

Submission
No 35

INQUIRY INTO THE GOVERNANCE OF NSW UNIVERSITIES

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SUBMISSION ON UNIVERSITY GOVERNANCE TO THE LEGISLATIVE COUNCIL OF
NEW SOUTH WALES

From Associate Professor John Carmody MB BS, MD.

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1. With the exception of Bond and Notre Dame, all of Australia's universities are **public** institutions *i.e.* they were all constituted by Acts of Parliament and -- overwhelmingly -- are funded, in various ways, by public money and resources.
2. It is, therefore, **wholly appropriate that** public accountability is provided for by legislation which has sought, with minor variations, to achieve this (an aspiration which has, I think, been more successful than not) by responsible and representative Councils, Senates and the like. Over the years, these have varied substantially in size, composition and the means of selection of their members. Nowadays, many are about 20 members in size though, in its early days, the Council of the University of New South Wales (then the NSW University of Technology) was as large as 44.
3. My experience is that while assemblies as large as 44 can be well-managed (federal and state Parliaments are much larger and, in general, function excellently), a size of much less than 20 risks becoming an oligopoly (too easily manipulated and "captured" by the "authorities") whilst, at the same time, seriously violating the principles of properly balanced representation of the diverse "stake-holders" who have a legitimate interest in the welfare of such important institutions as out universities.
4. During my time at the University of NSW (UNSW), several such groups were clearly identified as having an irrefutable and legitimate interest in the proper running of that institution in whose hands, accordingly, the responsibility for its welfare could properly be laid by the community of the state.
5. There were:
 - (i) **The parliament itself.** That representation provides a direct link to "the will of the people". Now it might be argued that since, in modern Australia, the bulk of university funding comes from the Commonwealth, the representation of the legislature should come from the federal Parliament. My counter-argument (to me more persuasive) is that, especially for the smaller regional universities, state parliamentarians have a closer relationship to their communities and thus provide better *ex officio* representatives of those communities on the governing bodies of the universities.

(ii) ***The Executive Government, through a number of "ministerial appointees" (previously 4 at UNSW).*** If they are well-chosen, such eminent citizens should not only contribute sagacious input to the work of their council (whilst in ***no sense*** instructed by the minister or her/his "instrument") but, as needed, should also be important sources of advice to the appointing minister and, hence, to the government.

(iii) ***The graduates of the university, chosen by that constituency.*** While the country at large has a real interest in and commitment to the quality of our universities (even if the citizens only rarely think about the calibre of those important institutions), the graduates of each university have a singular interest if only because this reflects seriously on the esteem of their own degrees.

(iv) ***The students of the university.*** Likewise, the students (both undergraduates and post-graduates) have just such a concern, though it is a prospective one. But they also have a pressing interest in the intellectual and social world which the contemporary university *is*, because that is central to their own lives, irrespective of their course or where they live.

Furthermore, in my experience, the quality of the students' contribution to the work of the Council has been extraordinarily good -- intensely committed, astute and backed up by exceedingly hard work.

(v) ***The staff of the university*** (especially the academic staff). Through their teaching the staff contribute enormously to the calibre of their students' quotidian experience and, through their research and their diverse collegial activities (both nationally and internationally), really make the greatest contribution of all to the achievement and renown of the university and the quality of its work.

A suitable representation of academic staff on the council/senate should thus be self-evident: sufficient, that is, to allow the intellectual diversity of the university to be represented as well and fairly as possible and to allow a reasonable apportionment of the inevitably heavy workload amongst the academic members so as to minimise deleterious effects on their teaching and research work.

6. Though certain self-interested (and often quite poorly-informed) individuals have, at times, asserted -- on exiguous or non-existent evidence -- that councils and senates have habitually "micro-managed", indulged special interests and been blind to conflicts of interest, I would have to submit on the contrary that, in my experience of 8 years' elected membership of the UNSW Council (in often-difficult times) -- irrespective of whether I agreed with particular decisions -- that the Council worked gratifyingly well. My principal *caveat* would be that, were the senior administrative officers of UNSW less secretive and more open with the Council, were they to have had a less idiosyncratic and less cavalier attitude towards the provisions of the *University of New South Wales Act*, then that operation would have been enhanced, to everyone's advantage.

7. Finally, I must emphasise one further point. I know that some university Chancellors and Vice-Chancellors have argued to the current investigating committee of the Legislative Council that university governance would be enhanced were councils and senates smaller and more easily controlled. I reject such opinion: it is the sheerest self-interest and, furthermore, it is folly. It is false because such opinions belong to a corporate mentality and the dogma that management should be left alone "to get on with the job". Apart from the fact that the recent record of corporate Australia -- its financial or its ethical record -- is none too impressive (though I will not cite cases here), the simple truth is that, for all of their financial complexities, universities are *not* corporations. They are far more diverse and intricate in their membership, their "stake-holders", their obligations and their work. Research and teaching take a long time to bear fruit and, unlike most corporate activities, are risky and uncertain in ways which simply would not allow corporations to function and survive.

The pooled wisdom, with a pool of a well-judged size, which a good council can achieve (far better than the judgement and disposition of individual Chancellors and Vice-Chancellors or their praetorian guard, no matter how highly those individuals might esteem themselves) is -- as with Parliament itself a significant strength of this form of governance which should be acknowledged and affirmed.

8. In summary, therefore, I would urge that the committee re-affirm the wisdom and the utility of the representative governance with which numerous past NSW Parliaments have entrusted our universities

John Joseph Carmody MB BS, MD

Dr Carmody was, for almost 40 years, a member of the Faculty of Medicine at the University of NSW. His research expertise is in the function of the nervous system but he taught in virtually all aspects of physiology and widely in pharmacology. He also worked for extended periods in Germany and has attended and presented his research at innumerable national and international scientific congresses; as well he has delivered research seminars at many universities, nationally and internationally.

He had several terms on the governing Council of the Australian Physiological and Pharmacology and was, for several years, the Editor of its journal. During his time at UNSW he was an active member of the Faculty of Medicine and several of its committees (especially the Higher Degree Committee) and chaired the Biomedical Library Advisory committee at UNSW for about 20 years. He spent approximately 10 years as an elected member of the Academic Board and was an elected member of the UNSW Council for 4 two-year terms. Currently, he holds two honorary appointments at the University of Sydney.

In addition, he is active as an historian (notably of medical science and of music) has been a member of the NSW Working Party of the authoritative *Australian Dictionary of*

Biography for about 20 years. For more than 30 years he has also worked as a writer and commentator on concert music and opera, as well as a book reviewer, with his work appearing in national and international publications. He has made many programs for ABC Radio.