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Inquiry into Academic Freedom

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Liberty Victoria submission Inquiry into Academic Freedom

1. Introduction

- 1.1 Liberty Victoria - The Victorian Council for Civil Liberties Inc is an independent non-government organisation which traces its history back to the first Australian civil liberties body established in Melbourne in 1936. Liberty is committed to the defence and extension of human rights and civil liberties. It seeks to promote Australia's compliance with the rights and freedoms recognised by international law.
- 1.2 Liberty Victoria welcomes this opportunity to submit to the inquiry into Academic Freedom.

2. Freedom of speech and freedom of expression

- 2.1 Liberty Victoria has historically been one of the strongest supporters of free of speech and expression. Since the establishment of the organization in 1936 the issue of freedom of speech and expression has been a recurring theme as Australian governments of all persuasions have at various times sought to curb these fundamental rights. Australian citizens right to freedom of speech and expression derives from Article 19 of the Universal Declaration of Human Rights which states that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

This right is also found in Article 19 of the International Covenant of Civil and Political Rights which similarly provides:

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

2.2 Liberty Victoria believes that freedom of speech and expression is the cornerstone of democracy and fundamental to the exercise of all human rights. Freedom of expression gives life to the exchange of ideas and views underpinning the democratic process. Freedom to dissent, argue and propose – even in robust language– makes possible the process of election, representation and implementation. Essential to this process is the availability of information and knowledge. Knowledge derived from academic inquiry based upon fact and research rather than belief, superstition and dogma. Academic inquiry makes such information available to the government and the public thus academic freedom is a foundational value for democratic governance.

3. Academic freedom

3.1 William G Tierney and Vicente M Lechuga state the following in relation to academic freedom:

The concept pertains to the right of faculty to enjoy considerable autonomy in their research and teaching. The assumption that drives academic freedom is that the country benefits when faculty are able to search for truth without hindrance and when they are able to report their findings regardless of what those findings might be. Faculty are evaluated by their peers based on the quality of their ideas, rather than by administrators or legislators for instrumental or ideological reasons.¹

3.2 Liberty Victoria fully supports academic freedom and is concerned about a number of incidents in recent years that have threatened to curb academic freedom. We will raise these issues of concern first and then turn to addressing the terms of reference of this inquiry.

4. Issues of concern for Liberty Victoria

4.1 The most recent event that raised concerns about academic freedom involved the Melbourne University academic Dr Paul Mees who was found guilty of misconduct by the university for making "derogatory and insulting" remarks against a government official that brought the university into disrepute. Dr Paul Mees was not made aware of this 'investigation' into his behaviour criticising the Victorian Government and a government official until he was notified of the guilty finding.² It then became public that the Melbourne University Transport Research Centre wished to "conduct our relations with the State Government in a spirit of partnership and collaboration" which involved negotiating funding and

¹ Professor William G Tierney (Wilbur Kieffer Professor of Higher Education and Director of the Center for Higher Education Policy Analysis at the University of Southern California), and Vicente M Lechuga (Assistant Professor of higher education administration at the Texas A&M University), 'Academic Freedom in the 21st Century', *The NEA Higher Education Journal*, (2005) Fall, p 7.

² Farah Farouque, 'Public Provocateur', *The Age*, 24 May 2008.

was concerned that Dr Mees' criticisms would threaten its desire to work with Government.³ Complaints by the Centre lead to the investigation.

- 4.2 This sorry saga was due to an academic criticising government policy which was viewed by other academics in the university as threatening their collaboration and co-operation with government and possible funding arrangements. In a robust academic environment Dr Paul Mees should be able to criticise government policy and other academics should not feel that their own research would be threatened by such criticisms. This episode suggests that academics are not free to debate and dissent with fear or favour but instead that their careers may be threatened if they do not refrain from certain criticisms.
- 4.2 Other incidences of unease over the last decade concern government changes to the Australian Research Council (ARC). Unfortunately this occurred after populist tabloid journalist Andrew Bolt began criticising and ridiculing academic research on a regular basis in his columns. This led to the then Minister and now Opposition Leader, Brendan Nelson, to appoint people to the Council who had no experience with or connection to academic research. One of these appointments was the right-wing columnist and editor of *Quadrant* magazine, P P McGuinness. While McGuinness and other appointees are highly-skilled in particular areas this does not mean they are qualified to assess academic research applications. This situation was made worse by the then Minister directly intervening in the process and disallowing three of the grants identified by McGuinness, an intervention condemned by the Australian Vice-Chancellors' Committee and the Group of Eight leading research universities.⁴
- 4.3 This process of government interference in the ARC grants process sends a message to academics that there are certain areas and topics that they should not research if they want funding. This leads to a diminution in research and knowledge and consequently restricts academic freedom and inhibits democratic decision-making and good government planning. It also undermines expert opinion and independent and transparent procedures in the grants process.
- 4.4 The scientific research community has also raised concerns about academic freedom and government interference in relation to environmental and climate change research, particularly when this research contradicted the then Howard Government's position. The ABC *Four Corners* program that examined the CSIRO revealed that CSIRO management, under pressure from government, attempted to gag their scientists from speaking publicly about their research on climate change.⁵ In addition, Philip Jennings, Professor of energy studies at Murdoch University, has stated publicly that researchers believe they will lose research funding if they are seen as criticising government on climate change and energy.⁶
- 4.5 Together these incidences establish a worrying trend. Academic freedom has been seriously eroded over the last ten years. There is an issue of genuine

³ Mathew Burgess and Clay Lucas, 'Uni damaged over lecturer's demotion', *The Age*, 20 May 2008.

⁴ Stuart Macintyre, 'Universities', in Clive Hamilton & Sarah Maddison, (editors) *Silencing Dissent*, (2007) Allen&Unwin, pp 45-47.

⁵ Ian Lowe, *ibid*, p 64.

⁶ *Ibid*.

concern and the Senate Committee needs to ensure that academic freedom flourishes in our universities to ensure that Australia's intellectual institutions not only advance our cultural, democratic, social and economic life but that they can also compete with the best international universities.

5. Terms of reference

- 5.1 Liberty Victoria wishes to express some concern about the terms of reference for this inquiry. The subject matter of the terms of reference very much reflect the issues raised by Janet Albrechtsen in the Australian on 16 April 2008. In this article Albrechtsen ran the familiar line of the United States 'culture warriors' that universities are a 'hot-bed of leftists radicals' who indoctrinate their students with sinister revolutionary ideas. Albrechtsen did not provide any proof, other than a couple of anecdotes, to back-up this assertion. Liberty Victoria would be very concerned if the inquiry into academic freedom was premised on this kind of false accusation about academic teaching. We further note that this perspective has also been promoted by the NSW Young Liberals again with no evidence provided.
- 5.4 If such views facilitated the inquiry it should be of some concern to the public that a Senate Committees time is wasted on such an ill conceived exercise. If the NSW Young Liberals and Janet Albrechtsen were genuinely concerned about diversity they would be insisting that economics and business faculties give equal time to the teaching of Marxist and Keynesian economics. Instead of promoting the small taxation perspective they would also be insisting that courses on progressive taxation be given and indeed that courses on a Georgist perspective be taught.
- 5.5 The reality is that all perspectives and views are not the same. What is taught in universities must be based on fact and research not belief or ideology. The ideology of diversity and balance proffered by Albrechtsen and the NSW Young Liberals would give equal access to the views of scientists and creationists, the latter view has no place in a university it is religious belief not fact. This would undermine the knowledge based university and academic freedom.

6. Conclusion

- 6.1 Liberty Victoria strongly supports academic freedom and supports measures to enhance academic inquiry. While we are genuinely concerned about curbs to academic freedom we are just as concerned about the terms of reference of this inquiry and the fact that the Senate Committee is looking into a matter that has very little merit and seems derived from the arguments put forward by US culture warriors.

