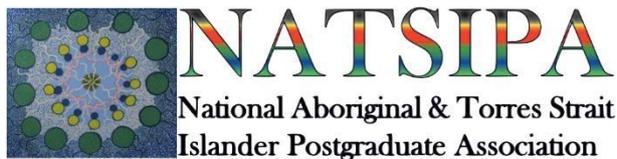
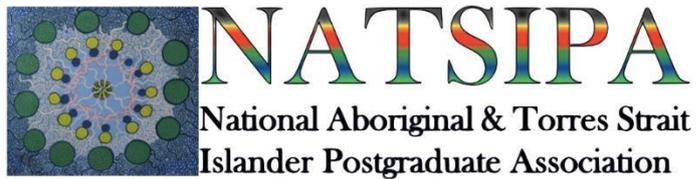


**Council of Australian Postgraduate  
Associations (CAPA) and National Aboriginal  
and Torres Strait Islander Postgraduate  
Association (NATSIPA)**

**Response to the Australian Research Council  
Amendment (Ensuring Research  
Independence) Bill 2018**



February 2021



Compiled with the assistance of the office-bearers of the National Aboriginal and Torres Strait Islander Postgraduate Association (NATSIPA) and Council of Australian Postgraduate Associations (CAPA) and its affiliated member organisations.

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## **Foreword**

This is a joint submission of the Council of Australian Postgraduate Associations (CAPA) and the National Aboriginal and Torres Strait Islander Postgraduate Association (NATSIPA).

The Council of Australian Postgraduate Associations (CAPA) is the peak body representing the interests of the over 455,000 postgraduate students in Australia. We represent coursework and research, as well as domestic and international postgraduates. We are comprised of 28 university and campus-based postgraduate associations, as well as the National Aboriginal and Torres Strait Islander Postgraduate Association (NATSIPA). CAPA carries out its mission through policy, research, and activism, communicating the interests and issues of postgraduate students to higher education stakeholders and federal and state governments, Opposition parties, and minor parties.

The National Aboriginal and Torres Strait Islander Postgraduate Association (NATSIPA) is the peak representative body for Aboriginal and Torres Strait Islander postgraduate students, representing almost 650 Aboriginal and Torres Strait Islander Higher Degree by Research (HDR) students and over 2200 Aboriginal and Torres Strait Islander, postgraduate coursework students.

We welcome this opportunity to express our views and concerns regarding political interference and the proposed amendments for the *Australian Research Council Act 2018*. Academic freedom plays a fundamental role in preserving, transmitting, and extending knowledge. It allows the development of abilities to challenge the status quo and progress human society; this is a view shared by CAPA and NATSIPA. Therefore, our stand supports the amendment in the interest of protecting academic freedom.

## **Recommendation:**

- ❖ The amendment containing subsections 51(1), 51(2) and 52(4) of the *Australian Research Council Act 2018* be accepted in the interest of academic freedom.

## **Effect on current and future generations**

The significance of this amendment will have a profound impact on current and future generations. Continuing to permit ministerial intervention sends a negative message to future generations that their passions, an integral part of individual identity, will not be backed by the place they call home. It will discourage self-expression and disenfranchise the current and future generations from reaching their true potential.

Funding cuts and grant vetoes do not only affect academics and staff; it changes the atmosphere on campus. As students, we often feel and share the disappointment of our lecturers, supervisors, friends and mentors. Consider a student's perspective, seeing their role model lose their jobs because their expertise is 'not of public interest'. What message does that send to future generations of a bright and hopeful future?

To quote from the former Apple CEO, Steve Jobs:

*"Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work. And the only way to do great work is to love what you do."*

To deny academics to pursue what they love, especially when their intellectual peers have validated the quality of their proposal, is counterproductive for the individuals, our communities and society as a whole.

## **The Freedom of Individual Researchers - A Matter of Haldane's Principle**

We believe that research grants should be merited by the quality of the proposed research and can only be judged by academics in the respective field from within the ARC college of experts. The British have already understood this over a century ago. In 1918, a committee chaired by Lord Haldane produced a research policy presently known as the 'Haldane Report'. The research policy was coined and best summarised by Hon Quintin Hogg, MP of the UK parliament, as the 'Haldane Principle'.<sup>1</sup>

*"Ever since 1915, it has been considered axiomatic that responsibility for industrial research and development is better exercised in conjunction with research in the medical, agricultural and other fields on what I have called the Haldane principle through an independent council of industrialists, scientists and other eminent persons and not directly by a Government"*

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<sup>1</sup> HC Deb, 9 December 1964, vol 703 cols 1553-1686

*Department itself.”*

- Hon Quintin Hogg MP, UK Conservative Party<sup>1</sup>

The UK Research & Innovation, our Australian Research Council equivalent in the UK, explicitly states:

*“funding decisions are made independently from government, as per the Haldane principle”*

*“decisions about which research projects to fund should be made through independent evaluation by experts, based on the quality and likely impact of that research”*

- UK Innovation and Research website.<sup>2</sup>

This principle has guided the UK research funding system for the last 100 years and has generated the 2nd most Nobel Prize laureates globally.<sup>3</sup> If Australia is to be competitive through innovation on the international stage, we must abandon this century-old and archaic research policies that allow for political interference in research.

### **Grant approval practice of other Anglosphere nations**

Our research aimed to compare Australia’s research policies and other nations in the anglosphere - the United Kingdom, United States of America and Canada. In the previous section, we presented the research funding approach of the UK. It explicitly states individual research proposals are best taken following an evaluation of the quality of likely impact of the proposal”. This is what we expect from the ARC; those research proposals will be awarded funding based on the merit of research as opposed to popularity or political views.

*“(3) The “Haldane principle” is the principle that decisions on individual research proposals are best taken following an evaluation of the quality*

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<sup>2</sup> UK Research and Innovation, Our Structure: Our relationship with the government (Last updated: 11<sup>th</sup> October 2020), <https://www.ukri.org/about-us/our-structure/our-relationship-with-the-government/>

<sup>3</sup> Wikipedia, List of Nobel laureates by country, (Last accessed 22<sup>nd</sup> February 2022) [https://en.wikipedia.org/wiki/List\\_of\\_Nobel\\_laureates\\_by\\_country](https://en.wikipedia.org/wiki/List_of_Nobel_laureates_by_country)

*and likely impact of the proposals (such as a peer-review process).”*

- c29, Part 3, Funding and directions, section 103, *Higher Education and Research Act 2017*<sup>4</sup>

### Academic Freedom in the United States

In the United States, we reference the decision-makers of the two major research funding institutes, The National Science Foundation (NSF) and The National Institute of Health (NIH). Section 42 USC 282: Director of National Institute of Health of the *United States Code* outlines the responsibility of a presidentially appointed academic to independently allocate funds to research institutes and research programs.<sup>5</sup> Strategic planning reports and six-month evaluation reports are provided to the US Congress for accountability and transparency.<sup>5</sup>

Likewise, the NSF’s function is described under 42 USC 1862: Functions of the *United States Code*; the role of the NSF is to initiate, support and finance research programs and provide an annual report to the President and US Congress.<sup>6</sup> Under both circumstances, it is an academic appointed by the government based on merit to direct the strategic plan of the nation’s research direction. Furthermore, both NSF and NIH independently determine the funding allocation with accountability delivered through annual or biannual reporting.

### Academic Freedom in Canada

The parallels between Australia and Canada made this an obvious target to compare. Canada has three funding bodies for research:

1. Canadian Institutes of Health Research (CIHR)
2. Natural Sciences and Engineering Research Council (NSERC)
3. Social Sciences and Humanities Research Council (SSHRC)

Each respective legislative Act, it states the responsibility of the governing council. The CIHR Act explicitly states “developing its strategic directions and goals”, approving funding for research and “approving other expenditures to carry out its objectives”.<sup>7</sup> Similarly, the NSERC and SSHRC Acts refers to “expend, for the purposes of this Act, any money appropriated by Parliament for the work of the Council or received by the Council through the conduct of its

<sup>4</sup> Legislation.gov.uk, *Higher Education and Research Act 2017*, (Last accessed: 22<sup>nd</sup> February 2022), <https://www.legislation.gov.uk/ukpga/2017/29/section/103/enacted>

<sup>5</sup> Office of the Law Revision Counsel, *United States Code*, c29, Part 3, Funding and directions, section 103, (Last Accessed 20<sup>th</sup> February 2022), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section282&num=0&edition=prelim>

<sup>6</sup> Office of the Law Revision Counsel, *United States Code*, 42 USC 282a: Authorization of appropriations, (Last Accessed 20<sup>th</sup> February 2022), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1862a&num=0&edition=prelim>

<sup>7</sup> Minister of Justice, *Canadian Institute of Health Research Act*, Powers and Function, (Last accessed: 21<sup>th</sup> February 2022), <https://laws-lois.justice.gc.ca/PDF/C-18.1.pdf>

operations” (Natural Sciences and Engineering Research Council Act, 2012; Social Sciences and Humanities Research Council Act, 2012).<sup>89</sup> There has been no indication of Ministerial or political input to the research proposals in all three Acts.

We found that no one prescribes ministerial involvement in the approval process between the six funding bodies over three culturally similar nations. We have seen evidence to support accountability through annual or biannual reporting, which we agree should take place for transparency and building public confidence.

### **Securing funding for Fundamental Research**

CAPA and NATSIPA put that public funding for fundamental research must be protected and financially secure in the long term. We believe that fundamental research is essential to social progress, even if the benefits are not made immediately apparent to the general public. For example, any research into mRNA vaccines and coronaviruses would have no obvious or immediate benefit before this pandemic but now would classify as essential research for the public health benefit. Despite the collective efforts of researchers worldwide, it took nearly a year to develop a vaccine that was created quickly due to fundamental research over the years. This is one of many examples where fundamental research has made significant contributions and must be acknowledged.

The United States has recognised the importance and contribution of fundamental research towards social progress. This emphasised in Chapter 16: National Science Foundation of the *United States Code*:

“(a) The Congress finds that-

(1) the fundamental research and related education program supported by the Federal Government and conducted by the nation’s universities and colleges are essential to our national security, and to our health, economic welfare, and general well-being;”

- 42 USC 1862a: Findings and purpose, *United States Code*.<sup>10</sup>

Based on the Research and Development Funding Report to the US Congress, it is estimated that over 30 per cent of ‘basic’ (fundamental) research in the United States was funded through public funding - see Figure 1. We believe this is only possible when the funding body allows academics to set the research agendas rather than politicians.

<sup>8</sup> Minister of Justice, *Natural Sciences and Engineering Research Council Act*, Function and Powers, (Last accessed: 21th February 2022), <https://laws.justice.gc.ca/PDF/N-21.pdf>

<sup>9</sup> Minister of Justice, *Social Sciences and Humanities Research Council Act*, Function and Powers, (Last accessed: 21th February 2022), <https://laws.justice.gc.ca/PDF/S-12.pdf>

<sup>10</sup>Office of the Law Revision Counsel, *United States Code*, 42 USC 1862a: Findings and purpose, (Last Accessed 20th February 2022), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1862a&num=0&edition=prelim>

### U.S. R&D Funding by Character and Sector, 2019

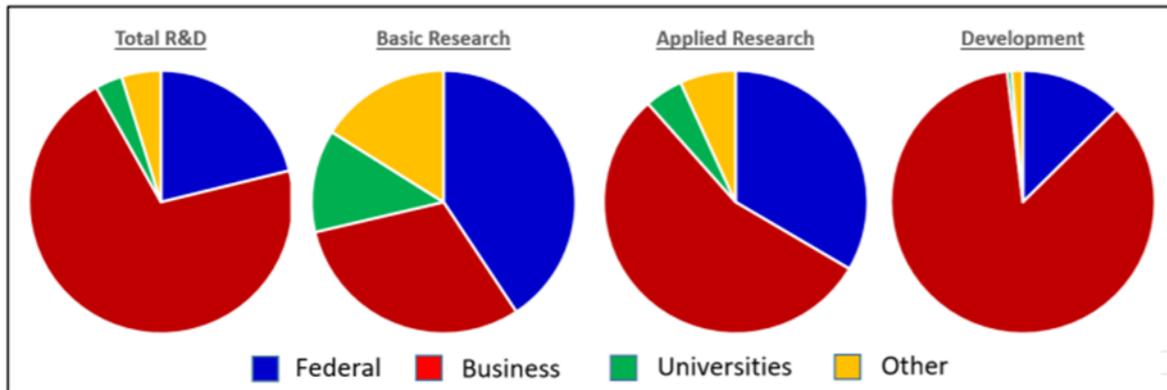


Figure 1 Breakdown of funding allocation towards basic, applied and development research in the US 201. The Congressional Research Service, US Research and Development Funding and Performance: Fact Sheet, 2021.

The precedence's set by Ministerial vetoes has primarily been towards HASS projects and disproportionately disadvantage Aboriginal and Torres Strait Islander peoples. Furthermore, we are concerned that the prerequisite for funding individual Indigenous projects requires ministerial approval. Even if ministerial approval in this process is to be taken as a mere formality, it sends a negative message. It disrespects the sovereignty of the Indigenous community and the Aboriginal and Torres Strait Islander college of experts within the ARC.

### Summary and Recommendation

Our view is that intervention by a ministerial decision impedes academic freedom and disrespects the sovereignty of Aboriginal and Torres Strait Islander communities. We have provided examples of foreign nations that entrust independent decision making by their academics and have protected funding for fundamental research. This is a research policy we would recommend Australia adopt as well and thereby propose:

- ❖ The amendment containing subsections 51(1), 51(2) and 52(4) of the *Australian Research Council Act 2018* be accepted in the interest of academic freedom.