you are far more vulnerable. I remember when I was involved in universities, working there and indeed while I was doing my thesis, that there was an enormous sense of vulnerability when you are having your dissertation examined. The stories are legend about someone who says, ‘This is a marvellous thesis,’ and gives you a first-class mark, and someone else fails you. Do you think the procedures are adequate to deal with that?

Prof. Martin—No; no procedure could be adequate. This is the trouble. Procedures do not solve it because, with any procedure you set up, the interpersonal relationships and the possible biases or conflicts of interest and so forth usually operate below that margin of official things.

Some procedures are useful. I will give you an example from the University of Wollongong. It was years ago when I arrived in 1986. It was the honours thesis, and it was part of the tradition that there were three examiners and the supervisor was one of the examiners. I had an honours student the very first year, and I said, ‘I am not going to do it because it is a conflict of interest. I am supporting this student; I have given them lots of guidance. I am almost like marking my own work if I am one of the examiners.’ What actually happened was a lot of examiners then became advocates for their students, a sort of protege syndrome. In a few cases they got a bit of offside with the student, so they undermined the student.

Senator MASON—It cuts both ways.

Prof. Martin—That is right. I was not the only one. Our current academic deputy vice-chancellor was leading the push to change this. Eventually, a couple of years ago, they brought in procedures to say that supervisors cannot be examiners. That is an example of an official process that has changed which has improved things, but then a couple of departments were totally insistent that only the supervisor really knows enough to be a suitable examiner and then changed their rules so they could get around the university’s regulation. I am not singling out the University of Wollongong as egregious because I think Wollongong has some of the best procedures in this. They have moved on that, and we have very, very good procedures for PhD and master’s theses in terms of controls over conflicts of interest and so forth. But, irrespective of having really good procedures, the students do not know that they have good procedures now. They are afraid to challenge their supervisor in case of having some sort of conflict and they do

not realise they could change supervisors even the day before they submit to get support and so forth. At Wollongong you can actually submit the thesis without the supervisor's endorsement.

Senator MASON—Is that right?

Prof. Martin—That is right. It does not guarantee it will actually go to examiners. The thesis examination committee has to make a judgement about whether it is up to scratch, but there is at least one case where the student submitted it that way and the thesis was passed. So the procedures have changed, but it is not just the procedures per se; it is part of the cultural change within the organisation and making people aware of the issues involved and the students being more articulate, aware and confident in addressing things and knowing who to talk to. As a senior person in the faculty—senior in age, experience and rank—as well as having a role in the faculty as publications mentor—it is a strange name but I basically advise a whole bunch of research students about things—a lot of them come to me for informal advice as well as formal sorts of things.

Senator MASON—I think that is why some of us, at any rate, were surprised at Dr Allport's evidence that in her 35 years she had never come across a case of political bias or apprehended political bias. Even in my short time in academic life, I was aware of it. I am not saying that these were established cases, but there were an enormous sense of vulnerability and certainly claims of political, personal or some other bias.

Prof. Martin—Certainly.

Senator MASON—It is not uncommon at all, particularly at the level of honours theses and PhDs, where you are quite vulnerable if you and your supervisor fall out. I am like Senator Fifield; I was really surprised at that evidence.

Prof. Martin—I look at this as a spectrum. This applies at the very highest levels of research. I have talked to people who claim that there has been Nobel Prize winning research, where the stuff has gone to the journal, the referee has sat on it and the publication has been delayed and, as a result, they have missed out on a Nobel Prize because the other work got there. So it goes on at the very high levels. The one saving grace at the low level, which is the students, is that most academics do not really care that much. In other words, the mark that a student gets is not a big deal to an academic. Getting a paper published is more important, or getting a grant or impressing colleagues and so forth. That is not to say that students are always safe, because individuals vary enormously in terms of how much they care about their commitments to certain ideas, perspectives or even personality clashes.

There is a whole bunch of things to do with interpersonal relations. I was on sexual harassment committees for 15 years, and a whole bunch of abuses go on in terms of consensual sexual relationships added on to the sexual harassment cases. There are consensual sexual relationships between academics and students that can affect the student's result because those relationships often break down and there can be reprisals against the student or the student can feel they will not be treated fairly. Or, if the relationship continues, other students can feel that something unfair is going on. All of that stuff goes on, so there can be ideological bias, but there are all sorts of interpersonal bias that can occur.

CHAIR—Professor, we are going to have to leave it there. Thank you for your presentation to the committee today.

Prof. Martin—Okay. Thank you.

[9.49 am]

SAUL, Dr Ben, Vice-President, Sydney PEN

CHAIR—I welcome to this hearing our next witness, Dr Ben Saul. Would you like to make some opening remarks to the committee to be followed by questions?

Dr Saul—Yes, please. Firstly, thank you for the opportunity to appear and to make submissions on the importance of academic freedom and diversity in Australian universities, to which I will confine my remarks. I would say there are something like a million students in our universities and about 42,000 academic staff. This inquiry has received about 65 submissions which are currently on the website, some of which allege prejudice and bias in a handful of cases. That there are so few complaints in such a large sector may well be a testament to the reality that the system works generally pretty well. That there are so few complaints also highlights the obvious problem that there is really little empirical evidence available to this inquiry about the level of prejudice or bias in universities, since serious research on the issue in Australia has not yet been undertaken. In the absence of credible empirical evidence, I would urge this inquiry to be cautious before making findings or recommendations on the basis of isolated, sporadic, anecdotal or politically-driven examples in some submissions. Measuring prejudice or bias is a very difficult and complex undertaking. The criteria of measurement, as my colleague Katharine Gelber has made the point in her submission, are indeed deeply contested.

I would also urge you to be a bit wary of submissions which assert that there is somehow an imbalance of left and right-wing perspectives in academia. On that point I would say two things: firstly, in most disciplines, including science, engineering, medicine, dentistry, most of the law and most of the arts and humanities, the issue is irrelevant. If you are fixing a tooth, building a boat, or talking about a new treaty on cluster munitions, frankly, the political party views of Labor or the coalition are irrelevant to those questions, and that is true in most of what happens in university research and teaching. Secondly, the left-right spectrum is meaningless a lot of the time, even where it could potentially be relevant, since it reduces arguments to a kind of simplistic binary mode of seeing the world, and it is not the role of academics simply to replicate party political positions on issues within their expertise.

Academia is an inherently critical enterprise. It is desirable that academics scrutinise the exercise of political power, which means examining the conduct and policies of Labor and coalition governments alike and sometimes providing a corrective or tonic to bad policies. At the same time, academics can provide a constructive role in the political process. For example, I have provided legal advice to both major parties as well as the Democrats and the Greens. I never advised One Nation but would happily have done so; they just never asked. Scholarly knowledge is not democratic in a political sense. By nature it is an elite enterprise, and academics would be failing in their duty if they simply reflected mainstream views as some submissions have urged. Our job is to extend students' minds, not to confirm existing dogma or complacent beliefs, including those ideas uncritically received through membership of political parties.

I would just like to respond to the previous witness, Professor Martin, on one point he said at the end, which is this suggestion that academics do not care particularly about marking their students' work and so on in many cases. That is certainly not my experience. In my experience, most academics care very deeply about their students. They take their pastoral role in looking after and respecting their students very seriously indeed and put a great deal of effort into making sure that their marking is consistent and rational and fair across the board.

In conclusion, I would just emphasise a few points which I do not want to labour, and which are in my submission. One is that I think that this inquiry is a fantastic opportunity to focus on the importance of academic freedom and independence rather on these other questions of prejudice and bias. That flows into a second point, which is that academic freedom and independence are the best ways of guaranteeing lack of prejudice and bias in universities because of the steps which are already taken, which I emphasise in my submission—that is, that there are existing mechanisms in most universities that guarantee quality in teaching and research and which provide safeguards in those rare cases where of course prejudice and bias will sometimes arise.

Also, in terms of thinking about your possible recommendations, I mention that there might well be a downside to standardising procedures across universities in attempting to control prejudice and bias, because the very existence of diversity of procedures across different departments and across different universities itself is part of academic freedom and independence. It shows that there is a range of different views about how to ensure quality in the academic process. Those methods may differ depending upon the discipline as well as depending upon scholarly approaches to how best control academic quality.

My final point relates to resources. In one submission I saw a suggestion that everything should be double marked, for example. If that is something which would be seriously contemplated—frankly I do not think it is necessary, and I can explain why—but if steps like that, which are extremely resource intensive, are to be taken, then of course it would be necessary for the government to appropriately resource those measures. Marking takes up a great deal of time. If you require one million students to be double marked, you need to throw a few extra billion dollars at the higher education system or otherwise accept the costs, which are we will just be burdened with more administration, less research will happen, and we will be bogged down in spending most of our time teaching. That is already arguably taking up too much time of academics and distracting from the production of cutting edge and important research.

CHAIR—I understand the resource issue in terms of double marking. Is there a level of sampling some double marking going on at the moment? Is that something that universities do as part of the performance indicators for lecturers and tutors?

Dr Saul—I have to say it varies from discipline to discipline. In our law school, for example, we double mark only fail grades. In some other departments, they double mark across multiple classes in the same subject to ensure standardisation. There are different ways, of course, of ensuring that kind of standardisation, so in the law school we apply a marking curve, which means 10 per cent get high distinctions—

Senator MASON—Do you have that?

Dr Saul—We do. The next 30 per cent get distinctions and so on. The point of that is to ensure that there is an equitable distribution of marks across large subject groups, like international law. It is compulsory at Sydney Law School and this year we have something like 15 or 16 different classes simultaneously. It irons out those differences.

Senator HUMPHRIES—We have had a variety of evidence before the committee about the existence of academic bias. Some range from saying almost flatly that it does not exist, to others saying that they have seen it and experienced it, and they describe the circumstances of its happening. Could I put it to you that, unless you take the view that there is no such thing, it never takes place—and I would be surprised if any sort of rational witness would actually assert that, without, as you heard from the previous witness, perhaps any academic research having been done on this question—if we accept that it is possible that it can occur, and in even isolated cases it does arise, is it not important to think about mechanisms that might exist and contemplate whether those mechanisms are adequate to deal with these cases? To say, as you put in your submission, that the cases are so rare that we should not be gearing the system around these particular cases belittles the infrequent cases of such things happening. It is equivalent to saying because only one prisoner in every 200 in a jail system might be bashed by warders that it is not important to have some mechanism to protect them from this happening, or only one politician in every 500 accepts a bribe, so there is no reason to have any mechanism to prevent that from happening or deal with it if it does arise. Would you not accept that we need to focus some attention on making sure that, if those rare cases arise, there are clearly understood mechanisms for students to turn to to get some redress, that there is some externality to that process so that people can feel that there is confidence there and provide some encouragement to people who want to complain? Sometime this will draw out people who have other motives, I agree, but for people who feel that they have been genuinely aggrieved to give them the confidence that the system will protect their interests if they are in that position?

Dr Saul—Yes, I have said there is a lack of empirical information about prejudice or bias, so all I am giving in my submission is my impression that indeed, in my experience, it seems to be rare, certainly at our law school, but my point is we do not know. There could be a far greater level of bias and prejudice than I am aware of, and I accept that. Of course I agree that it is important that we look to mechanisms and safeguards for protecting against prejudice and bias. The point I make in my submission is that the appropriate place to do that is within universities themselves. Secondly, universities already do it in the ways in which I have described in my submission. So I really do not see the need for any external intervention through the parliament or through the government in addition to all of the very solid and effective measures which are, I think, already in place. That flows from deeper values which are those concerned with academic independence and freedom. That is, do not think for a moment that universities have not seriously thought about all of these issues. This is not something which universities suddenly woke up to after hearing some complaints over the last year or so and suddenly started thinking about prejudice and bias. These are mechanisms which have been in place for decades, and have been refined over time. Different universities, different departments do them differently, and that reflects the fact that there are different ways of managing issues of prejudice and bias, precisely because they are such difficult issues to come to grips with. My suggestion is simply that, as I have said, prejudice and bias in that party political sense simply do not arise in most disciplines, and for very good reasons which I have already outlined.

Senator HUMPHRIES—You argue against what you call political intervention in this area of protection of students, but you actually do argue for political intervention when it comes to protecting academic freedom. You actually want that legislated. Would it not make sense for completeness of coverage to do both things at the same time?

Dr Saul—I think there is a difference, because I am arguing for a framework to protect the area in which academics operate. In many other countries, academic freedom is a value which is protected and, once that is protected, it then falls to the universities themselves through the various disciplines of knowledge to work out what that means in terms of academic research and teaching. In other words, freedom leads you to various levels of diversity and so on in the production of knowledge. A point I have made in my submission is that there are no barriers to entry to do a PhD or to become an academic if you have right wing perspectives. It is a matter of finding a supervisor who is expert in that area. I just do not see that legislating for diversity or legislating against prejudice or bias—

Senator HUMPHRIES—We are not suggesting you can do that. We are suggesting you can legislate to require universities, for example, to enact charters of rights, and publish them and survey their students on a regular basis on issues, for example, to do with bias. Is that not a reasonable response?

Dr Saul—Yes, I think you need to be careful when talking about things like charters of rights or freedoms in universities, careful to work out what exactly you mean by that, because obviously this idea of a charter has a very different meaning to some groups than to others. From my point of view, before supporting a charter of rights, I would need to know what precisely you are thinking about putting in it, and to look very carefully at what kinds of steps were being prescribed within that charter. I think a very broad general statement of principle like that found in the New Zealand legislation, for example, is a good model, because it protects essential values without getting too prescriptive and overregulating what should be required. That could be a statement of principles. You can debate what those principles in fact should be, but then I think it should fall to different universities to work out the procedures for implementing and upholding those values.

Senator HUMPHRIES—So it would be unfair to accuse you of arguing for legislating for the rights of teachers or academics but not the rights of students?

Dr Saul—Absolutely unfair, because academic freedom includes freedom of students as well to hold opinions, to have those opinions respected, as long as those opinions are supported by reasoned argumentation and the methods of the discipline within which they are working. Sometimes, of course, students complain if they get a bad mark, because they have made arguments in essays which just are not empirically supported. They do not fall within the method of the discipline, and then they complain that this is prejudice or bias. We take the views of students very seriously. We take student evaluation forms of both courses and teachers in every course we do, and we take very seriously their views and opinions. But at the same time of course you have to look at those views sometimes at a distance because students themselves have their own agendas and prejudices and biases in the same way that some academics can.

Senator FIFIELD—I enjoyed reading your submission. It contained a few surprises, and I might just take you to a couple of those. The first surprise was where you say:

The implication in the Terms of Reference of this inquiry that universities may be prejudiced and lacking in diversity itself has the potential to undermine academic freedom and diversity, since it sends a message to academics that they are under suspicion and that their views require policing by politicians. In my view it encourages self-censorship by academics ...

I assume that was tongue in cheek, because you do not strike me as someone who looks under suspicion. I have the view that academics are fairly robust and are not that precious. It strikes me as odd, given you work in a field which encourages freedom of inquiry, that you are not keen on freedom of inquiry by the parliament. Was that section tongue in cheek, or was that a genuine fear that the mere existence of a parliamentary committee cowers academics and causes them to already be altering what they might teach and how they might teach it?

Dr Saul—I would quite like to remain mysterious on that point, but with respect to the terms of reference my objection is not to the existence of an inquiry. The objection here is to the way in which the terms of reference have been framed. That is, it seems to imply that there is a significant level of prejudice or bias and so on sufficient to trigger a parliamentary inquiry and all of the resources which that entails. In my view, it would have been much more productive to frame terms of reference around issues such as the level of academic freedom in universities and keep it at a general level and open up the inquiry to a whole range of issues, rather than this narrow focus on alleged prejudice and bias. To that extent, from talking to colleagues, some colleagues are genuinely upset that there does seem to be this implication that there is some degree of systemic prejudice and bias. Not all of them are willing to come out swinging politically and object.

Senator CASH—A bit like students who are too scared to complain?

Dr Saul—Absolutely right, and that is not to say that academics are somehow covered by the political process and are not robust enough to defend themselves. But this comes in a context, and that is that in recent years there have been a number of sustained attacks on academics; academics who, for example, have released information on climate change and so on and who have come under very high levels of sustained political attack impugning their academic credentials and scholarly reputations.

Senator MASON—Professor Blainey and people like that, Dr Saul?

Senator FIFIELD—I think it is called contestability and freedom of debate and discussion in a pluralistic society.

Dr Saul—I think there is a difference between polemical attacks on scholarship, on the one hand, which you do not like but you are not contesting on scholarly grounds and, on the other hand, engaging seriously with the methodology of research, whether it is historiography or climate change research. I do not think there are genuine cases of political attack.

Senator FIFIELD—I do not think that there is anyone who enjoys everything that is in the opinion pages of newspapers, but that is life.

Dr Saul—Academics accept that, but academics also expect—

Senator FIFIELD—It sounds like you are a little precious.

Dr Saul—No, I think for academics who have built a whole career on their research reputation in a field to then hear a politician, in a line in a press release or in a doorstep interview, dismissing their whole research projects of four or five years or a lifetime's research as somehow incredible or unreal is quite disrespectful. I think it is quite savage.

Senator FIFIELD—It is democracy; it is freedom of expression.

Dr Saul—Of course there is a right to say that, but if your question is: how do academics feel about an inquiry like this when it comes on top of political interference in the granting of Australian Research Council grants, which have been peer reviewed and approved; when it comes on top of serious and sustained political attacks, not based on scholarly methods but on academics' work, then I think academics have a right to feel slightly under attack, and not particularly well regarded by the political process. When we are being paid for by the public purse, on the one hand we need to be accountable to the parliament for the expenditure of public money, but on the other hand if you value academia you have to ensure that there is a sufficiently protected domain of academic independence.

Senator FIFIELD—This is interesting because many of the academics we have had come before us have dismissed alleged instances of academic bias that students have complained about on the basis that those students were just feeling a little uncomfortable and feeling challenged by what was taught. It seems to me that academics themselves do not like to feel uncomfortable and challenged, and I think part of the purpose of this inquiry is to challenge. Maybe that is uncomfortable, but to get to the heart of the issue and to see if there is academic bias. I would have thought academics who believe that the incidents of bias are overstated would relish the opportunity to show that it is not the case and that there are adequate means of redress for students. I must say I am a little surprised by the degree of sensitivity about the existence of the inquiry.

Dr Saul—That is why I am here and why I have written a submission. My point is simply that I think it is unnecessary. My point is that all of these issues are already well covered by existing procedures, so it is not a particularly fruitful enterprise.

Senator FIFIELD—Then academics have nothing to fear, if that is the case. Also, you say:

As an academic, I have never come across a case where an academic has negatively assessed a student's performance because that student does not share the political or other views of that academic.

What do you think accounts for the different experience that our previous witness had to you, where he is aware of many instances of bias, not necessarily to do with someone's political views, but bias for other reasons. How do you explain that difference of professional experience?

Dr Saul—I think bias on political party grounds is rare in my experience simply because I have no idea how my students vote. Law students are generally a fairly conservative bunch. Maybe they tend one way or the other; I have no idea. I do not ask them, and I do not particularly care. It is not relevant in the assessment of their work. Bias on other grounds?

Senator MASON—Ideological. It is very narrow saying 'party political'. I think ideological is a better term. It is a bit broader. You understand what I mean, Dr Saul? I think that is a fairer

categorisation to talk about ideological differences rather than simply partisan differences, because that really is too narrow. You understand my point?

Dr Saul—Okay, yes, absolutely, and I think one of the reasons for that difference of perception may well be that marking, particularly in the humanities and the arts and in law essays and so on, can often be quite a subjective exercise. It is actually often a very difficult and delicate question of working out what mark to give someone. I have a class of 80 students. We have to distribute marks across 80 students. They are all in the top one per cent of school leavers in New South Wales; they are all extremely bright, and you have to differentiate them. So that means you are drawing very, very fine distinctions between a different student performance, and there is no magic formula. There is not an easy list of marking criteria that you can apply as if you are marking a maths or a science exam. There is no easy right or wrong; it is a question of appreciating differences in reasoning, methodology, nuance and so on, and these are all really difficult questions. You can have two students who have hit exactly the same substantive issues but one student gets five or 10 marks more because they did it in a nicer style, a more refined fashion and so on.

Sometimes different lecturers publish marking guides; others do not. The problem with publishing marking guides, of course, is that it then invites students, once they have their mark, to come and quibble with it and say, ‘I hit all of these issues so why didn’t I get 100?’ It is not easy to explain to them that marking is also a relative exercise. You are comparing their performance with others in the class, and it is often not easy for students to swallow that they are just not as good as some other students. It is very hard to say why in an entirely transparent and rational fashion, but that is the art of marking. There is something quite complex and there is a nuance about it which you cannot reduce to a marking checklist. For that reason, I think that could be one factor explaining why sometimes students feel there is a perception of bias or prejudice in marking when in fact marking is this imprecise art, imprecise science, and it will lead to variation. Of course, when you get double marking, sometimes you do get real differences between markers, because different markers have different ways of appreciating and valuing work. You cannot easily standardise that, and there are no procedures you can easily put in place to iron out those differences.

Senator FIFIELD—Just a final issue before I yield to a colleague. In your submission you note other pressures that are being put on academic freedom. You say:

To this list should be added increases in student numbers and consequent academic workloads ...

That is something that surprises me, that the concept of academic freedom is now being expanded to the point where that includes the freedom to choose one’s class size and workload. That to me seems to be taking the definition of academic freedom a little too broadly.

Dr Saul—I respectfully disagree. I think the capacity to exercise one’s academic freedom depends upon all of those structural factors, and if at our law school class sizes, as they have, have increased over recent years from groups of roughly 20 to next year about 150, that imposes a huge additional marking load on lecturers. It imposes significant additional face-to-face time and appointment time with students, and that really does diminish the time available to write and engage in serious research each week. So, academic freedom in principle is being able to write

what one wishes, but also the reality of being able to exercise that right. I think they are inextricably connected.

Senator FIFIELD—It might be unfair, extra workload, extra class sizes, but whether that actually impinges on the freedom of an academic as such is an interesting concept.

Dr Saul—If you have half a day a week to research rather than two or three days a week to research, I think you cannot seriously exercise academic freedom.

Senator FIFIELD—I think I probably have a different concept of what constitutes freedom. But anyway, thank you, Dr Saul.

Senator MASON—I think I have had the pleasure of listening to you on a couple of occasions now in committees. Can I just congratulate you again on a terrific submission? Some things I do not agree with, as you can of course imagine. However, I always find them well considered and reflective, so I want to thank you for that. I would like to ask you so many questions, but I have just a couple of observations and questions. You mentioned in your introductory remarks that in many areas such as engineering, medicine and so forth, partisan issues are just not relevant. You are right, but in really important issues such as history—in other words, what did happen—and we had an example of this yesterday, are highly partisan or at least ideological if not strictly partisan. What concerns this committee is sure, engineering and medicine may not be ideologically driven, but in really important questions about our cultural identity, what did happen and where we are going next are all taught at university, at least in part, and they are all potentially highly partisan or at least ideological. That is why we are concerned. I just want to put that to you so that you do not think somehow these issues are judged on anything but mainstream.

Dr Saul—I take that point entirely, and I think it illustrates my point that academic diversity is pretty robust when you have someone like Keith Windschuttle lining up against Henry Reynolds and engaging in a sustained and feisty debate.

Senator MASON—We did that yesterday, did we not? We had a touch of that yesterday.

Dr Saul—So I think that illustrates the point of diversity and the lack of bias and prejudice in my view. The second response I would make to that is that I do think we need to be careful about sanctioning politically endorsed views of history. Of course, this is the business that the Japanese have been involved in during recent years in the government's rewriting of the school history curriculum—

Senator MASON—Politically endorsed.

Dr Saul—in order to edit out what was done in Manchuria, Nanjing and so forth during the Second World War. I think there is a real danger of political interference in the production of the historical narrative. It should, in my view, be left to the professional historians applying their method. Those debates can be won or lost on their merits. Politicians are welcome to get involved and weigh in on either side. At the same time Senator Fifield may call this academic sensitivity, but I think if politicians do weigh in, they, too, have a responsibility to weigh in using

historical method and not just picking a historical position which suits their own ideological preferences.

Senator MASON—You are right, but I will not get into the mainstream of this because the chairman will hit me. I do not want to debate the issue, but the consequences of any discussion about culture wars and history and what Professor Blainey has called the ‘black armband view of history’ actually have an effect, not in a strictly partisan sense but in a way we see ourselves as a nation. So they are really very, very, very important issues. Quite frankly, I agree with Senator Fifield. They should not be just left to academics. These are issues of how we see ourselves, issues that I think politicians should engage in as well.

Dr Saul—I agree wholeheartedly with that. I majored in history, too, and I think historians would be the first to tell you that the production of history is a political enterprise and they are deeply conscious of the political dimensions of the work they do. They expect to be engaged in political debate by politicians, but my point is that it should be done in a way that is respectful to historical method and not simplistic polemical attack.

Senator MASON—Okay. I know we are running out of time, so I will ask some quick questions. I know that you cite Edward Said—and I suppose this is the point: why him? Anyway, you say:

Least of all should an intellectual be there to make his/her audiences feel good: the whole point is to be embarrassing, contrary, even unpleasant.

Surely not for its own sake, only for the enlightenment, and if it is the truth, not just to score a point—that is your point, is it not?

Dr Saul—Yes.

Senator MASON—As long as we are on the same wavelength. You see what I am saying, do you not? In other words, because if it is just a matter of making us all feel uneasy, and it does not reflect upon what happened, that is just pathetic. I have seen academics do that. They will not talk about the great Australian achievement; they will just talk about this series of victims. You understand my point?

Dr Saul—Yes. My own view is that academics should be critical but constructive. Other academics work only in a critical mode and that is their right in exercising their academic freedom to do that, but I would agree with you that there is no particular value in offending students unless it is part of an instructive process and they are getting something out of it. In terms of the choice of Edward Said, he has written a book in the Reith lecture series—

Senator MASON—He is just another left-winger for me, but anyway, you know how it is.

Dr Saul—That is right, but he has written a very thoughtful book on this subject which is directly relevant to this inquiry. I could quote Frank Furedi to you—

Senator MASON—I would be much happier if you had.

Dr Saul—who has also written a book on the subject.

Senator MASON—You say in your PEN submission ‘there are no barriers to entry for academics who do not share a particular intellectual viewpoint’. Even from my short time in academic life I am not sure that you could go quite that far. I am not having a go at you at all, Dr Saul, but it is a matter of public knowledge, for example, about Macquarie University that in the seventies and eighties the law school there divided between left and right. Without going through that, I think that is a little bit too bland. I think politics at some level comes into appointments. Do you just think that is totally irrelevant, that the Macquarie experience of the seventies and eighties has been totally overblown?

Dr Saul—I was not around in the seventies.

Senator MASON—But you would have heard about it. I was not around then either.

Dr Saul—I have, and I do not know enough. I was not there. I cannot possibly comment on the politics of that situation. I can only speak from my experience as an academic in Oxford, Sydney, UNSW and having taught at about eight universities in the Asia-Pacific region. It is not my experience that ideological or party political issues are part of the appointments process. The appointments criteria are very clear. You need a PhD, a strong research reputation, evidence of good teaching, evidence of administrative capability, community service, professional service and so on. These are all very transparent criteria for appointment. That is not to say that if you are in a particular department that focuses in a particular area like cultural studies at Macquarie—

Senator MASON—Like your predecessor Julius Stone. He suffered in the end from this. It was not party political, but it was a perception of the role of international law and other things. I think it is too broad a statement.

Dr Saul—I think I have conceded that academics are human and therefore prejudice, bias and personality clashes are an inherent part of any professional endeavour. My point is that it is no worse and is probably better in academia than in many other sectors of society.

Senator MASON—One last question, and I appreciate your indulgence, Chair. You mention the antiterrorism laws, and I think Dr Allport mentioned this as well. It is something that does interest me. You say it can affect academic freedom. You cite an article here by E MacDonald and I assume it is George Williams?

Dr Saul—Yes.

Senator MASON—Is it a common concern among academics that these laws have affected their academic freedom?

Dr Saul—It depends when. I think when the laws were first passed, there was a great deal of concern about them. I think quite a bit of that concern has abated over time, particularly in relation to sedition, for example, which is an obvious one. I do still think there are lingering concerns for those who work in terrorism studies. If, for example, you want to interview terrorist groups in the Asia-Pacific, you run the risk of being criminalised under the legislation. I teach

passages from *Defence of the Muslim lands* and *Join the Caravan*—two books banned by the classification review board some years ago under the old classification standard, since revised to prevent the advocacy or praise of terrorism in literature, film and computer games and so on. There is a kind of chilling effect. Frankly, it was not good enough for the former Attorney-General to say, ‘Well, if you want to read these books, you can call my office and I will sit in a room with you while you read them.’ There are not sufficient mechanisms in place to deal with that kind of thing.

Senator MASON—You might be right. To be fair to Dr Allport as well, under the previous government, the committee that Senator Fifield and I both served on, and perhaps Senator Humphries at one stage, looked at this. Sedition has been cast very broadly, and I take some criticism for that. I am partly responsible for that, and perhaps we will have to re-look at that at some stage. If you think it is still an issue—I appreciate your evidence.

CHAIR—Thank you very much for your presentation to the committee today.

Dr Saul—Thank you.

Proceedings suspended from 10.32 am to 10.47 am

GELBER, Dr Katharine Patricia, Member, Australian Political Studies Association

CHAIR—Welcome. Do you have any comments to add about the capacity in which you appear before the committee today?

Dr Gelber—I am an associate professor of politics in the School of Social Sciences and International Studies at the University of New South Wales.

CHAIR—Thank you for your submission. I invite you to make some opening remarks to the committee to be followed by questions.

Dr Gelber—Thank you. In my submission, I dwelt for some time on the point about explanatory process that might help explain the reasons for students' perception of a lack of diversity or the presence of prejudice. I just want to reaffirm some of those points here, and I am happy for you to ask me more questions about that. Secondly, I wanted to talk a little bit about the nature of social sciences as an area of study.

On the first point, some of the literature that I put in my submission relates to research that has been carried out in the United States because, as other witnesses have said, there is no research to my knowledge in Australia on this topic. A survey of 1,385 students and 30 teachers at 29 universities across three semesters in the United States demonstrated pretty conclusively that where students perceive a wide difference between their own ideological views and their belief of the ideological views of their university teacher, they are very likely to translate that into an evaluation of poor teaching quality, and in particular that they are likely to assess their university teachers as less objective, less caring about students, less open to diverse viewpoints, as untrustworthy sources of information and as biased. I submit, as I did in the written version, that this may help to explain why some of the evidence, for example, that was presented in the Make Education Fair submission seeks to portray universities as full of prejudice and so on when, in my view, actual accusations of prejudice and bias are much more difficult to sustain than this kind of evidence would have us believe. It is also true, on the basis of those studies, that students are usually pretty poor at guessing the ideological leanings of their university teachers. We do not have any Australian evidence as to whether those factors are the same in Australia, but it is likely that they are.

I would like to add to that something that I did not put in the written submission, which is that students, particularly when they first start university—so I guess this applies more to the first-year students—have unrealistic expectations of their likely marks. The reason for that is that there is a very wide disparity between the UAI requirement to get into courses and the general marking scale that is used in the social sciences, which is what I will talk about since it is the area in which I teach. In the faculty of arts, where I work, there is not a bell curve, as Dr Saul talked about in the faculty of law at the University of Sydney, but there is a general scale in which the majority of students will get a pass or a credit, which means somewhere usually between 60 and the low 70s, and only really the top five to 10 per cent will get a high distinction, which is a mark of over 85, and only about another 15 per cent or so will get a distinction. So only really the top 20 to 25 per cent of students will get marks above 75. They all have UAIs well above 75 in order to be allowed to enter university. So I think that is one of the explanations

as well for their perceptions of poor marks, especially when they first arrive at university. It is true to say that students search for explanatory factors for marks that are below their expectations that may not rest in their own work. I think that may also contribute to perceptions of prejudice and bias.

The second thing I want to say is about the nature of the social sciences. At the risk of stating the obvious, social sciences studies society, and we therefore study important things in society. I notice again in the Make Education Fair document, and also I am aware from the discussions you had yesterday with witnesses, that one of the topics raised was that in many subjects in the social sciences you are likely to tackle subjects which have gender or race or Indigenous issues. A suggestion was made that that perhaps amounts to the existence of prejudice or bias. I would ask you in considering that question to differentiate between content and viewpoint. The content of what we study in the social sciences is society and the major forces at work in society. It is impossible and no social sciences faculty in the world would be doing itself justice if it were to ignore gender. The fact is that there are men and women in society and they have differing patterns of participation in society and different modes of participating in society. It is our responsibility to study those. The fact is that race is an idea that for several hundred years has deeply influenced public policy in areas as diverse as immigration and industrial relations. We would be remiss in the extreme as a faculty of arts and social sciences if we did not offer the study of race. As to many of the other categories which are highlighted in the very short course descriptions that appear in that document, I can say the same things about them.

Senator MASON—As well as class?

Dr Gelber—Class, precisely. It is a factor that has been talked about for hundreds of years. We cannot just ignore that as a faculty of arts and social sciences. They are content issues. We also discuss other content issues, such as industrial relations, terrorism—they are endless. We discuss many issues of content. That does not translate into the automatic imposition of a set of views on students or the automatic holding of a set of views on the part of the academics. In my view, based both on the research that I have read from the United States and anecdotal evidence from Australia, the views that are held within Australian academia, including within the social sciences, are much more diverse than some of the submissions to this inquiry would have us believe. Thank you.

CHAIR—Thank you. Having said that, though, do you accept that there may be instances, however isolated, that there is bias, and that is in fact carried through in a way to prejudice particular students?

Dr Gelber—I believe that there is a relatively common occurrence of perceptions of bias on the part of students. Sometimes that is because they are unhappy with how they are faring in a course; sometimes it is because they are unhappy with their marks; sometimes it is because they disagree with the lecturer. I think those kinds of events are relatively common and it has happened to me, and I will talk more about those instances if you would like me to. I think that sustained evidence of actual ideological prejudice—and you are talking about ideological prejudice on the part of a lecturer—leading to lower marks for students is rare. I would never be so foolish as to say it never occurs. I do believe that it is rare, simply because in my time at university I have not seen a complaint of that nature upheld. I have seen complaints occur, but I have not seen them upheld.

CHAIR—There is an issue that has concerned me that may not be able to be explained away from the study that you referred to earlier and other perceptions. I understand and I accept that there is a lot of that ‘why aren’t I the top student in the class when I think that I am and should be?’ But there was an example from the Jewish association—I forget their full name—where in discussions a Jewish student who wanted to engage in the discussion was then referred to as the ‘resident Zionist’, and therefore their views were not given the credit in the debate or discussion that they should have been. Personally I would have thought that that is more professional misconduct rather than an academic freedom issue, but I am concerned about those issues and I think we should be genuinely concerned about those issues. I would like you to comment on that, and maybe where professional misconduct overlaps with what you said in relation to that study about a perception of bias being a reflection of poor teaching.

Dr Gelber—Throwaway comments such as ‘Here’s our resident Zionist’ are, in my view, very poor teaching. You should never denigrate students in the classroom. You should never stereotype and caricature students in the classroom because the purpose of what we do is to move beyond stereotypes and caricature and to enter into real debate and real discussion based on the evidence and knowledge and the methods that we use and so on of inquiry in order to enter into a learning process. So if that has occurred, or where that has occurred, I do not support it. I do not think that the academic ought to cite academic freedom as their right to say that, because I think it is poor teaching, anyway you look at it.

CHAIR—I am not sure that they have, and it probably follows on to the next question. Are there processes in place to deal with that?

Dr Gelber—Yes.

CHAIR—How would that be dealt with?

Dr Gelber—I would like to stress the quite extraordinary level of auditing and compliance and checking of our teaching that goes on in the university sector in the contemporary environment. I was here earlier for Professor Martin’s evidence, and he gave what I consider to be the old-fashioned view that teaching is not taken very seriously and that academics do not spend much time on it. In contrast to that, it is my view that, in the last 10 years in particular, learning and teaching units within universities have not only been set up but have become very vigorous in their pursuit of better teaching methods. This is done through a number of factors. One is that it is pretty much compulsory now, when you first are appointed as an academic, to undertake what are called at the University of New South Wales the Foundations of University Learning and Teaching Workshops. When you first start, you must do a week of this followed by two follow-up workshops during the first year of your teaching career. They talk about things such as better teaching methods for large groups, better teaching methods for small groups, how to engage students in deep learning as opposed to surface learning, how to engage students in interactive forms of learning, how to draw from the students existing levels of knowledge, and so on, so that they do not feel completely isolated from the experience, but that they feel as though they are participating in their own education and how to help them become independent learners and so on. So we are all required to undergo those things.

Additionally, the learning and teaching units have developed things which are called graduate attributes, and every university is required to ensure that its teaching tries to make sure that, by

the time people leave university, they are possessed of these graduate attributes. I cannot remember off the top of the head what they are at the University of New South Wales, but one of them is the ability to think independently. We are required in our course guides to explain how components of our teaching and components of our assessment generate those graduate attributes in our students, and our course guides are audited before the beginning of every semester to ensure that they comply with that. Our course guides are also audited by the school manager to ensure that they comply with a range of other guidelines around plagiarism procedures, complaints procedures and late penalties.

All of those things, including the imposition of late penalties and special consideration for students, how you go about getting that, what you can get in terms of special consideration, is laid out very transparently now for the students, and complaints procedures are as well. There is a grievance officer in every school in every faculty in the country, so if a student has a problem we always encourage them in their course guides first to come to the individual lecturer or tutor with whom they have the disagreement. They can either do that or not do that. Some of them choose not to because they do not want to liaise with an individual academic for obvious reasons. That is perfectly all right. They can then go to the head of school, and if they are either unhappy with that process or do not want to go to the head of school they can go to the designated grievance officer in the faculty. There are also higher level university complaints mechanisms that the students can go to. In the end, the students can take us to court. We have student proctorial panels. I do not know the details of all of it, but we have a very laborious and very transparent system of complaints procedures in place. Our course guides are checked; our teaching is checked, both indirectly—

CHAIR—I was going to ask about that. What is the quality control mechanism of the teaching itself as opposed to the course?

Dr Gelber—It is compulsory at my university and as far as I know in every university in the country to have a formal evaluation of at least one course every year that you teach. Those formal evaluations have grading systems that agree and strongly agree and disagree and strongly disagree for a range of 10 standard questions such as: did this teacher encourage learning? Did this teacher encourage diverse viewpoints?

CHAIR—Who does this?

Dr Gelber—It is done independently, and they are called CATEI forms. The conduct of the evaluation is done independently so the teacher is not even allowed to be in the room. Students fill out the form—

CHAIR—So it is an evaluation from students?

Dr Gelber—From students, yes. The students fill it out, and another student collects it in an envelope, and a student delivers it to a mailbox, and then it goes off somewhere. I think the UNSW Educational Testing Centre does the data crunching. Then you get back both the percentages of your agrees and strongly disagrees, and there is also a section on the form to fill out qualitative information. So there is basically a section: what do you like about this course? What do you hate about this course? The students can write anything they want. All of that data is given back to the lecturer, and it is compulsory for us in our course guides to include

feedbacks from previous course evaluations from students to tell students how we have responded to previous criticism.

Another way that we are assessed is through informal assessment. Most university lecturers that I know do an informal assessment from students as well as that formal assessment. I do it in about week three or four, so that they can give me early feedback and I can make changes to my course. Then, on top of that, whenever you apply for promotion, most people apply for promotion on a combined track; that means both on the basis of your research and of your teaching. You can also apply for promotion on a teaching only track. But in either case you must provide evidence of those course evaluations, the results of those course evaluations and how you have responded to those results—whether they have been good or bad. If they have been bad, you have to explain why they might have been bad, what you have done to improve things, and how you are trying to improve your teaching in the future. There are very, very significant mechanisms in place to assess our teaching.

CHAIR—What is the level of complaints that universities actually get of bias?

Dr Gelber—I do not know. I suspect that they do not make that information public. I do not know; certainly the details of any complaints would be kept in confidence because the complainant has a right to privacy, so at the point at which—

CHAIR—That is the next question I was going to ask. It has been suggested that there may not be the level of complaints that reflect the amount of bias because people are worried about retribution. What would you say about that? Would that be a genuine concern that students should have?

Dr Gelber—I heard Professor Martin's testimony earlier this morning. It is certainly possible. You cannot discount the possibility that there are students who feel intimidated, who feel that it is difficult to approach you face to face. They certainly do not find it difficult to approach you via email, let me assure you of that. Our workload has increased exponentially since the advent of email. In fact I think universities now need a new email policy because they tend to shoot you off an email at the drop of a hat, even if they do not know you. But face to face—

Senator MASON—The same for us.

Dr Gelber—Do they call you by your first name?

Senator MASON—They do.

Dr Gelber—Hi Kath—they have not met you from a bar of soap, but Hi Kath, and then they sign off with a little smiley face. Gee, thanks.

Senator FIFIELD—We don't get the smiley face!

Dr Gelber—That is because they want something, Senator! It is no doubt true that some of them find it difficult to approach you face to face, and I would not say that never happens. But I would also say that there has been national newspaper coverage of the current campaign around bias and prejudice. The Make Education Fair campaign has received national media coverage.

We have a Senate inquiry on the matter. Certainly this is evidence that university students who are adults and who are treated as adults are sufficiently capable of taking complaints to further levels. So I think we have evidence on both sides, that some students can be intimidated but some students can feel quite energised and engaged by an issue they feel strongly about and quite prepared to campaign on that, and I would encourage that. There is absolutely nothing wrong with campaigning on an issue one feels passionately about.

CHAIR—What is the process for getting your work re-marked?

Dr Gelber—The first instance in my school and faculty is that you go either to the tutor or the person who marked it and you ask them to reconsider the mark. Usually what happens, as Professor Martin says, is you will ask for a clean copy of the essay, one which has no comments from the initial marker, and you will give it to a colleague in a blind fashion, so they will not know—

CHAIR—So they will not know what the previous mark was?

Dr Gelber—They will not know what the previous mark was.

Senator MASON—Nor the identity of the student?

Dr Gelber—I think they know the name of the student, because the name of the student is on the essay, and it is immaterial to the re-marking. So they usually do know the name of the student, but they do not know the original mark or have seen the comments.

CHAIR—Do you get stuck with the second mark, or do you then get to pick whichever you prefer? I never went to university, and that is why I am the sensible one in the group. It was put to me that you ask for a re-mark, and you are generally guaranteed that you get a five per cent better outcome, simply by asking. I just wanted to know whether that was true or is it something that someone has dreamed up?

Dr Gelber—It depends. In my school we have a policy that if you ask for a re-mark your mark cannot go down. If it could, if the policy were that the second marker's mark goes, no matter what, then your mark could conceivably go down, but that would then deter students from making complaints, wouldn't it, because of the risk you are taking.

CHAIR—Not if you genuinely believe that you were not marked on bias because of the particular lecturer. That ought to be why people are asking for re-marking, not because they just want to have another go to see if they can go up. If you have the option where you have nothing to lose, why would you not? Is there any penalty to ask for a re-mark?

Dr Gelber—No, there is not. This is precisely the problem that departments face in terms of resource and workload implications, because anybody can ask for a re-mark, and it has significant workload implications. In my school, anyway, they cannot go down, so some of them, I have to say, are strategic about it and figure, 'Well, I have nothing to lose.'

Senator JACINTA COLLINS—Do they need to cite a reason?

Dr Gelber—Yes, and the reason cannot be ‘I’m unhappy with the mark.’ They have to make an argument that the marker missed something, that they substantially missed a part of the argument or misunderstood the argument or misunderstood the use of evidence, yes. So they have to make a case. They can do that verbally or in writing. In the case of an honours thesis, they can do the same thing. They can appeal, but again they have to give an argument as to why. There are very clear appeal procedures.

CHAIR—Does the argument have to be accepted? You make an argument, so the argument is made whether—

Dr Gelber—In the case of an undergraduate essay, I think it just gets re-marked. That is my understanding. In the case of an honours thesis, the request is adjudicated by somebody who looks at the student’s reasons for appealing, because an honours thesis goes through an incredibly laborious examination process already, with two independent examiners. If they disagree by a grade, or significantly by marks, it goes to a third examiner. The three examiners can try to reach agreement. If they cannot, a committee decides, so it is a very laborious process.

CHAIR—I do not want to overdo this particular issue because it is a small issue, but I do want to come back to it. You could not say, ‘I want a re-mark because I think the marker was prejudiced against me’?

Dr Gelber—Yes, you could say that.

CHAIR—That is still an argument?

Dr Gelber—Yes, that is an argument. Sorry, I did not mean to mislead you. Yes, that is an argument.

CHAIR—Okay.

Dr Gelber—Then a blind copy of the essay would go to a new marker.

Senator HUMPHRIES—One of the submissions has stated to us, ‘University students have the right to course materials, teaching methodology and assessment processes that are free from political and ideological bias.’ Do you think that is true and, if so, how would I, as a student going to the university, establish that that was my right?

Dr Gelber—I do not mean to be facetious but I do not understand that sentence, because I just think that it is open to so many variations of interpretation. For example, in the United States again, where this debate has been going for much longer, one of the proponents of the intellectual diversity debate, you might call it, has argued for an academic bill of rights in which it is mandated that opposing viewpoints be provided in the curriculum, for example, but it is unclear to me what that means. Does that mean, for example, that a history course on the 20th century or on the Holocaust would be obliged to include the views of a Holocaust denier, or does it mean that a history course on that subject would be obliged to include a variety of views on the causes of the Second World War or the causes of the rise of fascism in Germany? There are differing meanings of what are differing viewpoints and what is bias.

As a general statement of principle, of course I agree that students have a right to content and curriculum that is free of bias, but if bias is interpreted to mean the presence of the word 'gender' or the presence of the word 'race' in a course guide then, no, I do not agree. Of course students are entitled to the very best teaching methods, and I have tried to explain to you that universities are heavily engaged in getting academics to take the teaching part of their role seriously and improving their teaching procedures.

Senator HUMPHRIES—The statement I read from actually comes from the submission of the National Tertiary Education Union. I think it makes the point that it is not clear what position students are in. If they believe the students should be free to receive material which was free of political or ideological bias, then I think we all need to know on what basis such a claim is made and where students actually get to understand what their rights are as students when it comes to the material that is given to them as part of their courses. Would not the lack of clarity about this warrant there being some kind of clear statement available to students entering any Australian university as to what their position is if they find themselves in what you describe as a rare case? Let us be clear, even if a 10th of one per cent of Australian students experience some kind of bias, and there is no research indicating what level of bias might be evident in any university system, but even if it was on a tenth of one per cent, that is still several hundred students in Australian universities in any given year. Would it not be appropriate to have some kind of clear statement somewhere about what a student's rights were in that position?

Dr Gelber—Universities, I submit, already do that. Universities have staff and student codes of conduct, and those codes of conduct—if I had the internet here, I could look it up for you—specify both the rights and responsibilities of the university academics and of the students. It is spelled out extremely clearly in those codes of conduct that students have a right to be treated fairly.

CHAIR—I think it would be useful if you could either provide it after or point us to where we can actually get that.

Dr Gelber—I can provide that afterwards.

Senator HUMPHRIES—I might say that the codes we have been directed to so far make general statements about fair treatment and things like that. None of them focuses on the question of the right to receive material, as the NTEU alleges, which is free from political and ideological bias. None of them does that. What I am putting to you is that, if the codes, for example, do not do that at the moment, is there not a case for making sure that they address an issue like that?

Dr Gelber—I think those kinds of conduct are better written in general terms than in specific terms. For example, the ones on academic misconduct to my knowledge do not specify that an academic should not have a sexual relationship with a student, but most academics think that that is probably a good idea. The problem with specifying things, with getting too specific, is that people can misinterpret it. As I just said, I did not understand that sentence from the NTEU, so if you were to put in a code of conduct a specific line saying, 'The right to be free from prejudice or bias,' then students can misinterpret that and you can end up in a very messy situation.

I will give you an example. I said before that I have been subject to criticisms of this nature. I had a student who undertook an undergraduate course of mine, and he was persistently late to class, both lectures and tutorials. He would typically come to tutorials 20 minutes late, and they are only 50-minute tutorials. He would then miss, of course, a great deal of information and expected me to provide him with individual time to make up that information. Then he handed in his essay late, and I applied the late penalty, which is transparently explained to all students, and that was his first time that he complained of bias, that I was treating him badly. He then in an in-class exam, when I said ‘pens down’, kept writing. I did not notice at the time. Everyone got up, came to the front, gave me their papers and showed me their ID. They had all left the room and I looked up and he was still writing, 10 minutes after the time had closed. I walked up to him and said, ‘I have said “pens down”,’ and grabbed it off him. Later on he complained again that I was biased against him because I had told him off for cheating, essentially, continuing to write after the examination time had expired. A year or two later that student tried to enrol in the honours program when I was the honours coordinator. We have a very transparent policy that eligibility for honours requires a 70 per cent average in the major in which you want to take honours in, and he had a 67 per cent average. So I said, ‘You’re not eligible to join,’ and he went to the head of school and said, ‘Dr Gelber is biased against me; she won’t let me into the honours program.’ That, I think, is a clear example of how students can misuse and misunderstand the ideas of prejudice and bias, and if you were to—

Senator JACINTA COLLINS—Did he succeed?

Dr Gelber—No, he did not.

Senator JACINTA COLLINS—Then it is not a misuse.

Dr Gelber—But if it were written in the code of conduct—

Senator JACINTA COLLINS—Attempt to misuse.

Dr Gelber—It was an attempt to misuse, but if it were written in the code of conduct, they would attempt to misuse it as well. I think levels of generality about fairness and so on cover those aspects without those aspects needing to be specified more beyond that point. I think they work better at a level of generality than if you get too specific. I could draw an analogy, but I am on dangerous territory, with writing down things like rights—once you get more specific you can get into more problem areas.

CHAIR—Senator Mason agrees with that.

Senator HUMPHRIES—In other areas where we talk about things like statements of rights and bills of rights, there is an argument for specificity because of people’s need to know where they stand.

Dr Gelber—But this is a generalised specificity. It is bias and prejudice, which in themselves are entirely unspecific terms.

Senator HUMPHRIES—Yes, but the concept of discrimination is also unspecific.

Dr Gelber—We have a pretty clear definition of discrimination, amounting to adverse treatment on specific grounds, in legislation. We have a very clear definition of discrimination, I believe. In this context especially we do not have a very clear definition of what bias or prejudice might be.

Senator CASH—I want to ask you about the example that was given by the chair of the ‘resident Zionist’ comment. My first question is: what boundaries, if any, do you think should be placed around academic freedom for academics?

Dr Gelber—As with all freedoms, they carry responsibilities, and these are, as I said in my submission, written down in codes of conduct and in codes of academic practice. Any research or teaching that we do requires us to do things like rely on evidence, not to caricature, not to stereotype, and I certainly think that behaviour in the classroom is an aspect of the responsibility that we have to act professionally. I cannot comment on that individual academic, but it is possible that they did not act professionally. I would fall short of subjecting that academic to a potentially career destroying mechanism on the basis of one—

Senator CASH—That was my next question. If a student were to make a complaint and it is not an academic freedom, it is professional misconduct, what path does the academic then go down in terms of a disciplinary procedure?

Dr Gelber—I do not know. You would be better off asking bureaucrats within universities about disciplinary procedures. I am not exactly sure what they are. They are usually set out in the enterprise agreement. They are quite laborious, and they are usually for very high levels of misconduct. You may be aware that a couple of years ago at my university there was a publicised case of alleged misconduct against a scientist who, it was alleged, had manipulated some data in order the better to secure some funding for research. That was dealt with by the vice-chancellor at an extremely high level and the university council. That is what I mean by a career-destroying process. An off-hand comment like that in a tutorial room ought to be dealt with but at a much lower level, at a level that is appropriate. In my view, in that kind of an instance the head of school should say to the person, ‘You should not talk to your students like that.’

Senator CASH—Which is interesting, because I would have thought in a business context that is actually a very serious comment and would be dealt with quite seriously.

Dr Gelber—I did not mean that the comment was not serious. I meant that the level at which the comment should be dealt with should be appropriate to the magnitude of the effect of that comment. I am not saying that the comment itself was not serious; I am saying that you should not go all the way to a misconduct hearing that is dealt with by a vice-chancellor. That is an incredibly huge undertaking for a throwaway comment, when what you really want to do is prevent that tutor from making those kinds of comments again. What you really want that to do is for that academic to become a better teacher.

Senator CASH—Do you think academics understand that there is a difference between academic freedom and professional misconduct in the classroom, or is the line blurred?

Dr Gelber—I think the line is blurred. I do not think we think of misconduct in those terms. I think we think of misconduct as the big things—lying about your research, plagiarising another academic's materials, misuse of public funds for research—

Senator HUMPHRIES—Sledging the students?

Dr Gelber—I do not believe there is an actual legal prohibition on that. I am not 100 per cent sure what the legal position is on that, so I do not want to comment any further on it. As I said, professional misconduct, to me, are things like misrepresenting your work, lying on an application form, doctoring your CV to put things on it that you have not done—they are professional misconduct to me.

Senator CASH—How do we make that line clearer so there is a clear delineation, so that students understand that as well? What I am getting from a lot of the evidence is that an instance of bias or alleged bias is just not that. It might be the difference of opinion; it might be, as you say, a throwaway line. How do you make that clearer to students and academics that there is that line where something is a breach of academic freedom or is contained within academic freedom, or is something that relates to professional misconduct?

Dr Gelber—That is a \$62,000 question. That is one of those very difficult questions to answer. Parts of it are about strengthening the teaching culture within universities, and I can assure you that learning and teaching units are heavily engaged in doing it. Strengthening the idea that, as teachers, we have certain responsibilities as well as certain rights in our classroom, and perhaps, as Dr Saul said, reducing our workloads a little so that we do not feel so pressured. It is undoubtedly true that academics feel very, very, very pressured by workload. The popular view that an academic spends all their time reading the newspaper and sitting around in a room with dusty books is simply not the case.

CHAIR—With a pipe and slippers.

Dr Gelber—With a pipe and slippers, that is right. We have teaching loads that are significantly larger by any measure than they were even 10 years ago. We are expected to produce high quality and high volume of research output. Twenty years ago you could sit around for five years before you published your first article. You cannot do that anymore. We have performance development mechanisms; we have an increasing expectation on us of what we produce during sabbatical leave. Some of these developments I think are good, but some of these developments really increase the workload. I think that needs to be taken into account as well. Some of the teaching is done by casuals, especially tutorial teaching. When you employ somebody casually—that is, you only pay them for the hour that they are in the classroom—it is very difficult for them to get access to all of those other initiatives that the university is implementing to improve teaching methods. So the best way to solve that problem, if that was a casual tutor, is to create more permanent positions so that people can actually be educated across the breadth of the requirements of an academic job.

Senator FIFIELD—Our previous witness, Dr Saul, was in favour of legislating to protect academic freedom along the lines of New Zealand; not to protect student freedoms but just to protect the freedom of academics themselves. Is that something which you think is a good idea?

Dr Gelber—I do not think it is necessary. I note in Professor Jackson’s submission—I think you are speaking with him later today—that he has enumerated a number of pieces of legislation to do with the enactment of universities and so on in which academic freedom is already protected. In my submission, I mention some of the areas within universities in which academic freedom for academics is already protected. I have also mentioned to you the codes of conduct for students and staff, and the fact that university websites make it easier and easier for students to gain access to information about how they can lodge complaints or what their rights are. I do believe that those processes are happening, so in my view it is not necessary.

Senator FIFIELD—You are a little more laissez faire or just into less formality?

Dr Gelber—I believe that where the mechanisms already exist we do not need to duplicate them.

Senator FIFIELD—If, however, the legislative path was followed to protect academics’ freedoms, do you think to balance that that such legislation should also address the freedoms of students and the rights of students?

Dr Gelber—That would depend on the way in which the legislation was drafted. I note that the New Zealand model, which I read in Dr Saul’s submission, is quite brief and quite general, and written in such a way that both staff and students I think could be interpreted under those provisions as being protected in academic freedom, so if we were to go down that path, I do not object to a general thing where both academics and students can see their rights. What I do object to is the kind of mechanism that was proposed, again in the United States in the same debate, where it sounds very seductive, but the bill of rights says, for example:

... to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

...

1. All faculty shall be hired ... with a view towards fostering a plurality of methodologies and perspectives ...

Well, I think we already do that. And to the extent to which we do not, as I said, this brings in the problem: do you have to hire a Holocaust denier? Does an astronomy department have to hire somebody who thinks the moon is made of cheese? The bill of rights also says:

Curricula and reading lists ... should reflect—

Senator MASON—Hire someone who celebrates liberal democracy—that would be a change, wouldn’t it?

Dr Gelber—We have plenty of those.

Senator MASON—Do we?

Dr Gelber—I believe we do.

Senator FIFIELD—You're talking crazy, Senator Mason!

Dr Gelber—It says, in relation to curricula and reading lists, that students have to be provided with 'dissenting sources and viewpoints'. Again, what does that mean? It says:

Exposing students to a spectrum of ... viewpoints ... is a major responsibility of faculty.

So it talks about responsibility of faculty, which gives management more and more scope to intervene in what they perceive as problems. It is all very difficult to write these things down in a manner that makes sense.

Senator FIFIELD—Just in that vein, you have made reference to the Make Education Fair campaign. I note their proposed charter of academic freedoms is quite different to the American one which you mentioned. For instance, it says at point 5, 'University academics should be hired, promoted and granted tenure purely on the basis of their competence and knowledge, not on their political or ideological beliefs,' which I think is quite different to the American one, which—

Dr Gelber—May I read to you from the American one? It says:

All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in their field of expertise ...

That sounds rather similar to me.

Senator FIFIELD—Yes, similar, but I think elsewhere in the American one it actually talks about hiring people to ensure that there is a diversity of views, which is not part of the charter of freedoms in the Make Education Fair charter.

Dr Gelber—Yes, I grant that point.

Senator FIFIELD—That is the difference that I am pointing to. I do not think any of us would disagree. I would be surprised if anyone disagreed that academics should be hired on the basis other than their competence and knowledge.

Dr Gelber—Me too, precisely. I said the same thing in my submission, but that is what universities currently do.

Senator FIFIELD—Yes. I think it is good that we are in heated agreement on that point. Anyway, my point was just that not all proposed charters of academic freedom are modelled on the American one or propose that you actually have to tick a box and have seven people who are centre right, seven centre left, two Marxists and a Maoist, or anything like that.

Dr Gelber—Yes, I take that point.

Senator MASON—You mentioned in your oral submission that you thought we should divide content and viewpoint; in other words, we should keep in our minds the distinction between those two things. I understand that, but I think the argument from many would be that viewpoint

informs content. In other words, the perspective you bring to a course will inform the make-up of it. I just wrote down if I were teaching a course in Australian history I would call it 'Celebrating the Australian achievement: how 21 million people have the highest average standard of living on earth and how we got there.' That would be my course on Australian history. You see how in a sense that course title will inform the course, as it does if a course is based on class, ethnicity, gender, sexuality and so forth? I have done those courses when I was an undergraduate, and I never went to a course informed by those things that was taught by anyone that had any sympathy at all for liberal democracy. Intellectually you might be right, that you can divorce at one level context and viewpoint, but I am saying in actual practice it is never done or it is done very, very rarely.

Dr Gelber—With all due respect, perhaps it may have been a slight overstatement. I do not share your view that no-one has any sympathy at all for liberal democracy.

Senator MASON—That is not my point. My point is the content of a course is informed by the viewpoint. You cannot divorce the two. If you are setting up a course that is based on paying special adherence to class and gender, ethnicity, sexuality and so forth, I suspect that course with that content will be taught from a certain viewpoint, nearly inevitably. Yet if I were taking a course in Australian history based upon the title I just mentioned, I suspect it would be informed by a different viewpoint. My point again—I repeat myself—is that content and viewpoint cannot be divorced from each other; they inform each other.

Dr Gelber—That is true. I think, as I said before, the social sciences invite certain areas of inquiry. The fact that people who are attracted to those areas of inquiry tend to be attracted to academic work in the social sciences is no more significant a finding than the fact that people who are interested in Mars study astronomy and people who are interested in atoms study nuclear physics. The fact is people who study social sciences or history are interested in those kinds of broad topics. Of course, within those broad topics individual academics will bring their viewpoints to bear, but that is the entire point: academics must have that freedom. You cannot mandate that faculties or departments present a course on Australian 20th century history which celebrates the—

Senator MASON—The national achievement. How rare is that at a university. I do not think I have ever seen that in a university.

Dr Gelber—Academic inquiry is primarily about critique. We always critique—

Senator MASON—What about celebration?

Dr Gelber—We rarely do that.

Senator MASON—I know.

Dr Gelber—Anywhere.

Senator MASON—One of the most successful democracies on earth and we never celebrate it, Dr Gelber: why is that, I wonder.

Dr Gelber—No, I mean academics rarely celebrate other people’s ideas. We are always critical of other people’s ideas.

Senator MASON—Why is that?

Dr Gelber—Because that is the nature of scholarly inquiry. We are always trying to improve things, so we tend to focus on what you might think of as the negatives because—

Senator MASON—In my brief time in academia I used to celebrate a bit as well.

Dr Gelber—I am very happy that you were able to do that.

Senator MASON—And, do you know, it went down a treat, it was so unusual, I tell you.

Dr Gelber—It would have been wonderful to have you in a tutorial.

CHAIR—On your performance, Senator Mason, it is designed to assist you to improve.

Senator MASON—I always heed you, as you know, Chair. You mention in your submission various recommendations. In recommendation 4 you say;

4. there is no objective, uncontested method for determining whether prejudice in curricula exists.

In recommendation 5 you say:

5. perceptions of prejudice may be explained by a number of other factors, which do not establish that prejudice actually exists.

That is exactly the language that was used 20 or 30 years ago when there was prejudice against minorities, against women, against homosexuals and so forth. I can remember as an undergraduate, or indeed even at high school, wicked conservative types using exactly that argument, saying: ‘There is no discrimination against women. Where is it? How do you find it? You cannot see it.’ Just because it is sometimes hard to locate it does not mean it is not manifest. Do you agree?

Dr Gelber—I am not aware of those debates many years ago, but if those debates happened in the way that you said they did then the response to those debates from people at the time was to present the evidence. I invite people who think that there is a systemic problem of prejudice in universities on the scale of the systemic discrimination faced by women or the systemic discrimination faced by people of colour to present that evidence, and I do not believe that they can.

Senator MASON—Okay, that is a different point. I do not disagree with recommendations 4 and 5, but what I am saying is that you cannot imply from that that it does not exist.

Dr Gelber—You can from the evidence that I have provided you.

Senator MASON—That is a different issue.

Dr Gelber—From the evidence that I have provided, you can establish that there are good reasons for students claiming bias where bias does not exist.

Senator MASON—Just because there is no objective method for determining whether prejudice exists does not mean it does not exist, does it?

Dr Gelber—No.

Senator MASON—That is my point.

CHAIR—Thank you, Dr Gelber.

Dr Gelber—You are welcome.

[11.37 am]

FREITAS, Mr Nigel, Campaign Director, Make Education Fair

McCOY, Mr Noel, Federal President, Young Liberal Movement of Australia

CHAIR—I welcome to the hearing our next witnesses. Thank you for your submission and supplementary submission.

Mr McCoy—I will seek to table a document, if I may.

CHAIR—I invite you to make some opening remarks to be followed by a discussion with the committee.

Mr McCoy—Senators, thank you for the opportunity and the privilege of giving evidence about the very important issue of ideological and political prejudice in education. I would like to begin by telling the committee about a lecturer, Dr Gregory Martin, in the School of Education and Professional Studies at Griffith University's Gold Coast campus.

CHAIR—Are you going to make adverse comment about particular individuals?

Mr McCoy—It depends how you would like to characterise it. I am just basically relaying what I consider to be facts in relation to this individual and some more general comments.

CHAIR—That is all right; I will let you go.

Mr McCoy—You can stop me if you feel it is inappropriate.

CHAIR—We just may have to consider carefully what is being said.

Mr McCoy—Certainly. According to a biographical note at the end of an article that was published in the *Journal for critical education policy studies*, Dr Martin's research interests include Marxist theory, critical pedagogy and participatory activist research. He is currently a member of Australia's National Tertiary Education Union and the Gold Coast branch of Socialist Alliance. In his article, he says:

I argue that a major task for leftist activist academics is to be accountable for the real world political implications of theory by working out ways to connect education with community struggles for social justice.

In another article, published in the *International journal of progressive education*, he praises radical Marxist educators such as Peter McLaren, a proponent of so-called critical pedagogy, for their work in what he describes as 'laying the practical groundwork for the possibility of a revolutionary situation by stretching out a Marxist line into various social movements'.

Senators, time does not allow for me to tell you all the stories of radical Marxist critical pedagogic lecturers in education faculties around Australia. However, I have produced for the

benefit of the committee a dossier, which I seek to table. At pages 8 to 16 of that document is a schedule listing academics that I have come across. As you will see, they are large in number and have the following in common: (1) they are lecturers in education faculties in Australian universities, (2) they share a commitment to radical activism where the terms ‘politics’ and ‘education’ are considered to be different perspectives of the same reality, (3) the term ‘critical pedagogy’ is used by these academics to describe this activist method of teaching, (4) they share a common ideology which can be described, to use the words from submission No. 5 by Dr Mervyn Bendle, as a:

... radical orthodoxy is composed to an almost slavish adherence to various theories and political commitments associated with neo-Marxism, postmodernism, deconstructionism, the theories of Michel Foucault, post-structuralism, discourse theory, feminism, neo-Rousseauianism, radical environmentalism, anti-Americanism, anti-Christianity, and related ideologies.

As would be expected, where ideological activism is entrenched in the academia of education faculties, there is crossover into school teaching. After all, universities provide the theoretical underpinning for school curricula and teaching and training of future school teachers. John Gore, the CEO at the time of a subject which is taught at all levels in New South Wales school curriculum, from kindergarten through to year 12, Human Society and its Environment, wrote in 2001 of the curriculum of that subject:

The application of critical pedagogy can be seen in a number of ways in the current curriculum changes. Syllabuses in the HSIE learning area provide opportunities for use of this pedagogy. HSC subjects reflect the desire to engage critical pedagogy in the classroom. The syllabuses, by embracing critical pedagogy, provide teachers with the opportunities to engage their students in a pedagogy that will change their understanding of their world and free them to change their lives.

Senators, ideological and political prejudice in schools and on campus is a reality. As the President of the Young Liberal Movement of Australia, I am one of the few witnesses coming before this inquiry who has direct feedback from students about the issues they face at school and on university campuses. We are here to give a voice to the students, who are so often overlooked in this debate, and I can categorically say that the overwhelming feedback is that ideological and political prejudice is an undeniable reality. Self-serving attempts by ideological warriors to deny bias would be laughable save for the fact that they are taken seriously, including by this committee. As you will see from the dossier, lecturers like our previous witness cannot be taken seriously when they deny bias. To the contrary, they prove the Young Liberals’ thesis that bias deniers are usually the worst offenders.

I therefore encourage this committee to direct its resources and focuses at positive solutions to the problems of ideological prejudice in the teaching of senior secondary education and, of course, at Australian universities. After all, if, as some suggest, things are not so bad, then what is the problem with increased transparency? What is wrong with a charter of academic freedoms? What objection could there possibly be to, for example, enacting legislative provisions like those in the United Kingdom’s Education Act which oblige school principals to take reasonable steps to prevent the promotion of partisan political views in the teaching of any subject in the school? These are just a few ideas. Ultimately, all students are entitled to a fair go at universities and high schools and to have their rights to academic freedoms protected. The Australian education system ought to be characterised by intellectual diversity. As Young

Liberals, our members value the traditions of intellectual diversity and academic freedom, and we want to see those traditions flourish. Thank you.

CHAIR—Thank you. Maybe you could just explain your last comment that you want to see diversity, but only diversity within the scope of what you want to see.

Mr McCoy—No, not at all. I believe that Mr Freitas has an opening statement as well, but I am happy to answer the question now, as a matter of procedure—

CHAIR—We will go to Mr Freitas in a second.

Mr McCoy—Okay. I acknowledge and respect the fact that lecturers have political views and political opinions—that is their right and that is their entitlement. Whether that is a radical left-wing view or a right-wing view, that is entirely a matter for them. The concern is when that encroaches in the classroom or dominates curriculum. That is what we are objecting to. We do not want a right-wing curriculum; we do not want a conservative curriculum. In fact, we welcome the opportunity to debate with our peers, with lecturers and with others views which contradict our own. That is the process of free inquiry. That is what we are really about here. We do not come here with a partisan political view. We do not want to see the implementation of right-wing values, left-wing values, any wing values; we want to see a fair and balanced education system, and that is what we are here about.

Senator JACINTA COLLINS—Just on that point, can I just clarify something from your opening statement. Which particular form of feminism are you concerned about? You went through that list of Marxism and—I cannot remember the rest, but feminism was one of them. I am just intrigued about how you encapsulate what your concern is there.

Mr McCoy—I think the concern is a broader one. I think to zero in on a particular type of ideology is not quite the point. The point that we are making here is that the curriculum, particularly at universities, is dominated by a set of ideologies, one of which forms what I can describe as a radical feminism.

Senator JACINTA COLLINS—So you are suggesting radical feminism now? Okay.

CHAIR—Mr Freitas?

Mr Freitas—Good morning everyone, and thank you. I am here on behalf of the Make Education Fair campaign. Before I start with my actual statement, I just want to say, as a young person and as someone here who is representing young people, that it is very gratifying to see the Senate taking seriously the concerns of young people. There has been a lot of press about how young people feel disengaged or disconnected from the political process, but every young person I have spoken to about this is absolutely thrilled to bits that the Senate is both listening to their concerns and giving them a fair hearing. They are very appreciative just of the fact that we have this inquiry today, so thank you for that.

As I stated before, I am here in my capacity as Campaign Director for the Make Education Fair campaign, which is an initiative of the Australian Young Liberals and the Australian Liberal Students Federation. It is aimed at highlighting, exposing and documenting incidents of bias that

occur in our education system. Why have we decided to do this? For many years, we have been hearing stories from our members and from other people about what goes on in the classrooms around the country. Having gone through the secondary and tertiary education system ourselves, we have experienced the cultural and political bias firsthand. What we have noticed over the past few years is that progressively the frequency and severity of these kinds of incidents is actually increasing. But there has never been a concerted effort to document and highlight these issues, and to bring them to light so that action can be taken.

With respect to what we have been doing over the past six months, I do want to highlight that we have received support from across the political spectrum. We have been contacted by Liberal students, Labor students and students who have no political affiliation. So this is an issue that concerns all students. The other point I would like to make is that for the past six months the Make Education Fair campaign has taken what we call an evidence based approach. We have talked about stories that students have related to us, but we have gone further than that. We have documented textbooks, course outlines, curricula, reading materials and other materials used in the classroom to show actual examples of bias. I do want to stress that this is not simply a matter of our opinion. This is not simply a matter of one or two unrelated examples. Academic bias is a systemic problem in the education system, and it poses significant threats to intellectual diversity in this country.

What has been most disturbing for us, though, as representatives of students, is the fact that it has been very difficult for us to get students to come forward and publicly tell their stories. The reason for this has been, just like all whistleblowers, they are scared and fearful of what reprisals might happen or might take place against them. When you think about it, this is in relation to exams and assessments, but exams and assessments relate to subjects, and subjects relate to degrees, and degrees relate to careers. So it is a very high-stakes game for students to come forward and take on the dominant orthodoxy in education today.

Before I conclude, there are three key lessons that I would like to share with you that we have picked up from the campaign. The first is academic bias exists. The purpose of the inquiry is not to determine whether bias does exist; that debate is over. The consensus is in, the evidence is in and overwhelmingly we have documented case after case after case where bias does exist. So the question is not: does bias exist? The question is: what are we going to do about it?

The second point I would like to make is that academic bias is damaging and harmful to students. There are real impacts here. Just last week Monash University announced that it would have to introduce remedial English classes for their students because they are finding students coming to them 'functionally illiterate', and the question has to be asked: how are students going through 12 years of education and coming out the other end functionally illiterate? If you want to know the answer to that question, you need to take a look at the New South Wales English syllabus, which says:

- How is grammar used to express cultural patterns regarding, for example, differences in power, status, values and attitudes, gender, ethnicity and class?

What that has to do with nouns, adverbs, adjectives and grammar I do not know.

Additionally, many studies have come out recently that show that academic standards, including literacy and numeracy, have not increased since the 1960s despite a 258 per cent

increase in funding. Where is that money going and what is it being used for? It is no coincidence that this nosedive in academic achievement has coincided with the hijacking of the curriculum by left-wing extremists who are seeking to use education as an ideological weapon of social change at the expense of our students.

The last point I would like to raise on our behalf, and probably the most important one—and Senator Fifield alluded to it earlier—is that academic freedom applies to students just as much as it applies to academics. It is with great disappointment that I have read so many submissions to this inquiry from academics who firstly deny that bias exists in the face of overwhelming evidence and, secondly, only argue for academic freedom as it relates to themselves. Unfortunately, we know that these academics have a vested interest in maintaining the status quo of limited transparency and limited accountability. But this is no surprise because, as we also know, bias deniers are often bias offenders.

CHAIR—I think Mr McCoy went further and said that bias deniers are the worst offenders.

Mr Freitas—That may very well be the case as well. In conclusion, I urge the committee in its deliberations to focus not just on academics, who have the protection of the rich and powerful unions, but on the most vulnerable members of the academic community, who are the students and who deserve the protection and the safeguard of a charter of academic freedoms to protect their educational rights. Thank you.

Senator HUMPHRIES—Thank you for putting this information on the table. Obviously we have not had a chance to look at it yet, but one of the issues that the committee has been examining is: what is the evidence of bias in the system? Someone suggested that cases are very rare, and I am pleased that you have filled out what for some people might be a gap in the evidence.

Senator JACINTA COLLINS—Might have.

Senator HUMPHRIES—Indeed. That is true—I give him the benefit of the doubt in that respect. Can I just come back to the point you were raising, Mr McCoy, about the way in which bias operates. Some focus has been put on those cases where, say, a student submits an essay which runs against the political view of a lecturer and the person is allegedly marked down for that, and there is a conflict over whether that person has been a direct victim of bias. It seems that you are arguing that the problem is not those individual cases when they arise but it is the systemic problem of people getting the message that, if they want to go places, if they want to get good marks, if they want to succeed, they ought to go with the flow or adopt the orthodoxy of a particular course, a particular faculty or whatever it might be. In that respect, are you suggesting that, for every student who actually makes a complaint or exploits some opportunity to challenge the system, as it were, there is a larger number of students underneath them who do not bother to take that step and who are actually equally affected by those systemic problems but do not take the issue to the point of pushing the boundaries?

Mr McCoy—There are a couple of things I would say about that. First, in relation to your more general observation, I think you have hit home on a very important point about the individual instances of bias. I notice that, of the submissions that have been placed on the Senate's website, about 43 on my count effectively demonstrate the evidence of bias, so the vast

majority of submissions in different ways say that there is bias in the curriculum. So the weight of the evidence before this committee is that bias does exist. As to the nature of that bias and how it is manifested, there are different manifestations. The most obvious and the most painful of those is where lecturers or educators conduct themselves in a way which is not professional and not in accordance with their obligations in ensuring not only the academic freedom of students but also their own, and there are lots of examples of that.

In this document that I have tabled today, there are individual incidents like that. Our greater concern, if I could put it like that, is what I termed earlier as the radical orthodoxy that pervades university curricula and oftentimes, as a result, school curricula. In my opening statement, I tried to draw the connection between school education and university education by what happens in education faculties. The people from around the country who are trained to be teachers sit in education lectures. They have to sit through a curriculum which is radical, to say the least. There are at least three submissions before the Senate inquiry which give direct evidence of that.

As I said earlier, if you look through that schedule from pages 8 to 16 of this document, you will see individuals like Grant Banfield, who says:

His interests lie in exploring the relation between education, schooling and the realisation of those ends. In particular his work is directed towards the application of Bhaskarian Critical Realism and Marxist social theory to an emancipatory sociology of education.

But he takes it further. He is a member of a volunteer group called Nuclear South Australia, and I quote from the paper that he presented, as follows:

NuclearSA is a small volunteer group of educators, environmental professionals and activists. It has worked with middle school teachers to develop curriculum materials aimed at assisting young people to critically analyse and act on nuclear and environmental issues.

That is an example of how what happens at universities, particularly in education departments, translates into curriculum in schools.

Mr Freitas—Just on your point about whether this is happening a lot, I refer to Joshua Koonin's submission, No. 27, where he says:

When writing essays for political science students, as well as in class discussions, I have also consistently felt intimidated that if I express views other than those which are all but completely dominant among tutors and lecturers ... that my marks will suffer. As a result, I have seldom done so. Given that few students appear, in my opinion, to deviate from the views expressed by lecturers, I can only conclude that others are likewise doing so.

Senator HUMPHRIES—I have one other question. It was put to us yesterday in evidence that the capacity of students to complain and take issue with political bias had been undermined by the fact that student unions were now subject to VSU, and therefore were not as well resourced to take up these cases. Are you aware of student unions to whose attention the issue of the kind of advice you have spoken about has been drawn, and are you aware of any cases where the unions have actually taken up on behalf of students issues of bias with academic authorities?

Mr Freitas—No, not at all. I actually read that as well, but apparently student unions, because of the cut in funding, have somehow suffered with their capacity to deal with these incidents. But I do refer you to my submission, No. 43, where I have included a selection of images and evidence that have been produced by the very student unions. It shows that these unions themselves are captive to the very bias that they are allegedly seeking to address.

I also draw your attention to a submission by Ms Elise Nally, who documented her experience with the University of Queensland recently. The Cardinal Newman Society, which is a Catholic society, had the temerity to display a picture of an unborn child in one of their campus stalls. The University of Queensland Student Union has a mandatory pro-abortion policy, so they demanded the Catholic organisation remove those signs. They censured the Catholic organisation, and that organisation is no longer able to communicate its views on unborn children. That is the kind of abuse that students have to put up with day to day.

Mr McCoy—With respect to grievance procedures, there are some submissions that have addressed that precise issue. I would refer senators to submission No. 34, by Rachael Jude, who states:

Most students, out of fear of retaliation, simply accept the status quo. I however, took on my university and my professors, by filing a student grievance. Eight months later, nothing has been resolved and I am now in the process of filing a complaint with the State Ombudsman. I honestly do not think anything will come from filing my complaint with the State Ombudsman, and therefore, because of ongoing retaliation by my university and professors, I will probably be forced to transfer to another institution. There are no policies to protect students against retaliation. Universities are required to have in place student grievance policies, but in reality, these policies and procedures are only window dressing. Short of filing a lawsuit against a university, the student has no voice and merely pays for their education services, regardless of how shoddy the services may be. I have come forward, in hope that the committee will look at their children and their children's children etc. and see that while issues surrounding academic freedom may not affect them personally, it eventually effects us all.

In submission No. 37, by Dr Andrew Stewart, an academic, he tells his story of how he tried to intervene on behalf of students who were being treated in a prejudiced manner. He ended up facing retaliation, ultimately leading to his resignation and retirement as a university academic. If the committee feels that grievance procedures are a way of addressing bias, I think at least from that evidence it is reasonably clear that the grievance procedures are inadequate. I know for a fact that I do not know anything about grievance procedures. Perhaps I am personally ignorant, but I do not believe that many students know anything about grievance procedures. If it is a proposed solution to bias, there have to be ways of empowering students to actually know their rights and know how to exercise them. I suggest that perhaps at the beginning of every course, a lecturer can get up and say: 'If you have a problem, these are the grievance procedures. This is how you follow them. Go to this website'—whatever it is—'and this is how you access them. This is what you need to do et cetera, et cetera.' Can I just say from my own—

CHAIR—You can, but it is a very long answer to the question, and we have about 14 minutes left. I do not want to cut you off.

Mr McCoy—Certainly.

Senator FIFIELD—Thank you for your additional submission today. You will both be pleased that this morning Professor Brian Martin, an academic from the University of Wollongong, was one of—I was going to say one of the few, but actually I think he is the only academic who has actually appeared before the committee who has admitted that bias is common. My question, Mr McCoy, relates to the charter of academic freedoms which is in the appendix to your submission. Would you mind taking us through the concept of that charter. What form do you think the charter should take? Is it something that should be legislated? Is it something that should be adopted as a voluntary code by tertiary institutions? Also, do you think there should be a separate appeals mechanism which covers all tertiary institutions to which students could cite this charter?

Mr McCoy—Certainly. I think most universities in Australia are formed under statute and they have statutory obligations. I think it would be appropriate to have a charter along the lines of what has been proposed here as a statutory obligation of the university. I do think that more can be done, particularly from a legislative perspective. In the dossier that I have provided, I have put in a case study about the provisions of the Education Act in the United Kingdom. I have set out those provisions at page 2 of the submission, where it talks about what the local education authority should do. It states, ‘The local education authority shall forbid the promotion of partisan political views in the teaching of any subject in the school.’ In the bundle that I have attached to that submission at page 1 is a judgement of a court about the application of those provisions in relation to the Al Gore film called *An Inconvenient Truth*. What actually ended up happening in that situation was that, alongside the screening of that film, teachers were required to give guidelines and so on to give a context to that film. That is perhaps one way of taking the issue forward.

Mr Freitas—There is nothing in that charter that should be in the least objectionable. It encourages critical thinking; it encourages freedom of thought. It says that academics should not seek to promote their views through curriculum or textbooks. These are things that should be happening today. The fact that we are here now is evidence that they are not. Perhaps the existing mechanisms in place are insufficient to deal with what is happening. They have been proven insufficient to deal with what is happening, so we need to take additional steps to make sure that students have their freedoms guaranteed.

Senator FIFIELD—I think it is a useful contribution that you are making to extend the concept of academic freedom to cover students as well as academics themselves. I will yield, in the interests of time.

Senator MASON—What form—legislation?

Senator FIFIELD—Legislation, I think.

Senator JACINTA COLLINS—Mr McCoy, you indicate that you are taking an evidence based approach, which is my favourite approach to dealing with most issues. I was concerned when I looked at what seems to have only been part of your original submission—we only had the first section of it, where you pretty much simply list a range of radical left academics. As a prelude to that, you talk about a survey that was done in the US.

Mr McCoy—What are you referring to precisely?

Senator JACINTA COLLINS—Your part 1 academic profiles.

Mr Freitas—That is my submission.

Senator JACINTA COLLINS—Sorry, I will go over to you on that.

Senator MASON—Wendy Bacon?

Senator JACINTA COLLINS—Yes, it is. My concern here is the degree to which a lack of balance has actually been demonstrated. You point to a survey done in the US that found that one in seven of the academics in humanities and social sciences were Democrat rather than Republican in orientation.

Mr Freitas—Seven to one were Democrats.

Senator JACINTA COLLINS—Sorry, the other way. Then you cite a range of Australian left-wing academics. That in itself does not demonstrate that there is an imbalance, because I could equally sit here and cite a range of right-wing academics, and I think in your dossier we found Anne Henderson, perhaps Gerard Henderson, sometimes perhaps Robert Manne, Senator Mason and I were agreeing—

Senator MASON—It would be a reasonably short list.

Mr McCoy—You could probably list them on two hands.

Senator JACINTA COLLINS—But my point to you is that that is not a point you have made. You have not demonstrated that.

Mr Freitas—The first thing I would like to say is that the reason we had to quote a United States study is that there has not been a study in Australia.

Senator JACINTA COLLINS—Okay. Can I suggest to you that, if that is your argument in an evidence based approach, then you need to indicate that, and that was not indicated. It might be in here, which we have not had the opportunity to observe yet.

Mr Freitas—The only study that has been done in Australia was done in the 1970s by a chap called Lawrence Saha. What he found back in the 1970s was that over 50 per cent of academics were left wing compared to 12.5 per cent of the general population. That was back in the 1970s; this is 30 years on. Unfortunately the only studies we have to go on are the US studies. The second point I would like to make is that we picked these profiles randomly, I suppose to show you—

Senator JACINTA COLLINS—Well, you did not indicate that either.

Mr Freitas—Okay.

Senator JACINTA COLLINS—I am allowing you to provide that context.

Mr Freitas—Thank you. We picked these profiles to demonstrate that there are a class of academics who more accurately should be described as activists masquerading as academics, and it goes back to the point on content and viewpoint. These particular academics have views that would be considered well outside the Australian mainstream. Their views are very much reflected in the course materials that they use in their courses. So, you are absolutely right, Senator: I am sure there are right-wing lecturers, so to speak, but in terms of balance, overwhelmingly the anecdotal evidence, because we do not have those studies, is that Australian academia is tilted disproportionately towards the left.

Senator JACINTA COLLINS—Okay. Would you accept that certain academic disciplines just by their nature are more likely to attract people of particular ideologies within them, such as you are more likely to find, say, an economic rationalist within an economics faculty than you are within a cultural studies department?

Mr McCoy—I do not know about that.

Senator JACINTA COLLINS—Well, I am asking the question.

Mr McCoy—I do not know.

Senator JACINTA COLLINS—You do not know?

Mr Freitas—I do not have a view on that, Senator. If an academic has a certain viewpoint, they are entitled to that viewpoint, but it should not translate into what they teach. Their duty is to portray a balanced view. I might be an economic rationalist, but in a class on economics I should discuss a Keynesian approach as well as other approaches. That is my duty.

Senator JACINTA COLLINS—But there is another element to this situation, which is the supply of academics. Academia in itself is, as we have discussed earlier, a critical exercise, and you are looking at people who want to continue to engage in critical enterprise rather than, as Senator Mason was talking about, in celebrations. What also has not been demonstrated is that there is a significant supply of right-wing academics who cannot get placements in disciplines as well.

Mr Freitas—I must take objection to that. We completely reject any kind of politicisation of this. This is not about getting 10 right-wingers and 10 left-wingers to present a reasonable view.

Senator JACINTA COLLINS—No, I am not suggesting that.

Mr Freitas—Professor Jim Jackson talks about this when he says that, with academic freedom, which is not an unqualified right, comes a responsibility to teach professionally. My political opinions are irrelevant. If I am teaching a subject matter, my scope is therefore to deal with the various elements of that subject.

Senator JACINTA COLLINS—Okay; that brings me to my next point. Is it your suggestions that all of these academics that you have pointed to are not teaching professionally?

Mr Freitas—No, that is not our suggestion.

Senator JACINTA COLLINS—Then you have just contradicted yourself.

Mr Freitas—No, I do not think so. That is your conclusion.

Senator JACINTA COLLINS—I am entitled to that, thank you.

Mr McCoy—My point is that we are not going to agree with that conclusion.

Senator JACINTA COLLINS—No, and as I suggested to you before, the nature of your evidence based approach is somewhat limited. I hope to find more substantial material when I get an opportunity to read this.

Mr McCoy—I can address that by taking you through some of it. I would like to take you in particular to page 13. Verity Burgmann maintains a website called the Reason in Revolt project, which aims to ‘bring together primary source documents of Australian radicalism. By radical we refer to those who aim to make society more equal and to emancipate the exploited or oppressed. The project lists a large number of radical academics.’ So those are people who, through their academia, are seeking to effect social change. This is coming from Dr Burgmann herself; this is not from us.

Mr Freitas—Just on Dr Burgmann, this is what is in submission No. 42 about her. On page 3 Lachlan Williams states:

I took the subject ‘Modern Political Thought’ in the second semester 2002, taught by Prof. Verity Burgmann. The political theories of liberalism, Marxism, feminism, anarchism, syndicalism, communism, nationalism, fascism, socialism, social democracy, conservatism, neo-liberalism and environmentalism were covered. Pointedly, I recall that the lecture in relation to conservatism was not delivered. Prof. Burgmann told students that it would not be covered in class and that it would not be subject to assessment ... She made absolutely clear to the full lecture hall of over 500 students her clear disinterest and distaste for the political theory of conservatism. It was a shameless display of intellectual arrogance.

That is another example of someone’s personal viewpoints influencing the content.

Senator JACINTA COLLINS—As I said to you, I am quite happy to accept examples such as that to which you have just referred, and we will have an opportunity to digest some more of this material, but that is why I thought it was important to clarify that, as to the other academics that you have described as radical in their approach, you are not actually asserting they are not delivering their course material appropriately.

Mr McCoy—To take one example—

Senator JACINTA COLLINS—This is one example, though—

Mr McCoy—To take one example in isolation is to, I believe, with respect, miss the point. It is the totality of evidence, and I accept—

Senator JACINTA COLLINS—That is what we are yet to try to digest. I am suggesting to you that so far we have had very limited evidence.

Mr McCoy—I accept that there is not the sort of study that you are looking for, but that does not mean that the evidence is not there. It is just not in a format that makes it easy to digest.

Mr Freitas—If you read the introduction, what is said is: ‘As well as being educators, many of Australia’s leading academics are also activists for far left social causes. To highlight the extent of a lack of diversity within academia, we have listed just a few of this country’s prominent academics.’ So the point being made is that these academics, of whom we have picked a minor selection, are also activists for far left causes, and that has been demonstrated in this submission.

Senator JACINTA COLLINS—What has been demonstrated, that they are activists—

Mr Freitas—That they are activists for far left causes.

Senator CASH—Are you saying that then permeates itself into the classroom, because that is the link that needs to be made.

Mr Freitas—That is correct.

Senator FIFIELD—Or inter-curriculum development.

Mr Freitas—It comes back to the point of—

CHAIR—That is what Senator Collins asked you earlier.

Senator JACINTA COLLINS—And you said no, that was not the perception.

Mr Freitas—Do we have specific examples of these lecturers—

Senator JACINTA COLLINS—Some.

Mr Freitas—No, we do not, but we have specific examples in that schedule.

Senator JACINTA COLLINS—You indicated Verity Burgmann.

Mr Freitas—She is not in this list for this submission.

Senator JACINTA COLLINS—You gave an example, but the link that some might seek to make is not what you are actually making in this submission.

Mr Freitas—Sure, I understand.

Senator MASON—Gentlemen, congratulations on your submissions. They are considered. I only hope you are giving your academic study as much attention.

Mr McCoy—I am not studying; I am supposed to be working.

Senator MASON—Or indeed your work. Well done. I really want to only ask one question. In my mind I think I have come to some conclusions, but let us divide bias between direct and indirect bias. We have discussed this over the last couple of days. As to direct bias, I think we have evidence of it. There may need to be some re-propulsion of grievance procedures and so forth. This morning Senator Humphries asked questions of Professor Martin and inquiry that perhaps at the beginning of the semester there could be procedures or outlines—perhaps we can do something there. I think we all agree that intimidation is often hard to assess. I think we all agree with that. Sometimes that is a difficult bias to assess, but I think we all agree that it is there. I do not have any problem, and I suspect the committee does not either, in assuming, even though we do not have much empirical evidence of this, that most academics in humanities and social science departments in universities are left leaning. I would say that, but I do not care if they are left leaning.

Mr McCoy—Nor do I.

Senator MASON—I know you do not, and I do not think that is an issue, but I do not see why academics find it so hard to admit that. I just do not think it is an issue. Indeed, even if they are activists, I do not care except, as Senator Fifield said before, when it starts to inflict curricula. Let me come to my point. Direct bias is one issue, and I think we have to address that. But indirect bias is far more difficult. When you are looking at curricula and course content, that is really where the systemic problems and the difficult issues arise.

My point is this: in your charter of academic freedoms, what is the evidence from the United States, where this charter or a similar charter has been incorporated into legislation or, indeed, into some university administrations? Has this actually had an effect in liberating courses from left wing dominance? Or are we—and I think you heard the discussion I had with Dr Gelber before—simply subject to critical analysis by academics which perhaps inevitably is left wing or at least critical? It has not changed anything. How long has it been going and has it changed it?

Mr McCoy—I have to say that our primary focus has been on what is happening here. I do not have a whole lot of knowledge about what is happening in the United States. We are giving you the factual nature, but my general view is that there will never be a perfect solution. There will never be a perfect system. We are not asking for there to be a purge or some sort of radical intervention—it is not the Northern Territory. But at the same time, I think there does need to be root and branch reform of education departments, and I have tried to make that point particularly with schedule 1 to the submission. The view that education should be a tool for social change along the lines of critical pedagogy or Marxism is, on any objective view, contrary to the principles of a fair and balanced education.

Senator MASON—These are the people that teach teachers, are they not?

Mr McCoy—These are the people that teach teachers, and often times that is the theoretical basis for teaching in schools, which affects curriculum as well. That is the example I tried to give at the beginning of my submission about the HSIE curriculum in New South Wales. There has been a lot of discussion amongst educational academics about critical pedagogy. We are going to implement it in our curriculum. That is the link. I think that is one clear area where there needs to be root and branch reform.

Mr Freitas—I just want to take exception to the premise of your question which is: why does critical inquiry always have to come from the left?

Senator MASON—No, I am not saying it does. Critical inquiry has come from the right.

Mr Freitas—Okay, that is good, that is correct.

Senator MASON—When I was a student at university, I was a radical because I was conservative. I am serious. It might seem funny, but it is true. The orthodoxy was left wing.

Mr Freitas—Correct, and that is why I am saying—

Senator MASON—We won in the end, I might add.

CHAIR—You won?

Senator MASON—Well, we are all economic conservatives aren't we?

CHAIR—I want you to wind up, Senator Mason.

Senator MASON—Just to summarise, I do not think this committee would want to add to the legislative burden on universities unless we are pretty sure that this system, whether it is legislative or in some other form, would actually have the impact that you are saying it would. You understand that, do you not?

Mr Freitas—I understand that.

Senator MASON—I accept Mr McCoy's point of education; that is a special point, and I agree with you.

Mr Freitas—We could also recommend a voluntary adoption of this charter by universities as a first step. This is a complex issue; it will not be solved overnight. We see this charter as one small step to guarantee the rights of students. If universities were to adopt this, because there is nothing in here that is objectionable or that they should not be doing now, and they should have no problem in adopting it, then that would also demonstrate their commitment to the values of intellectual diversity.

Mr McCoy—I would recommend to the committee some of the proposed solutions that Dr Mervyn Bendle has included in his submission, which I think is No. 65.

Senator MASON—There are some other procedures.

Mr McCoy—Other people have proposed things.

Senator MASON—Yes, AIJAC has some as well, you will note, and so forth, and I think some of those we can work in. Senator Fifield was asking questions about this yesterday. Professor Sinclair Davidson, who does some work for the IPA—I think he is at RMIT in

Melbourne—says that if you just leave it to the market, many of these problems about bias will go away. In other words, if we introduce a voucher system for tertiary education, students can come and go and move where they like, and this will largely alleviate the problem or perception of bias. What do you say to Professor Davidson's view?

Mr Freitas—I have not actually seen those comments. We are not closed to other approaches or solutions. We are happy to incorporate whatever delivers the best outcome. We represent students, and we have come to the view that a charter of academic freedoms is one way to ensure that students' rights are protected. If there are other ways that cover academics—

Senator MASON—A market solution?

Mr Freitas—then we are quite happy to look at those and adopt those.

CHAIR—Mr McCoy, you indicated earlier that you have finished your studies?

Mr McCoy—Yes, I finished my studies in 2000.

CHAIR—And Mr Freitas, you have finished also?

Mr Freitas—I am starting a degree next year. I finished one last year and a couple the year before that at different universities.

CHAIR—Okay. Well, thank you for your submission and your presentation today.

Mr McCoy—Thank you, senators; thank you for your time.

Proceedings suspended from 12.04 pm to 1.16 pm

CASSIDY, Dr Nathan John, Policy Officer, Policy and Analysis, Universities Australia

WITHERS, Dr Glenn Alexander, Chief Executive Officer, Universities Australia

McCONKEY, Professor Kevin Malcolm, Deputy Vice Chancellor (Academic), University of Newcastle

CHAIR—Welcome. Thank you for your submission. I invite you to make some opening remarks to the committee which will then be followed by questions.

Dr Withers—I note that Senator Mason said that some people who had appeared before you earlier were very well organised and prepared. Qantas would not let me use a laptop today on the aeroplane so I scribbled some notes that I might use, with your indulgence.

I want to start from the basics. What universities are about is knowledge—that is their *raison d'être*—and there are a number of ways of acquiring knowledge. Most of us operate from some sort of intuitional experiential knowledge that we just acquire by doing things and being around. What universities try and do is also develop codified knowledge based upon logic, evidence and clarity on values, where values are important in where knowledge leads to decision making and activity. Universities do not try to dispense with any other form of knowledge with evidence and logic, but try and increase understanding of the role of that sort of acquisition of knowledge.

I say that because that is what universities do, and free pursuit of that logic and evidence is the distinctive competitive advantage, if you like—the distinctive role—universities bring to bear in society. It is a crucial one because when you look at all the problems facing us, from economic difficulties to ecological sustainability to social inclusion and international integration, every one of those benefits mightily from the systematic pursuit of logic and evidence. This is then combined with intuition and experience to produce good decision making, particularly if you are conscious of the values in that process. Therefore, to maximise the role of logic and evidence as best you can is a pretty important form of human progress going forward. This is why universities have been around—depending on how the first university is counted—for at least 1,500 years, which is longer than democracy. They are one of the most enduring of human institutions because of that commitment to the knowledge process.

As I looked at your website I overcame the irony of the amount of personal information I had to give to access the website when we are inquiring into academic freedom—that little irony aside—it may be why you have received what seem to be few submissions. There were not a lot of submissions. One reason is, I suspect, that many of my university colleagues are deeply suspicious of getting engaged in political and populous processes that may be partisan. Much as they all believe in and support the whole of the democratic process, they sometimes do not like getting caught up in the middle of it because they are worried about what that does to academic freedom. For example, things like interventions of ministers in ARC grants, the national governance protocols and HEWRs in the Higher Education Act and, dare I say, even Senator Carr's activities with respect to a research ombudsman. We find all of that worrisome because of the long history of universities trying to keep themselves free and independent from external political intervention. It is no accident that amongst the first victims of regimes of dictators and

authoritarians is the suppression of intellectuals, because they are the conveyors of freedom of expression and the rational pursuit of logic and evidence. Maoist regimes put the intellectuals in the fields to be re-educated. We are instinctively conscious in universities of concerns to distance ourselves from not only the extremes of course but even the thin end of the wedges that we sometimes rightly or wrongly perceive to be out there. I mention that by way of background, and yet Universities Australia was anxious to affirm its basic commitment to the principles that we seek to defend in Australian universities for this committee's consideration.

We note wryly in some way too in coming to a Senate committee that Australian universities are the worlds most privatised public universities. We only receive 20 per cent of our revenue on average from direct government grants and people are not quite so up to date on this. We receive another 20 per cent from competitive grant schemes like the ARC, NHMRC and the like, but around the world we are the most dependent upon private income of any public university system. We are developing the private provider elements of a university system and other tertiary providers. That said, we are totally delighted and happy to welcome the public funding we do receive and we are very pleased to abide by the accountability that goes with that. I wanted to emphasise that accountability because it is important to this academic freedom discussion as we would see it.

We assert the desire on universities to be autonomous, but that is not at all the same as not being accountable. We are autonomous with respect to academic content, but not autonomous with respect to accounting for the uses made of public resources and indeed for our general activities in the public domain. In that sense, we are quite content to be subject to parliamentary scrutiny, to the ombudsman, to administrative tribunals, to courts, as all in the land must be, and to the industrial tribunals that a lot of academic matters relate to in the activity of being an academic. There is a lot of other scrutiny: the media are very happy to look at us, the *Good Universities Guide* is a private element of the media which rate, rank and report on university achievements and misdemeanours as they see them. Professions and accrediting bodies all scrutinise us closely. Even associated institutions like the Graduate Careers Council of Australia does a course experience questionnaire of every graduate, asking them about the experience they had in Australian universities. It might be very pertinent to the committee to put into perspective the numbers of submissions from individuals before it and match that against the evidence of any concerns expressed by 100,000 graduates each year regarding any matters of systematic concerns of academic freedom and any associated problems of bias and prejudice in Australian universities. It is very rare for any of that to appear in that comprehensive questionnaire that is available from sources like that, along with the sorts of questionnaires we ask systematically and regularly of all students within universities after each course as one of our standard operating procedures. That is the framework we operate under.

CHAIR—When you say it is very rare, how rare is it?

Dr Withers—The complaints?

CHAIR—Yes, about bias and prejudice.

Dr Withers—Perhaps Professor McConkey might want to answer from the viewpoint of a particular university, being the person responsible for dealing with those complaints. From my own experience in delivering courses, I can only remember maybe two or three instances in 10

years of teaching in a contested field like public policy, and that is in anonymous course questionnaires.

CHAIR—Maybe you should continue and we will get into some questions after that. I am interested in pursuing information about the processes for complaints to be dealt with and how that information is captured so that the committee has an understanding of whether there are processes already in place and whether or not there are some problems with them.

Dr Withers—I think Kevin is the person who we thought might be able to tell you a little more about how it operates in detail in practice across the whole of the university. Let me just make a couple more general points and we would be happy to respond on those particulars.

When we look at those processes within the autonomy that we think we have earned in Australia—and we think we have one of the better university systems in terms of respect for a range of ideas and the ability to be academically able to express our merit based opinions—we are nevertheless also responsible in the use of that autonomy. That comes back to these internal systems that we ourselves adopt such as codes of conduct, review and appeal processes and so on. We would be happy to detail how that works.

I want to emphasise that we are dealing with mature age students in universities; these are people who have graduated from school. In many cases these days a big proportion of the students are people who are well advanced in their careers and their lives, not just fresh faced out of school at all. They are all mixed in together: international, domestic, middle aged, older and the young, and that is a delightful community in which to be dealing with the expression of ideas. But we still have appropriate processes in place where there are worries about any bias or prejudice in the processes.

I would say that Australia does this better than most. In Australia, academics are not public servants like in many European countries, our vice-chancellors are not appointed by government like in many Asian countries and we think we have an excellent enlightenment tradition in the way we run the university systems. Also, Australia itself is a much more tolerant society than most, which I think also is a spirit that is reflected in how our universities can operate. The Australian character comes through in helping us be one of the better university systems in these respects. Of course because we are dealing with human nature, with people who sometimes feel strongly about their values, there can be cases where one does not get the civil, courteous and constructive treatment of some ideas that one would wish to see. We believe we have got appropriate systemic procedures in place to deal with that under our general responsibility as universities. Sometimes it is not staff who are the issue; many students lack civility, courtesy and constructive contributions and we have our ways of dealing with that as professional educators. We have our ways of dealing with any of the educators who themselves do not abide by that basic principle of rational discourse.

We are now an industry sector of a million students and 100,000 staff. The notion that any significant proportion of the 100,000 staff, 50,000 of whom are academics such as architects, engineers, surgeons and accountants, are somehow all destructive postmodernists who are biasing the values of the vulnerable youth of the country just seems preposterous, yet that sometimes seems to be appearing in some public discussion. It is pretty insulting; it is pretty insulting that a million students would see a problem in this respect in the Australian university

system. The Australian university system is incredibly diverse and is mostly a professionally and managerially oriented system. Most of the students are there to become professionals and managers and the like, and any issues that arise should be put in that perspective.

That is probably where I should leave it. On the grand scale of things, we think we have got a system, within the way in which human beings manage systems, that is pretty good by world standards in this respect and many other respects. We would be happy to talk about the detail and how we implement that within the universities. Thank you.

CHAIR—Professor McConkey, could you tell us about the internal processes in universities for dealing with claims of bias and matters of that nature?

Prof. McConkey—I think that is probably best thought of in the three separate ways in which these are dealt with. One way is that within the academy, within each university, there is typically an academic governance organisation, an academic board or an academic senate or some such, which usually will review curricula, independent of the staff member teaching it and independent of the students participating. We will typically review the curricula, the materials and will apply standard quality assurance procedures to that, which I could go into detail. In a sense, that sets up what the content of the curriculum is. There is a second stream in which bias, however we care to define it, may be identified and investigated. At each university there are really at least four levels or ways in which students' opinions are sought. Each university calls this a slightly different thing. One is student evaluation of the curriculum, whether it is the degree as a whole or the particular subject being taught.

A second is student evaluation of the teacher, of the staff member. Sometimes if there are, for instance, six different people teaching a particular subject, the curriculum and the individual can be separated out. The third level is that most universities run in some way, for all of their students, an annual questionnaire looking at the overall experience of the teaching aspects, the social aspects, the service provision et cetera. As Dr Withers indicated, at the end of a degree program, there is an assessment device called a course experience questionnaire which is administered not by the universities but independently and which assesses the overall program. Data come up in all of those ways and that data comes to the university for evaluation, and I could go into detail about how those are evaluated. For example, for the evaluation of the individual subjects, typically the head of department or the dean of the faculty will have that information, and if there is any systemic bias in either the quantitative data, in other words the ratings, or the qualitative comments, that will become very obvious.

The third way in which matters are detected and investigated, and again universities use slightly different language here, is through the complaints process or the grievance process. There are usually two aspects to that. One way it emerges is through the student association or the student union raising issues if a number of students or a particular group have come to them. The more common way nowadays in terms of the accountability is that most universities have a very clear, very formalised complaints procedure. For instance, I am Deputy Vice-Chancellor (Academic) at the University of Newcastle, so I will use the example from that university, although it is common across the sector. In each of our academic schools we have complaint officers who are different from the head of the school, different from the senior professor, but nevertheless a senior person themselves, whose task it is to be available for students to come to. We seek to resolve any issues as close in time and space as possible, if they are raised by

students. If they are not resolved at that level, then they go to a complaints manager, are investigated and a report comes out of that investigation for appropriate action.

So there are those streams that hopefully converge to identify, investigate and resolve any perceptions of inadequacy.

CHAIR—It was put to the committee earlier that that process is unknown amongst the student population. Can that be true?

Prof. McConkey—I am going to make two comments about that. The first is that most of the universities that I am familiar with have those sorts of processes widely available, in the sense that it is on websites, it is in orientation handbooks for students; it is promoted widely. The second point is that it is sometimes the case that students do not approach it in the right way and do not take advantage of the process as best as they could. I think there is a distinction between whether it is widely known and whether students are actually taking advantage of it.

CHAIR—There was also a submission, an individual submission, which I must say I have not read but was referred to by the last witnesses. It was about a process which simply did not go anywhere, never came to a conclusion and as a result application was made for the Ombudsman to deal with it. There was some scepticism also expressed whether that will happen. Is it possible that a complaints process just starts and goes nowhere?

Prof. McConkey—Senator, the logical answer is that anything is possible, but it is certainly not desirable and should not happen in that way. In New South Wales, the Ombudsman has best practice guidelines, and my experience with universities in New South Wales is that most universities follow that as best they can. To use the example of the University of Newcastle, it would not be possible for a complaint to come forward and for it to go nowhere, simply because at the University of Newcastle the university complaints manager, through me, reports to the University Council, the governing body, twice yearly on the complaints that have come forward and how they are being resolved. We have very specific time lines to follow. The detail is not public information but the time lines to be followed is public information. So of course anything is possible, but I think it would be a rare instance.

CHAIR—I have used the example with others already and with one of the witnesses yesterday about a Jewish student who wanted to engage in some debate and was referred to by the lecturer as the resident Zionist. The view was expressed that their views were then not given the same value as other students because of that background and they were not treated appropriately in that respect. Can you comment on how an issue like that would be dealt with?

Dr Withers—I am happy to comment, if you like.

CHAIR—Go ahead.

Dr Withers—Those sorts of issues arise a lot in the public policy field, which has been my area of study for the last decade or so. In a previous guise when I was professor of economics, the complaints of that decade were of the right-wing bias at universities—that we were seen as a nest of right-wing capitalist fascists because we taught market economics. There was a little run for a while from the Puseys of the world, from Michael Pusey the sociologist, that we were all

captured in the universities because we were right wingers. We go through these sorts of things from time to time. You mentioned a particular one, which is a lack of courtesy and civility and consideration of alternative views.

How would we deal with that? One is that we would expect the student or other students to raise the issue, either in the class or after the class, with the lecturer. If the lecturer ignores it then there are other ways that are either known to the student if they have attended orientation or asked any administrator in a faculty about a course of recourse open to them; they would soon be able to find it with a modicum of effort. They could have recourse where they think it is an invidious situation, if the person was indeed hostile and not willing to engage properly in the manner we would hold up as our principle. There would then be a sequence: typically, if the lecturer is not responding appropriately you would go to the head of the department and, in turn, if you got no satisfaction there, the standard recourse is to the dean of the faculty. Beyond that, there are also dedicated complaints officers, deputy vice-chancellors and so on. There is a clear sequence of authority and appeal that is increasingly away from the area of concern to deal with the process as opposed to any substance of concept of the debate. I have seen that process acting appropriately; you have hearings, you can ask for independent expertise to be brought in as a standard condition if, for example, there is a mixture of content and process, because sometimes they are hard to separate out. If the facts were as you described it for that particular student, if it was not a wry or a humorous remark about a resident Zionist but indeed an intimidating or hostile one—and one does not know the context and the facts—

CHAIR—No, that is right.

Dr Withers—If there was a genuine grievance, there are well-known, standard procedures for dealing with that. If the academic concerned does not, then the course evaluation, which is not just by that student but by every other student, can well reflect that if it is a concern at the end of the course. They are anonymous. They are not processed by the academics but by independent units that report this back to the supervisors as well as the academics themselves. Also, that soon becomes known amongst peers. One of the major ways universities operate is peer pressure, informal peerage. It is a college of scholars whereby you learn about each other—students complain to other lecturers; other students complain about the treatment by a particular lecturer. You soon learn these things. Before long that person is not getting promoted, if indeed that behaviour is the case, or they are called before their departmental head even if there is not a formal complaint. When their letters for support for reference for an appointment somewhere or a promotion comes up, those course evaluations are all there as part of the promotion process. In turn, the references have to be reputable, from scholars whose independence and integrity is in turn not questioned. There are a whole lot of peer processes that might not help that immediate situation that day, but by which we would seek to weed out of universities people who do not abide by those tenets of civil discourse.

CHAIR—This particular example was brought to our attention by a public submission to us from the Australia/Israel and Jewish Affairs Council. Would they as an organisation be able to activate the complaints process or does it have to be a student?

Dr Withers—Both. Perhaps Kevin might talk about the Newcastle processes, but my experience in about four or five universities—

CHAIR—That will then lead me to the next question, which is concerns about prejudice for making a complaint or retaliation or retribution for making a complaint. Maybe you could move into that process for me too.

Prof. McConkey—Sure. The short answer, in most universities' complaints processes, is that external individuals or bodies can raise issues. If they want to raise very specific cases, then obviously the individuals about whom they are speaking have to give that agreement. If they are raising it on behalf of a student or on behalf of a staff member inside the university, then that person obviously has to agree to that.

CHAIR—Sure. I take it from that that they would be able to do that?

Prof. McConkey—Yes, certainly.

CHAIR—If they said, 'We've had this complaint made to us and we're going to pursue it on their behalf,' they would be able to activate and utilise the internal university grievance procedures?

Prof. McConkey—As long as the person on whose behalf they were pursuing it gave that consent.

CHAIR—Yes.

Dr Withers—They could raise it in a generalised way for more general review as opposed to a particular case. If a particular external group wanted to put that there was, as they saw it, a more systemic bias rather than an individual injustice, then of course we would seek to respond and look at it. But, we would equally conscious in the process of our academic freedom not being compounded by an external agency trying to make us biased through its own pressure upon a university. From time to time we are accused of responding too much to external pressure from corporates—in a pharmaceutical research project or a lobby group in the international relations area. So, there is a balance; once you do it as a generalised issue, it is a different sort of inquiry than a particular problem.

CHAIR—A proposition has been put to us that the reason that there are not a lot more formal complaints about all of these matters, whether it be bias in content or personal bias, is that there is a fear of retribution in making a complaint. Could you respond to that?

Prof. McConkey—I am certainly happy to respond to that.

CHAIR—You cannot get the strap anymore, can you?

Senator JACINTA COLLINS—I do not know whether you ever did in university.

CHAIR—Didn't you? I never went, but that is how we used to get our retaliation at tech school!

Prof. McConkey—It needs to be acknowledged that that certainly is one of the mythologies that are around. I think it is a genuine mythology. I have seen no data from across the sector that would speak to retribution. One of the reasons for that is that if—

CHAIR—It can be done very subtly. I flippantly referred to the strap, but it is about being constantly marked down or not being given proper personal treatment to assist you in your course—things like that.

Senator MASON—It is fear of retribution not just retribution.

Dr Withers—The question is whether it is well-founded fear. Naturally enough, many human beings might suspect something would happen and they do not want to take the risk. We have something different in this country, much more than most actually, and I put it down to the presence of international students. In my own view, the demanding nature of international full-fee-paying students has put us ahead of the game. This is acknowledged if you go to an international higher education management conference. They say that Australian universities are ahead of the game with respect to client feedback—that is, student responsiveness. In German universities, with a strict hierarchical system, there are nothing like the complaints procedures and evaluation procedures that we have. In particular, keeping full-fee-paying international students in our universities forced us very quickly to produce a very systematic course review process, an anonymous course review process by which outcomes can be judged.

Secondly, it has to do with respect to appeals over marking. We have about the most systematic and complex set of appeals by which the independence of the participants in the process, if you are unhappy with original reviews of marking, takes place—far more than in most other countries. There are about three or four levels of appeal if you think you have got a mark that was not on the merits. There are often a range of reasons. For example, parents are paying a lot of money and you should have got a better mark. That is a common complaint. ‘I am having a lot of money paid here. How come I am only getting Cs? I should be getting Bs.’ We have to go through a process of three or four expert people in a field examining the contents of answers.

We naturally choose reputable people who would be widely respected to look at the content of the answer to see whether the grades that had been awarded were fair and appropriate. In the particular cases of people who felt they were marked down because of an apprehension of bias on the part of the lecturer doing the initial marking, those appeal processes—which are very well known amongst students, given the frequency with which they resort to it, not on grounds of bias technically but on an underestimation of their merits—are complex, advanced procedures, more so in Australian universities than in just about any other system.

Prof. McConkey—It is perhaps useful just to concretise that a little bit. The reason that I say that I have seen no evidence of retribution in terms of lowered assessments—and it varies from university to university—is that as a student progresses through a degree, going from one subject to the next subject to the next subject, if there are major variations in the grades that they are getting then that is actually flagged. At the University of Newcastle we have what is called a course assessment return process which actually flags those things. If Senator Mason were getting HDs for these courses and then suddenly was just getting simple passes for these, it would be flagged and investigated. When that variation occurs, it is carefully investigated in the

interests of the student. There is no evidence in the cases with which I am familiar of that sort of retribution occurring. I certainly agree with Dr Withers.

CHAIR—With the greatest respect, we would expect you to say that, and that is not what is being said by others. I am interested in satisfying myself and the committee that there is no substance to the allegations or that there could be substance to them. I am wondering if there is a way of verifying that.

Prof. McConkey—Senator, with the greatest respect, what I say is based on evidence. I have just pointed to that evidence of the course assessment returns. What we have seen shows no evidence of that. Hopefully most of what I will say is based on evidence that can be documented.

Dr Withers—We did notice on the site that, in the 30-odd submissions you received from individuals, I do not think in one case there is a mention of a resort to an appeal process in an adverse way or a worry about bias in the outcome of that process. The cases were more individual one-on-one lecturer-student classroom apprehension of bias, much of which would be stylistic as opposed to consequential. Indeed, it is inappropriate in a class because it is consequential for the good conduct of the class and the learning process of the class. But it was fascinating to see in the submissions that there was no acknowledgement of remedy processes. It can happen, as we mentioned before. In my universities we would have an explanation of all these processes at orientation, but of course 30 per cent of students would not come to the orientation classes. So you then put it on the website, and then some student would say—

CHAIR—There is no free beer anymore, is there! There is no point in going, I am told.

Dr Withers—Not since VSU. Maybe that is a good thing.

Senator JACINTA COLLINS—Maybe that should be our recommendation!

Dr Withers—If you asked: ‘Did you find it on the website?’ the student would say, ‘I didn’t know there was anything on the website,’ or ‘It’s not a good website—it’s hard to manage and I didn’t find it.’ Normal human frailty can be an explanation for not going through these processes. I was struck by how many of those submissions did not mention anything like that.

CHAIR—No, there have been some interesting submissions. I am just wondering whether it is something the universities may consider. If there are adequate processes in place that deal with all these things—and I think that I accept that there are at this point—maybe it is about making sure people know about them, that they are easily accessible and that it can be demonstrated that there will not be retribution, retaliation et cetera. I don’t know, but that is something for you to think about.

Dr Withers—Universities Australia, let alone government, will not go around and tell every university exactly how to set up its website and exactly how to run these internal processes. The price of dealing with a couple of exceptional cases from that would be to ruin the fundamental culture of the system.

Senator JACINTA COLLINS—Is there a model one, though?

Dr Withers—Is there a model one?

Senator JACINTA COLLINS—A model process that you would recommend.

Dr Withers—No, because one of the virtues of a diverse university system is that there is no right answer. What you want is a range of universities showing alternative ways forward on this and the best ones will gradually become known and others will adopt it. If you go in as a government—

Senator JACINTA COLLINS—No, I am not suggesting the government employs the model; I am asking if you can recommend a model.

Dr Withers—Or if Universities Australia tried to impose it, we might impose the wrong system. What you would want is a minimal system.

Senator JACINTA COLLINS—Yes, but what you just said a moment ago was that some universities will develop them and, as you said, there have been 150 years for these things to develop. Are there dispute resolution processes that are acknowledged generally as being particularly good that other institutions are mindful of and would pick up and, if so, who has them?

Prof. McConkey—Perhaps you would expect me to say this. As I indicated before, the New South Wales Ombudsman has best practice guidelines that have been well developed. They set out a range of principles and a range of procedures to follow. Again, universities vary slightly in the structures that they adopt to adhere to those principles and procedures, but this is an area in which, as long as the principles and the procedures are clear, it does not particularly matter if it reports to this deputy vice-chancellor or to that dean. They are internal organisational matters. What is important is that it is laid out clearly, that it is funded appropriately and that there is a process there. I would certainly endorse the New South Wales Ombudsman's best practice guidelines in this area. The University of Newcastle does follow those very closely.

Senator HUMPHRIES—Thank you for your submission. You have obviously spared no expense or effort to get this submission to us, all seven sentences of it.

CHAIR—We are all of good humour today.

Senator HUMPHRIES—Indeed we are. Can I put it to you, particularly Professor McConkey, that the issue of having good processes for complaint is only half of the answer. The other half is that one has to know what one is capable of complaining about. I have asked a number of witnesses and I will ask you now as well: as a student at an Australian university, where do I find a statement about my rights if I feel that I have been the victim of academic bias? A number of submissions have stated what the principles are, but no-one has actually pointed to where these principles can be found in any codes of conduct or university rules. In the case of the University of Newcastle, where do I find a statement about my rights as a student with respect to academic bias?

Prof. McConkey—Let me make three comments on that. Firstly, in terms of academic bias, there are two aspects, one of which is whether the quality of the material being provided to you

as a student is of an appropriate level. For instance, if you were doing first-year biology and you were being taught the same as what somebody in fourth grade was taught, then that would be an inappropriate level of quality. The checks and balances that I described before would prevent that from happening. The second aspect, which is the matter that seems to be of concern, is the way in which people interact. I do not see that as academic bias as such but rather the interaction of two people of, admittedly, different power levels—a lecturer and a student.

Dr Withers—Fee-paying students often have a lot of power.

Senator HUMPHRIES—Are you describing what is in a code at your university?

Prof. McConkey—Yes.

Senator HUMPHRIES—It talks about the way people are treated or the relationship issue.

Prof. McConkey—Yes, that is correct.

Senator HUMPHRIES—I understand that is important. Certainly in many contexts that is an issue that some students want to raise, but that is not the same as academic bias. It might generally encapsulate that. If you feel as a student that you had been the victim of bias, and we have had a number of cases brought to our attention, the Jewish student case being an example, where do you stand? Where is the statement of where you stand in respect of those sorts of issues? It is not just about relationships, is it?

Prof. McConkey—I think a lot of it is about relationships and I think it comes back to what the expectations of a university are, and the university education. If people perceive bias as occurring when any plurality of views is being expressed then universities would never have existed in the way in which they have for so long.

Senator HUMPHRIES—Sorry, but with respect, you are assuming that this is all about people being overborne or affronted by the ideas that they are seeing. Let us talk about other sorts of more tangible biases: you put in an essay, you have a clash of view with your lecturer about the way in which these issues are being presented in the course and you get a low mark. You as a student believe, rightly or wrongly, that you have been discriminated against because you hold views that the lecturer does not share. As that student, where do I find the statement that tells me that I am entitled to be protected in some way against a person who has marked me on the basis of my views, on the basis of my relationship with that person?

Prof. McConkey—In that instance you have a right to appeal the grade; it would be marked by a different person. And, depending on the nature of that outcome, there is a right of further appeal, as Dr Withers indicated. If a student got four out of 10, for instance, rather than an expected 10 out of 10 and immediately said it was the result of academic bias as opposed to less than optimal academic work, that is a matter of academic judgement. If a student believes that the judgement is unfair then there is a procedure for a re-marking to occur by somebody independent.

Dr Withers—And that procedure is typically specified in the course outline.

Prof. McConkey—Yes.

Dr Withers—It is very clear in the faculties of all the four universities in Australia at which I have taught; it was a standard requirement. The front one-third of the course outline had the standard rights and responsibilities of the students, including disputes over marking, and they would indicate who you could go to for that particular course. Naturally there is no one-size-fits-all specification of that because the nature of reporting lines and responsible authorities and the nature of courses varies, but every faculty I have been in has that as a statement in the course outline. These days it is on the web but it was previously handed out as a paper at the first attendance.

Senator HUMPHRIES—If I was a student and I saw documents on procedures about getting re-marked, I would assume that was about lecturers having made mistakes or having omitted or overlooked something; I would not assume automatically that gave me a right to challenge the bias of the lecturer or the faculty concerned.

Dr Withers—It is usually stated much more generically than that, which is ‘if you have any concerns’.

Senator HUMPHRIES—Which is why surely you need some express statement available to students to indicate they have a right to study without being affected by the bias of lecturers or tutors.

Dr Withers—There is. The codes of conduct that are on the websites have those as principles and they have the principles related to staff obligations.

Senator HUMPHRIES—Again, can you direct us to them? We keep asking for these and no-one has pointed to anywhere in the system where these words appear. You referred to the rules governing—

Dr Withers—This is because you have not got any cooperation from individual universities—because they are worried about the nature of your inquiry.

Senator FIFIELD—Oh, come on.

Dr Withers—Why did you not get any submissions?

Senator HUMPHRIES—We got plenty of submissions.

Dr Withers—We submit to numerous other inquiries; why not this one?

Senator FIFIELD—I must say I do find it preposterous that robust, proud, independent academics find the very existence of a parliamentary committee looking into a particular subject area to be so intimidating that they will not make a submission.

Dr Withers—The publicity it was given was rather intimidating.

Senator FIFIELD—The publicity is very important, isn't it?

CHAIR—Unfortunately, we are normally pretty flexible with the time, but our next witnesses are appearing by teleconference. We probably only have another minute at the most. Are you in a position to actually collate from the various universities those codes of conduct or the matters contained within the codes of conduct that go to Senator Humphries’s question?

Senator HUMPHRIES—I am looking for one university’s guidelines which point to the rules governing academic bias.

CHAIR—Dr Gelber had undertaken to point us in that direction. She did not have it with her.

Senator HUMPHRIES—I am not sure she did, but I am happy to—

Senator MASON—Are you saying, Professor, that often at the beginning of courses someone will stand up and say, ‘If there is any allegation of bias because of someone’s religion or their sexuality or whatever—’

Senator JACINTA COLLINS—Unfair discrimination.

Senator MASON—Indeed. Similarly, if there is any political bias—that is the issue here.

CHAIR—We are going to have to finish up. In terms of the other debate we are about to have, I am as chair going to ask the Group of Eight or a representative of the Group of Eight to appear before this inquiry because I think it is important, given some of the evidence that we have taken. Whether they will or will not is another matter.

Dr Withers—Just as a matter of interest, why just the Group of Eight? The Group of Eight are our members. We represent 38 universities, including all of the Group of Eight.

CHAIR—Because some of the issues actually went to some of those specific universities and I actually wanted to deal with elements of those universities too.

Senator FIFIELD—I think that is a good idea.

Dr Withers—I suggest you approach individual universities.

Senator MASON—Chair, can I ask one question, to be taken on notice, if you like.

CHAIR—Yes.

Senator MASON—Dr Withers, I have an issue which I am happy for you to take on notice if the chair is happy. One of the issues raised by AIJAC, the Australia/Israel and Jewish Affairs Council, was about donations made to universities and whether they should be made public. They could be from foreign governments or from corporations. I think it is an issue that we should explore.

CHAIR—Yes, I think that is fair enough.

Senator MASON—It would be good if you could take that on notice. Some of the allegations are that that could colour the way courses are taught.

Dr Withers—One of the best answers to that is that the diversity of funding sources is crucial to universities, because 90 or 100 per cent government funding is bound to bias us and worry us about government controls. Major concentrations of funding from particular corporations would be a worry for universities. But a diversity and balance where you are not dependent upon the relationship is a protection of academic freedom.

Senator MASON—Sure but, if it comes from a Middle Eastern country, it is about the Middle Eastern debate, then you have other issues.

Dr Withers—Yes, sure.

CHAIR—If you can take that notice, and we may come back to you depending on how we go with the rest of the inquiry or individual universities or the Group of Eight.

Prof. McConkey—Senator, I am very conscious of the time but I just think it is important to say that I hope this inquiry has available to it, and has looked at, the 1950 UNESCO Statement on Academic Freedom, University Autonomy and Social Responsibility, because I think it covers a number of the issues of interest to the inquiry.

CHAIR—That has been referred to us, but if you believe that the committee should consider any further information we would be happy to receive it. Thank you for your presentation today.

Senator HUMPHRIES—You could make another submission if you wish. And don't be afraid of open inquiries.

Dr Withers—Well, 'open' inquiry is the crucial thing—logical and evidence based. That is what we deal in.

Proceedings suspended from 2.05 pm to 2.24 pm

WINDSCHUTTLE, Mr Keith Edward, Private capacity

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Mr Windschuttle—I am a historian. I am also the Editor of *Quadrant* Magazine and the publisher at Macleay Press, a book publishing company.

CHAIR—Thank you. I invite you to make some remarks to the committee, to be followed by some questions and conversation.

Mr Windschuttle—Thank you for the invitation. Let me start by saying that academic freedom is not an absolute concept because academic teaching and academic research are necessarily selective—not every idea is worthy of a university’s attention, no-one can research everything there is to be researched and there are not enough lecture theatres or hours in the year for every opinion under the sun to be expressed in a university. Traditionally, there have been two criteria for academic selection: (1) issues considered in an academic environment should involve greater scholarship than those found in other forums—that is, they should be of a higher standard and should involve a greater depth of research—and (2) academic research should engage in the search for truth and the exposure of error, misconceptions and lies.

Traditional academic scholarship has been governed by the existence of academic disciplines which have defined the field of investigation, whatever it is, sanctioned its research methods and provided a coherent framework within which its findings could be taught and passed down to successive generations. Overall, then, the purpose of academic freedom is to allow the pursuit of truth and to ensure that high standards of scholarship are applied to that end. Unfortunately, in the study and the teaching of humanities and social sciences in Australian universities today, these principles are both widely ignored and consciously breached. Although traditional disciplines like history have been badly affected, the places where this most often occurs are in those fields that carry the suffix ‘studies’—cultural studies, media studies, gender studies and others to which I will refer shortly. The central means through which this occurs is the politicisation of scholarship.

Let me demonstrate what I mean through a comparison of approaches to the history of indigenous peoples. I will quote from 1975 from a traditional historian of American Indian affairs, Francis Prucha, who wrote:

History is a legitimate scholarly discipline whose purpose is to reconstruct the past as accurately as the intelligence of the historian and the fullness of the historical sources permit. Its purpose is to supply enlightenment, understanding and perspective and to provide sound information on which balanced judgments can be based. Its purpose is not to serve the special interests of any group or doctrine, nor to furnish ammunition for polemics or propaganda ... We must be alert to the pitfall of having too much sympathy either for our own preconceived ideas or for one side or the other of the controversy.

Contrast this with the views of the Australian historian Henry Reynolds, who in 1978 laid down the following manifesto, which his work has adhered to ever since:

Discussion of Aboriginal resistance brings home to us the close relationship between history and the political and moral issues involved in the cause of Aboriginal advancement and the struggle against racism in Australian society.

... ..

Demands are made that history should not only be relevant but politically utilitarian, that it should aim to right old injustices, to discriminate in favour of the oppressed, to actively rally to the cause of liberation.

Reynolds' first major work, *The Other Side of the Frontier*, aimed frankly at the subjective: 'The book was not conceived, researched or written in a mood of detached scholarship. It is inescapably political.' Most of Reynolds's peers since then have agreed with him. None have defended the traditional position. Indeed, some have argued that politicised history is an epistemological necessity. The feminist historian Marilyn Lake, for instance, asserts in the academic journal *Aboriginal History*:

The point is, of course, that whether its practitioners are aware of it or not the writing of history is a political activity. Emphasis, inclusion and omission all derive from a political perspective.

From the 1970s to the present, the brand of politics that was endorsed was no secret. It was produced by and saw Aboriginal history as part of the left-wing political movements then in the ascendancy, especially amongst the younger generation. The politics of these historians were anti-imperialist and pro-Marxist. One of my authorities for this is *The Oxford Companion to Australian History*, which describes the politics of this period:

Influenced by new left critiques of racism, many of the new histories have a Marxist emphasis on the destructiveness of capitalism in a colonial context and its drive to exploit both land and labour as well as an interest in trying to explain the presence and persistence of racial ideology.

Professor Ann McGrath of ANU also identified the major international issues and the Marxist theorists of the times, the 1970s:

They were also influenced by developments in the United States and decolonisation movements in Africa, influenced by Althusser—

that is Louis Althusser, the official theorist of the French communist party—

Marcuse and the New Left. Academics questioned progress models and committed themselves to activist scholarship.

When historians indulge in these kinds of politics, by far the worst outcome is that they abandon the very objective that history was founded to pursue—the search for the truth. I have written a great deal about what I call the fabrication of Aboriginal history in Australia, and I have prepared a submission, which I think you now have, which gives concrete examples of the abuses of historical scholarship involved.

But let me just focus briefly here on one issue, the question of genocide in Australia, because it is illustrative of all of it. Most Australians would be taken aback to find that whenever academics in the field of genocide studies discuss history's worst examples their own country is soon mentioned. The March 2001 edition of the London based *Journal of Genocide Research*

indicates the company that Australia now keeps. That edition carried six articles in the following order: (1) the German police and genocide in Belorussia 1941-1944; (2) the Armenians, the Greeks and the Ottoman empire; (3) the general piece on final solutions and crimes against mankind; (4) *The holocaust, the Aborigines, and the bureaucracy of destruction: an Australian dimension of genocide* by Paul Bartrop; (5) Ben-Gurion and the possible bombing of Auschwitz; and (6) Kalmykia, a victim of Stalinist genocide. From its first edition in March 1999 to June 2006, when I looked it up last, this quarterly journal published six major articles of this kind about Australia, and that was twice as many as the journal had carried in the same period on the regime of Pol Pot in Cambodia.

I do not have the date but for their anthology called *Genocide and the Modern Age* the editors, Isidor Wallimann and Michael Dobkowski, commissioned a chapter exclusively on Australia. The only other countries singled out to this extent were Turkey, which got a chapter for its genocide of the Armenians, and, of course, Nazi Germany. In a new 10-volume series called *Studies on War and Genocide*, edited by Omer Bartov of Brown University in the United States, seven of the 10 books are on Nazi Germany and two are general volumes about genocide in various places. Australia is the only other country that merits a volume of its own. Observing this in a review, the University of New England historian Alan Atkinson commented:

It is disturbing for an Australian to discover that debates about genocide often do not move very far beyond the classic area of study under the Nazis before someone mentions the Antipodes. Genocide is a crime, in other words, for which Australia is listed among the usual suspects.

The authors who have given Australia this dubious distinction are employed in both history departments and programs in genocide studies. Very few countries, and certainly none other of our size, devote the quantity of university resources that we do to genocide studies. In Sydney alone, for instance, academics teach courses either in the specialist field of genocide studies itself or in the subject areas of history, politics or cultural studies at the University of Sydney, the University of New South Wales, Macquarie University, the University of Technology, Sydney, and the University of Western Sydney. I do not believe there are any others in Sydney. All the universities in Sydney teach that, except the two Catholic ones.

In his book *Blood and Soil: A World History of Genocide and Extermination From Sparta to Darfur*, the Australian expatriate historian Ben Kiernan devotes more attention to the alleged genocidal activities of Australia than any other nation or region. There are 61 pages about Australia compared to 21 pages on Armenia, 39 pages on the Nazi holocaust, 31 pages on Japanese massacres in East Asia, 28 pages on the Soviet terror, 27 pages on China under Mao, and Cambodia and Rwanda together get 32 pages. The only other countries that rank near Australia are the settler colonies of the English in Ireland, which gets 54 pages, and the United States gets 54 pages. They both get disproportionate treatment, as does Australia. In other words, the underlying agenda of the academic field of genocide studies is not the study of genocide, let alone its analysis or prevention. It is to argue that our own society and those like it—that is, Britain and the United States—are every bit as bad as Nazi Germany, Stalinist Russia and Maoist China. The old moral equivalence argument from the Cold War is alive and well in genocide studies.

Let me quote from the 2001 edition of the academic journal *Aboriginal History*, whose editors, Ann Curthoys and John Docker of the ANU, wrote:

Settler colonies like Australia, New Zealand, South Africa, Argentina, the United States and Canada, led the way in setting out to achieve what the Nazis also set out to achieve: the displacement of indigenous populations and their replacement by incoming peoples held to be racially superior.

Curthoys and Docker here quote a claim from Ward Churchill, a former professor of the University of Colorado, that European colonial practices served as models for the Nazis. Churchill compared Christopher Columbus' policies and racial ideas in the Americas to Heinrich Himmler's policies of 'untermenshen'. Columbus and Himmler, he argued:

... are cut of the same cloth, fulfilling precisely the same function and for exactly the same reasons, each in his own time and place.

In other words, all the new colonies settled in the New World after 1492 taught the Nazis how to behave. Churchill has had considerable influence on the debate over genocide in Australia. Curthoys and Docker not only approvingly quote from his work *A Little Matter of Genocide* but that book was the only one they used to cite for evidence of genocide in any settler society outside Australia.

In his 2001 book *An Indelible Stain*, Henry Reynolds lists *A Little Matter of Genocide* by Churchill as one of the most useful books on the subject. In the anthology by Dirk Moses, a lecturer in history at the University of Sydney, entitled *Genocide and Settler Society*, Churchill is treated as a citable authority by three separate authors—Henry Reynolds, Paul Bartrop and Moses himself, who reverently describes Churchill as 'a native American activist and scholar'. The Australian confidence in this person is revealing. In early 2005, Churchill briefly became America's most publicly reviled university teacher for declaring that those who died in New York's World Trade Centre on September 11, 2001 had deserved their fate. Like the Nazi bureaucrats who administered the holocaust, he said, they eventually got what they deserved.

At the same time, however, a specialist in Indian law at the University of Mexico, John LaVelle, accused Churchill of academic fraud and of fabricating evidence in no fewer than six of his books and 11 published academic articles. LaVelle's accusations, together with the high media profile that Churchill's comments about September 11 earned him, eventually prompted the University of Colorado to refer his work to its Standing Committee on Research Misconduct. In May 2006, it found Churchill guilty of academic fraud. It said he engaged in 'falsification, fabrication, plagiarism, failure to comply with established standards, serious deviation from accepted research practices' and that he had even been disrespectful of Indian oral traditions.

In June 2006, the University of Colorado chancellor issued Churchill with a notice of intent to dismiss him from his tenured position. In July 2007, the university's board of regents endorsed the recommendation. In its review of the overall pattern of Churchill's offences, the inquiry accused him of behaving as though the difference between scholarship and political polemic did not matter. It found repeated instances of his practice of 'fabricating details or ostensible written evidence to buttress his broader ideological arguments'. Its report said that Churchill was 'well aware that the conventions of scholarly attribution were not empty forms of etiquette but central to the progress of scholarship and the accountability of the scholar'. When he went before the investigative committee to justify the worst of his misconduct, Churchill described his scholarly practice as follows:

I've got this general understanding. You say, but can that general understanding be confirmed? Well, I'm looking to confirm it. I'm also looking for information, and I told you this at the outset, I'm looking to prove it's true.

The committee, however, had a far more ethical view of academic responsibility than that. It is worth reading out the whole of this passage on the committee's deliberations:

This conception of the obligations of the scholar is, to say the least, impoverished. It cannot be denied that each of us brings to the enterprise of scholarship certain pre-existing commitments and beliefs, as well as certain favored methodologies and organizing principles. It is impossible not to hope to find confirmation for what one has come to believe. But as a scholar, one must 'look' not only to confirm one's hopes, but also to face the possibility that the evidence may disconfirm them. And even if one finds more evidence for the truth of one's beliefs than evidence against them, all of the evidence must be acknowledged and treated fairly.

The committee went on to argue that the difference between these standards of conduct and the practices in which Churchill had engaged was an indication of the gravity of his behaviour. It acknowledged that every scholar makes mistakes, that no-one was perfect and that few scholars have records free from occasional error, but it also observed that honest error was not the same as misconduct. One of the factors that distinguished the two was the intention of the actor. The committee drew attention to the yardstick urged by the American historian Ralph Luker: 'When every qualitative error in a book is an error in the direction of the book's thesis, you have prima facie evidence of fraud.'

It should go without saying that the conclusions of historians who commit academic fraud are unsound. Hence, those Australians who have relied largely upon Ward Churchill as their principal guide to the propensity of the British settler societies to commit genocide should withdraw their accusation. No-one, however, should hold their breath waiting for this to happen. Rather than climb down from their position, their track record indicates that these Australian academics can be confidently predicted to stick with it no matter what. Their prime interest in affixing the genocide label to Australia is not the application of scholarship or the pursuit of truth but the political mileage they think can be gained from the charge. They subscribe to the same political agenda and research methodology that has ended in Churchill's disgrace. They too behave as though the difference between scholarship and political polemic does not matter. Most support Henry Reynolds's contention that I quoted before: 'History should only be relevant but politically utilitarian; it should aim to right old injustices, to discriminate in favour of the oppressed, to actively rally to the cause of liberation.' They too have engaged in the fabrication of evidence to buttress their broader ideological arguments.

But not one Australian university, nor even academic history's principal professional body, the Australian Historical Association, has seen fit to mount an independent investigation into any of this. Even if all the misconduct I have listed could be attributed to the lesser charge of error, the historians of Aboriginal Australia would still fail Ralph Luker's test—all their errors have been in the same political direction. Plainly, the degree of accountability within the Australian historical profession compares poorly to that of the United States. Australian universities are willing to accept in their midst a standard of conduct that their American counterparts find intolerable. Thank you.

CHAIR—Thank you. Senator Humphries?

Senator HUMPHRIES—Thank you for presenting that evidence to us, Mr Windschuttle. On the question of activist scholarship, as you put it, one could say in response to the concerns that are raised about this—and others have drawn attention to this phenomenon in this inquiry—that the idea of people publishing papers or writing books that use scholarship as a vehicle for promoting a political agenda might affront those of us who value traditions of academic integrity but it does not actually affect the rest of the world very much. What does it matter if the Churchills of this world write these sorts of books that sit in libraries somewhere and are not widely read? That is the argument that might be put there. What is the problem, as you see it, with activist scholarship in terms of the work of Australian universities?

Mr Windschuttle—It is not just the work of Australian universities; it affects our national sense of ourselves. As far as Aboriginal history is concerned in terms of political impact, have you forgotten already the apology made by the Prime Minister in federal parliament, I think, in January or February this year?

Senator HUMPHRIES—February.

Mr Windschuttle—The people who were apologised to have said that they want to go on and make claims for compensation now that the apology has been given. This is a live political issue. I have written something in the press, which is a preview of a book I have got coming out on the subject. I can say now that the claims about the stolen generation made by the academic historians are not based on an accurate recounting of the evidence in the files that they use. Let me make it clear that I am talking about the claims made by the academic historians. These matters have a sense of Australians' idea of themselves. The journalists and the television producers go back to the work of academic historians. There is a new SBS television series coming out. The work of academic historians does not just sit in a library book that is only read by other academics or graduate students; Australian history has a profound effect, and has had since Federation, on a sense of ourselves, a sense of what we can accomplish, a sense of how we should behave to one another.

Senator MASON—It is a statement of what happened, for God's sake, is it not?

Mr Windschuttle—It is a statement of who we are and where we have come from—

Senator MASON—And where we are going.

Mr Windschuttle—and everything we conceive about ourselves. It goes to our being.

CHAIR—Are you saying, Mr Windschuttle, that there was no stolen generation?

Mr Windschuttle—Yes. The academic historians made the claim that Aboriginal children were removed from their parents in order to wipe out their Aboriginality in order to end the Aboriginal race; that story is absolutely false.

CHAIR—Are you saying that the apology made by the Prime Minister to the Aboriginal people of this country was wrong?

Mr Windschuttle—I think it was severely misguided, yes.

Senator HUMPHRIES—What do you think we should do about activist scholarship in the context of universities and how it affects the teaching of subjects?

Mr Windschuttle—That is a very difficult question. I have been looking at this issue. I wrote a book on postmodernism in 1994 in which I argued that postmodernism and most traditional scholarship in the humanities and social sciences do not fit together. Since then I have seen postmodernism blossom into cultural studies and become an established discipline. I really do not know how you can stop these things; all I can do is argue against it.

Let me go back one step. The only place where I have seen any kind of redress of the issue is at Boston University, where they appointed as president the philosopher John Silber. He was determined to sit in on the appointment committees to guarantee that people who were activists and who were the type of person that Ward Churchill has been proven to be did not get positions in his institution. The general culture of the humanities and social sciences in the United States and in Australia is on the left. Not only does *The Oxford companion to Australian history* state that but there are plenty of people who will tell you in general discussion that the politics of academia in the Western world are on the left. That is hardly a revelation to anyone. At least Silber kept out some of the more activist types who were simply using their academic positions in order to pursue politics not only within the campus but also on the national stage as well.

I do not know what a group of political people can do. I think the great danger in any of this is throwing out the baby with the bath water. I think academic freedom is an absolute, rock solid basis of our society and politicians should not interfere with it, should not pass legislation and should not go around telling anyone what to do. As far as I can see, what this inquiry can accomplish is to simply express an opinion. I do not think you should actually do anything. I would join the ranks of those opposed to you if you did want to do anything about it rather than express an opinion about it.

I think it is a great tragedy, and this again is a widespread critique now. In fact, the latest issue of *Quadrant Magazine*, in October, has a very good article on this issue by James Allen of the University of Queensland that government managerialism of the universities is having a corrupting effect on academic freedom by telling academics how many times they should assess students, what kind of assessments and how many times students have to report on their lecturers. Apparently the University of Queensland has mandatory reporting by students on the calibre of lecturers. I have worked in universities for almost 20 years, and I would not want to work in a university today. In fact, I cannot imagine anyone who would want to work in a university today and accept those conditions.

CHAIR—On the evidence that we have taken so far, every university has that process in place—

Mr Windschuttle—They do, yes.

CHAIR—for every course.

Mr Windschuttle—It has been a complete victory by governments. The Department of Education, Employment and Workplace Relations now dictates academic behaviour in a way that I could not possibly work under.

Senator JACINTA COLLINS—Mr Windschuttle, since you answered Senator Marshall's question about what are described as the stolen generations, perhaps you could give us your description of what occurred historically.

Mr Windschuttle—I have written about 120,000 words of a book on it and I have still got two chapters to go, so I cannot obviously leave the page proofs with you.

CHAIR—Tell us the last two chapters.

Senator JACINTA COLLINS—I am more curious, because my relatively naive impression historically of what occurred, from various sources, is not as extreme as what you have described as what did not occur. I am curious about how you would generally describe what you believe did occur historically by what is described as the stolen generation.

Mr Windschuttle—I do not accept that my views are extreme at all.

Senator JACINTA COLLINS—No, I am not saying your views are extreme; I am saying the description you gave of what you characterised as the stolen generation is more extreme than I would have gathered from my exposure to various reports on it.

Mr Windschuttle—Most of the reports are based upon Professor Peter Read's 1981 work *The Stolen generations: the removal of Aboriginal children in New South Wales 1883 to 1969*, which was based on New South Wales. I have looked very closely at all the records—the records of the children and the minutes of the Aborigines Protection Board—and nowhere is there the slightest hint that there was an intention by the government to remove Aboriginal children from their parents in order to destroy aboriginality. The reasons they removed some Aboriginal children from their parents were exactly the same as the reasons they removed white children. There was an apprenticeship program in New South Wales, which was not anywhere else in Australia, which was accused of providing black female servants for rich whites and black Aboriginal boys for work on pastoral stations. Exactly the same procedure of apprenticeship was applied to white children in welfare homes as was applied to Aboriginal children. There was no distinction; the welfare policies applied to both Aborigines and whites.

All societies have a need for welfare and for removal of some children from their parents because the parents are not caring properly for those children. I have gone through and looked at the records of why these children were removed. Some of those records are very scanty but some of them are quite full. The impression you get from Peter Read and from the popular culture is that the children were babies, that they were removed as young as possible. In fact, Henry Reynolds says that they were taken as young as possible in order to prevent them ever getting an Aboriginal culture. In fact, most of the children were teenagers. They were not removed until they were 13 or 14, which was the normal age children left school in the early 20th century. My mother left school at the same age. They did not go past primary school.

There were four welfare houses for Aboriginal children in New South Wales in the first half of the 20th century. One closed down in 1924, but three survived. They had a total of 125 places for Aboriginal children. At the same time, the government, which has been accused of stealing Aboriginal children from their parents, provided primary schools and said it was compulsory for Aboriginal children to go to primary school. Some 2,800 places were provided for Aboriginal

children in state funded primary schools. Some schools were on Aboriginal reserves but, where there were not enough numbers on an Aboriginal reserve to make up a class, the children went to the local primary school in the country towns where they were. Even if you believe the wrong conclusion that the 125 places were all for ‘stolen’ children, what was the government doing providing 2,800 places in primary schools for Aboriginal children so they could stay with their parents and get an education?

The same problems are in place now with getting Aboriginal children to go to school, issues of truancy. It is astonishing to find the same policies that people announce with great fanfare—‘In the Northern Territory we are going to provide hot meals for children to go to school. We are going to withhold welfare from parents who do not send them to school’—were all done in the early 20th century in New South Wales for exactly the same reasons.

Senator JACINTA COLLINS—As an observer, I would have thought that the issue of the intent of these policies in the past to be to remove aboriginality was a fairly contestable notion.

Mr Windschuttle—There is no evidence for it whatsoever. There is evidence that AO Neville, who is the great villain of this piece since the film *Rabbit-Proof Fence*, spoke about removing aboriginality. The head of Aboriginal affairs in the Northern Territory said, ‘We want to get rid of aboriginality.’ That was a policy for marriage; it was not a policy for removing children. Both those policies were poorly implemented. The efforts of matchmaking by the head of Aboriginal affairs in the Northern Territory up until the 1920s or 1930s were poor. In about a 10-year period he managed to persuade 20 Aboriginal women to marry white men. In Western Australia there was a similar proportion of failure. In Queensland, South Australia, Victoria and Tasmania there were no special laws to remove Aboriginal children. In fact, the only places there were special laws were New South Wales, Western Australia and the Northern Territory.

Senator JACINTA COLLINS—I am not sure in this particular forum we are ever necessarily going to agree on some of these issues, but I was just curious about where you were heading. We can look at your book when it does eventually come out.

Senator MASON—There are so many questions I could ask but I know there is very little time to do that. Mr Windschuttle, you said in your opening remarks:

... in the study and teaching of humanities and social sciences in Australian universities today, these principles—

of disinterested analysis—

are both widely ignored and consciously breached.

...

The central means through which it has occurred is the politicisation of scholarship.

And towards the end you said:

All their ‘errors’ have been in the same political direction.

What do you mean by that?

Mr Windschuttle—‘All their errors in the same political direction’ means that, if there is a mistake in the number of people who are injured or killed in a particular incident, it is always a mistake on the high side rather than on the low side and, if there is a mistake in the transcription of some record, it is always to make the whites look bad and the blacks look good. Henry Reynolds did not make a mistake. He actually changed the text of one of the documents of Lieutenant Governor Arthur’s policies to make Arthur look worse than he really was. Arthur, in fact, was on the side of the Aborigines. He was pro the abolition of slavery, and that is one of the reasons why he got the job in Tasmania. Reynolds portrays him as a kind of merchant of genocide, which, when you actually look at what Arthur said, what he did and the instructions he was given, is about as far from the truth as you can possibly get.

Senator MASON—I heard what you said in response to a question from Senator Humphries about the importance of the history, that that helps us define who we are. I agree with you, for what it is worth, that this issue is not of marginal concern. Some people seem to think that the issue before the committee is of marginal concern. I think history and culture are very important parts of who we are and where we are going. I think it is fair to say that many of the academics who have appeared before us argue that, for example, when we are looking at history or sociology many academics might look at an issue through the prisms of race, ethnicity, class and gender, but that course content does not predicate any particular political outcome. This is the division. As Dr Gelber told the committee earlier today, there is a distinction between course content and viewpoint. I dispute that. Do you agree with her or do you take a more sceptical view that, in fact, viewpoint and content inform each other?

Mr Windschuttle—Some of the quotations I have in my paper say that we should be political in this field, we must be political, it is a good thing to be political, and I think Marilyn Lake says it is necessary. It is not only a matter of what we should do; it is a matter of what is only possible. I quoted the University of Colorado committee of investigation who said that of course everyone has political views. Political views are very difficult to shake off for anybody.

Senator MASON—Sure.

Mr Windschuttle—Even when you are aware of it, it is very difficult to shake off. Nonetheless, that is the duty of proper scholarship, to stand back and listen to yourself. The people I have quoted here and have quoted throughout all my books say, ‘We don’t believe that is the role for academics.’ They may say to you, ‘Yes, there is a viewpoint and we give all sides of it,’ but that is not what they say in their own documents. I have footnoted the quotations I have given you. You can read the whole text and the context of what they are saying. They say we should be political and that we should rally to the cause of liberation.

Senator MASON—Some say that, and I understand that. We are running out of time. You are right that there are some historians as activists and you are quite right to quote them, but the large majority would not necessarily go that far. They would say however, ‘My course on race, class, ethnicity et cetera is not in any sense political; it does not inform any necessary political view.’ I understand the people you are talking about, but the large body of them would not go that far. The question is: are they still biased?

Mr Windschuttle—I do not think you can quantify this. I really do not believe that it is possible to quantify any of this. The views of academics are unquantifiable. All you can do is quote them and build up a case. What would you do: a survey asking, ‘Are you politically biased or not?’ You cannot look at the words that everyone has written.

Senator MASON—But you can look at their course content.

Mr Windschuttle—You have to sit in their classes and listen to everything they are saying.

Senator MASON—Well, I have done that.

Mr Windschuttle—Well! That is the research task that you need to do.

Senator JACINTA COLLINS—You will be at this forever.

CHAIR—When did you do that, Senator Mason?

Mr Windschuttle—Their students do this. In fact, I get a lot of letters from students. I will give you one example of where the bias is perhaps quantifiable, and that is in the history extension course for the higher school certificate in New South Wales, where they have had a sort of postmodernist methodology for the past 15 years or at least the past decade. History extension is what the older generation used to call history honours. The name itself is ideological. It is not better; it is just more. That is a significant choice of words.

Senator MASON—I know. I think it is pathetic, but anyway.

Mr Windschuttle—The history extension course is a postmodernist course. If you look at the course content you will find that 90 per cent or more of the texts set, the topics raised and the authors discussed are, in fact, pro postmodernism. There are two villains thrown in as a sop to balance that: Richard Evans’s book *In Defence of History* and my book *The Killing of History*. Things are pretty good for students these days. There is a person who puts on history conferences for high school students who are doing the extension course, and people come along to talk about their fields. It is related to what they are doing. The people who have actually written the books come along to address the students and answer questions. I think that is a really great thing to do.

I go along to this every year. I am the bad guy, the pantomime villain with the black hat and cape. At the end of it I get a line of students who come up and ask me to autograph copies of my book because they hate postmodernism. I will not use their language, but they have a low opinion of postmodernism. They say, ‘But to get the marks, we have to play along with it,’ and they do. But, given an opportunity, they line up and ask me to sign their books.

CHAIR—Thank you, Mr Windschuttle, for your presentation today.

Committee adjourned at 3.04 pm