

1.0 Introduction

This submission to the Senate Education and Employment References Committee's Enquiry into the principles underlying the Higher Education and Research Reform Bill 2014 - by The Committee For Educational Process Reform - addresses terms of reference (b) alternatives to deregulation, (f) research infrastructure, and (g) any other related matters. (Various Senators, 2015) ¹

The Committee For Educational Process Reform opposes the idea of policy set from on high whether by ministerial decree or legislative enactment by the state or federal parliaments as being anti-educational and inherently counter-productive. Instead we believe it is important that vice chancellors and school principals be of good character and sound vision: be in other words leaders committed to a liberal education for all. At least in respect of higher education, providing for academic and political freedom seems to us more likely to deliver for the students than ministerial decrees from the office of the Federal Minister for Education. ²

We believe that deregulation is the road to nowhere. Likewise, micromanagement of the higher education sector by the Federal Minister for Education is not only impractical but also anti-educational and counter-productive. Rather limited but effective regulation tightly targeted on those few significant educational problems well known to everyone involved in this debate will prove necessary so that Australia's higher education sector delivers to industry to the students and to the community.

¹ This brief submission is late and there was not time to do extensive foot-noting. See the References however.

² Compare variant approaches to the education agenda, such as: (Spring, Political Agendas For Education: From Race To The Top To Saving The Planet, 2014) (Spring, Political Agendas For Education: From the Christian Coalition to the Green Party, 1997) (C. B. Cox and Rhodes Boyson (Eds), 1975) (Vaizey, 1966).

2.0 Deregulation

The folly of unfettered laissez-faire must not be allowed to destroy Australia's higher education sector.

Already there are way too many fraudulent training colleges which take students' money and offer them next to nothing. Further deregulation can be guaranteed to make this situation worse.

There are those who go on about red tape green tape who listen to any complaint justified or not against government regulation. (Parkinson, 1957) The point that needs to be made is that government regulation is a means not an end. Sometimes a foolish Minister will allow a legislative proposal supported by many to address some community concerns to be prepared and drafted by empire building bureaucrats motivated by a subconscious desire to employ as many public servants as possible. When this happens members of the public sometimes find the heavy-handed regulation that results not only doesn't address the original concerns but instead proves counter-productive to the body politic in every way.

Nevertheless limited but effective regulation is absolutely necessary tightly targeted on the problem situations with a view to addressing community concerns about, say, Australia's higher education sector: dumbing down, grade inflation, whether the needs of industry are met by such basic research as prove necessary to keep the wheels of industry turning, whether the community is well served by the skills and technical competence displayed by the diverse professionals gaining qualifications in Australia, and, whether academic and political freedom facilitate such public policy research in support of Australia's processes of government as required by the many and diverse agendas supported by various individual citizens and our civil society organisations.

It is arguable that education is a state responsibility in Australia under our constitution. (Attorney General's Department, 1980) However in the modern world with globalisation and increasing destructive competition we would think it necessary for education to be subject to limited but effective federal legislative regulation. For the sake of legitimacy, and for the sake of form, it would be appropriate for the ministerial education council to arrange for the six state parliaments to refer education to the federal parliament with a view to education being a joint and several responsibility shared by the seven parliaments.

The political task then is to build support for such limited and effective regulation as prove necessary. To implement such said regulation then requires real leadership by those charged with responsibility for preparing and drafting said regulation. A successful enactment of limited and effective regulation requires the political settlement one way or the other of several vexed **public policy** questions ...

3.0 Research

Sad to say top research teams are wont to move from institution to institution sometimes halfway around the world in search of funding or political accommodation or social status or whatever ...

The academic freedom the freedom of enquiry so necessary to research tends to allow this.

Amongst the hundreds or perhaps thousands of research teams in Australia many are university based. The decline in manufacturing employment in Australia seems to be a long-term trend. One reason no doubt is the paucity of top research teams employed in the manufacturing sector in tomorrow's would be Australian industrial champions. That basic research often is of problematic profitability may cause much basic research to be government funded and undertaken instead in the higher education sector.

One should not be sidetracked by the argument that too many research projects are meaningless or lack of statistical significance. Often the examples prove to be honours theses written by students undertaking bachelor's degrees in the name of education these are merely for training would-be researchers in how-to-do-research.

To avoid Australia becoming a low skill low pay economy it is necessary to retain a profitable manufacturing sector containing firms - Australian firms - firms of renown that the community ought to value as Australian industrial champions. In a competitive world there is no something for nothing. Australia must produce something, preferably not merely agricultural and mining exports.

Deregulation of research infrastructure could lead to foreign billion-dollar corporate sharks preying on Australian researchers offering them peanuts and banking the profits in overseas tax havens.

We consider the best way forward for Australia's research infrastructure to be an open problem which may have no single best answer. Nevertheless it is obvious that applying unfettered laissez-faire principles to the regulation of research infrastructure is not in the interests of the Australian community.

4.0 One Size Fits All

In respect of higher education and vocational education it should be obvious that a one size fits all approach will not prove productive.

C. P. Snow in his classic work *The Two Cultures* explained the reasons for this very well. (Snow, 1969) The mutual incomprehension the tension between the academic science and humanities communities reflects two essentially contradictory worldviews.

Rather it is better for the individual student and community as a whole for higher education and vocational education to be organised in an accommodating manner.

Should higher education be organised In a manner accommodating to the diverse interests and learning preferences and variant learning styles of the diverse ...

(i) lawful political opinions?

(ii) lawful sexual preferences?

(iii) lawful religious practices?

(iv) racial and ethnic groups?

(v) cultures typical or minority of groups representing (i) to (iv)?

(vi) male and female representatives of (i) to (iv)?

Whilst we are strongly in favour of education being organised in the most accommodating manner possible, we do believe there are limits to tolerance ... that incitement to violence is morally and legally wrong ... that a civilised society finds better ways of settling disputes ... that simplistic absolutism is the wrong approach to many a public policy question about the limits of human rights ... and that human rights come together with societal responsibilities ...

An higher education sector organised in an accommodating manner that celebrates diversity and difference is an ideal best built within a human rights framework that respects that many posited rights may need limitations, perhaps subject to a procedural rule that rights come with associated express limitations (in the name of respecting the rights of others) ... and, further, that some rights come with associated responsibilities ...

Therefore, we would understand the reluctance of the authorities to allow certain students, members of declared seditious organisations, to undertake, say, advanced subjects in nuclear physics ...

But, we would not tolerate the politics professor, who, in the name of Marxism, fails a student for referencing, say, right wing authors such as Frederick von Hayek and Herbert Spencer approvingly in a class paper.

4.0 One Size Fits All (Continued)

And, further, we would think that a would-be university vice chancellor, so well schooled in the ways of the humanities, who thinks that the chemistry and computer engineering subjects as peopled by chemistry nerds and computer nerds, who even thinks this way uninclusively and dismissively, as unsuited to such a high office, by reason of never growing up, never learning a more universalist appreciation of the cosmos, never becoming, in other words, a scholar ...

Unfortunately there are some educational propagandists who in denial about the complicated nature and nurture foundations of educational achievement who assert that alleged gender differences are mythical, yet put forward demands and proposals which seem designed to be unaccommodating to half the potential student population. I refer to those apparently in denial that statistically female students start out ahead in language ability written fluency and male students start out ahead in spatial thinking ability. Demands and proposals that some think a bit rich, because simplistic and unaccommodating. That there exist exceptions to such stereotypical statistical categories is well known too.

Higher education and vocational education are better founded on a principled rejection of one-size-fits-all as a criterion for decision making. An education system that truly respects diversity and difference in a genuine sincere accommodating manner, of necessity, will be organised under an academic and political freedom charter.

5.0 Exploitation and Anti-Social Practices In Higher Education

Australian society is not perfect. In some situations there are those who will exploit others. That higher education provides a venue for debate even academic discussion and academic book publishing in which social grievances are raised with a view to the betterment of society is a good thing. Under an appropriate academic and political freedom charter this can only work to the betterment of society overall in the long run.

However higher education of necessity involves assessment of student work. Some professors appropriate student work as their own and build careers upon such misappropriation. Some professors leaders of top research teams do not adequately credit junior members of their own research team. Some students are wont to cut-and-paste from the Internet other student's work published for whatever reason on the Internet without proper attribution.

A higher education sector built under a charter providing strong protections for academic and political freedom, such a higher education sector is vulnerable to unprincipled individuals who by acts of plagiarism breach academic standards if not also intellectual property laws. The very strong protections for academic and political freedom necessary for the advancement of knowledge and social progress at one and the same time prevent the entire elimination of such acts of plagiarism.

Nevertheless higher education institutions need to adopt by their university governance policies and procedures limited but effective regulation to control plagiarism with a view to its minimisation. Higher education institutions find it easier so to do under a more pragmatic approach to human rights less absolutist and legalistic that regards rights as coming with express limitations and most rights as being associated with responsibilities.

6.0 Recommendations

The Committee For Educational Process Reform do respectfully suggest that the following draft recommendations be considered by the Senate Education and Employment References Committee during its enquiry.

- (1) That the Committee express its principled opposition to deregulation of higher education.
- (2) That the Committee recommends the adoption of strong protections of academic and political freedom in higher education via an Academic and Political Freedom Charter a matter for the ministerial education council to come to terms on with a view to legislative enactment.
- (3) That the Committee express its opinion that in the name of constitutional legitimacy it would be appropriate and productive were the six state parliaments refer education to the federal parliament to become a joint and several state and federal legislative responsibility henceforth.
- (4) That the Committee express its opinion that Australia needs new industrial champions to replace the automotive industry to provide for the future, and therefore urges the Minister for Education to target research funds somewhat with a view to educating the researchers of these new would-be industrial champions by funding such basic research as prove necessary to so do.

Should the committee wish to enquire further in respect of our submission we can be contacted by post or email.

Yours Faithfully,

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