



February 22, 2022

Attention: Committee Secretary
Senate Education and Employment Legislation Committee

RE: 'Australian Research Council Amendment (Ensuring Research Independence) Bill 2018'

Dear Committee Secretary,

The Board of the Council for the Humanities, Arts and Social Sciences (CHASS) in Australia makes this submission to the Education and Employment Legislation Committee, in support of the inquiry and report into the 'Australian Research Council Amendment (Ensuring Research Independence) Bill 2018'. The intent of the bill is to remove Ministerial discretion from the awarding of research grants administered by the Australian Research Council (ARC). This submission gives CHASS's expert opinion on the Minister for Education's capacity to veto applications recommended for funding by the ARC. For the reasons outlined below, the CHASS Board supports the proposed amendment to remove this veto.

About CHASS: CHASS is a peak body with a membership of over 40 humanities, arts and social sciences (HASS) organisations, including academic discipline associations, universities and members from HASS associated industries.

Background: In 2021 the acting Minister for Education, Stuart Robert, vetoed six applications to the Discovery Scheme that were recommended for funding by the ARC on the grounds that supporting them was 'not in the national interest'. This follows similar vetos of five applications by Minister Dan Tehan in 2020 and 11 grants vetoed by Minister Simon Birmingham in 2018.

ARC Discovery schemes are highly competitive and only a fraction of applications (typically less than 1 in 5) are recommended for funding. Each grant application is developed by expert researchers, often following years of preparation and international collaboration. All 22 vetoed applications had been independently and anonymously peer-reviewed according to standard academic and ARC procedures. All 22 applications had been recommended for funding by the relevant ARC College of Experts. Beyond the expertise required to undertake these assessments, this represents considerable labour costs across the sector. All 22 ARC applications that have been vetoed have been in HASS, representing a significant loss to the sector we represent in particular, including damage to its international reputation and the loss of expert HASS scholars to overseas universities.

Implications: Government has an important role in setting the rules for research funding and maintaining fair and transparent processes. The ministerial veto power undermines the rigorous and independent procedures of ARC grant review. Veto powers, allowing non-expert Ministers to deny funding based on application titles and 100-word national interest statements, are a

procedural error that undermines academic freedom, removes the incentive for academics to undertake the unpaid work of reviewing applications that are generally 50+ pages in length, damages Australia's research, and undermines its international reputation. If national interest were used to assess the current ministerial veto powers, they themselves would not pass the test.

Further: the current application of the veto strongly suggests that ministers have deployed these powers only in relation to grants in HASS. That ministers without higher level qualifications in these fields have used these powers suggests a misunderstanding of the expertise required in the sector, where academics routinely undertake 10+ years of discipline specific training before commencing academic research, and only the country's top scholars are ultimately recommended for ARC funding. Assessors of ARC grant applications typically have many additional years of experience developing and conducting research, and in evaluating new directions in their fields and supporting the development of the next generations of the research workforce.

The current use of the veto also means that researchers who have developed high-quality applications (developed over many months and even years), who have passed the stringent independent peer review process, and been recommended for funding through the rigorous procedures of the College of Experts, find their work is not funded at a final and seemingly arbitrary hurdle. The consequences of such actions are serious. The veto damages the careers and lives of investigators and collaborators, as well as students whose research is funded through these grants. It potentially forces people out of their academic careers or compels them to leave Australia to pursue their research, leading to the loss of some of our most talented minds.

Despite recent commentary suggesting otherwise, funding that is denied is not reallocated to unsuccessful grants, meaning these vetoes represent a major financial loss to the Higher Education (HE) sector as a whole. This needs to be understood in the context of broader challenges facing HE, including massive job and revenue losses (including 1 in 6 of all HE workers and \$1.8 billion in revenue in 2020), widespread insecure employment, and huge overall cuts to the university and TAFE sectors in recent years.¹

Recognising the dangers of the ministerial veto powers, all five learned academies in Australia, covering health, technology, and the natural sciences as well as HASS have highlighted the risk of real or perceived political interference.²

Finally, this direct interference in the ARC's expert review processes is generating harm beyond the researchers directly affected. It impacts negatively on Australia's entire HE sector, reducing research capacity, research innovation, and international standing. Importantly, it tarnishes our reputation in the global academic community, working as a disincentive for leading overseas researchers and institutions to partner with Australian universities to pursue new research collaborations.

Principles: Cutting-edge and innovative pure and applied HASS research is essential to a vibrant, internationally competitive, and economically successful HE sector in Australia. It is

¹<https://www.universitiesaustralia.edu.au/media-item/17000-uni-jobs-lost-to-covid-19/>

²<https://2r6hgx20i76dmmstq2nmlon1-wpengine.netdna-ssl.com/wp-content/uploads/2022/02/220202-Joint-Statement-Academies-ARC-FinalCOMMSApprovalReq.pdf>

vital that Australian legislation, policy and procedure recognise the multifaceted, direct, and indirect benefits that such research brings. The distribution of funding for research is most likely to be beneficial to Australia when it is driven by decisions made by people who have the information, experience, and expertise to judge the quality of research questions, methods, and likely outcomes.

Academic Freedom

The ministerial veto powers compromise Australia's admirable record of academic freedom. For context, we note that:

1. Article 15.3 of the *International Covenant on Economic, Social and Cultural Rights* states that "The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity."³ Australia is a party to this covenant.
2. There is strong support for the principle of academic freedom articulated by the current Australian Government in the context of the 'Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers' proposed by the French Review.
3. Finally, we urge the adoption of the Haldane Principle in relation to research funding in Australia. The Haldane Principle's fundamental insight is that research funding decisions should be based on academic review independent of ministerial interference. It is a pillar of HE policy in the UK.⁴ It is fundamental, for example, to the UK Research and Innovation's recent transformation of the UK HE research-funding landscape.⁵ It is widely recognised in international contexts as providing a basis for research excellence and academic freedom.

Recommendation:

- 1. The Ministerial veto be removed from the Australian Research Council grant approval procedure.**

Removing the veto, as suggested by the bill, will provide the strongest framework for the integrity and transparency of the ARC's independent processes into the future.

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³ <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477930/BIS-15-633-ensuring-a-successful-UK-research-endeavour-consultation-and-evidence.pdf, page 7.

⁵ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/559210/Higher Education and Research Bill-UKRI Vision Factsheet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/559210/Higher_Education_and_Research_Bill-UKRI_Vision_Factsheet.pdf), page 5.