It is the contention of this article that tertiary institutions' (reference is made only to universities and CAEs) crisis is a fundamental importance to their autonomy and their futures. Well before planning for 1985-87 commences those institutions need to review their strategies with a view to some concerted action based on philosophical and educational principles. A society cannot afford to have its tertiary institutions reduced to median levels of mediocrity. This indeed is the threat.

The rest of this article will try to document in greater detail the evidence for the assertions made above. The author is convinced, and still is a strong supporter of state rights on many of these issues. However since he is no longer employed in a state authority there is no direct involvement in his current work. Of much more immediate concern is the health of institutions and the quality of services they can provide. There is too much disquieting evidence from other countries and the destruction of their tertiary education institutions as a result of ad hoc political reaction to issues and problems.

As an illustration, although the specifics differ, the United Kingdom faces real political and philosophical issues similar if not identical to those in Australia. Writing in The Times Higher Education Supplement in November 1981, William Taylor says:

"There are many kinds of damage being done to higher education by the policies of the present government. The most pressing is the undermining of collegial governance and the destruction of relationships and understanding which underpin many of the essentials of the academic enterprise. Such understandings have been generations to develop and to be disseminated and, in the same article:

"There is nothing inherently absurd about universities even twenty per cent smaller than they are today. But the damage done in the process of getting there, at the speed at which we are moving, may inflict wounds on the character of academic life which will take a very long time to heal."

The Legislative Background

Of all theCauses that affect the operation of institutions, the easiest to deconstruct are the legislative provisions — even though understanding them and their implications is much more difficult.

Each university has been established under its own Act as a self-governing institution providing for incorporation as a body corporate and establishing the powers and responsibilities of its governing body to manage the institution. All but the Australian National University (Commonwealth legislation) are established under State Acts.

Some of the CAEs in the States have individual Acts but the majority are established under umbrella legislation. Again the legislation provides in general for self-government, although there are varying degrees of restriction from State to State on the powers of the governing bodies. The variations from legislation are minor and not significant to the argument.

All States have enacted legislation establishing coordinating authorities. However the extent of their powers varies. For example only in three States does the legislation provide for the involvement of both universities and CAEs on a reasonably comparable basis — at least in theory. Institutions are subject also to such legislation as affects staff industrial conditions and the general operation of a corporate body in modern society. Nevertheless, apart from coordinating authorities, where the provisions differ across and within the tertiary education institutions have few restrictions placed on them by State legislation. In the recent past amendments to their Acts and Statutes have been initiated usually by the institutions themselves. The one exception to this has been the recent moves in connection with student associations and compulsory membership.

The Commonwealth involvement in tertiary education extends back for many years. However the modern era dates from 1974 when the Commonwealth took over the responsibilities for funding universities and CAEs with a consequent adjustment to the general financial agreements between States and Commonwealth. The States readily gave away their constitutional rights and obligations; but it should be added in all honesty that this was to the delight of the majority of the universities and CAEs.

To administer its responsibilities the Commonwealth Government has established by legislation the C.T.E.C to advise the Minister on the necessity for, and the condition and allocation of, financial assistance to universities and CAEs. The other legislative provisions pertinent to this discussion are: The Commission has administrative functions in dealing with financial disbursement; The Commission is supposed to be concerned with the promotion of balanced and coordinated development in tertiary education and with the diversification of educational opportunity; The Commission is required to consult with State authorities; and The Commission has three Councils, one for each sector of university, advanced and technical education, the duties of the Councils being to advise the Commission and the Minister on matters relating to their sectors.
One other area of legislation is crucial. The Commonwealth Parliament makes grants under Section 96 of the Constitution, contained in specific Acts known as State Grants (Tertiary Education Assistance). These Acts or amendments thereof must be passed annually — even where a triennial funding operates. It is this legislation which specifies the conditions which are imposed on tertiary education institutions or acts which are attached to the grants. Over the past five years the nature of those conditions has extended beyond that required with respect to financial management and accounting and now probe into and place restrictions on key features of the responsibilities and operations of institutions.

The legislation of 1981 was used to extend considerably the restrictions and conditions attached to grants. First of all there was the threat that institutions with particular Act or Act of States did not conform — and hence no Commonwealth funding would be available. Secondly, there were conditions attached to the use of the money itself in the operation of the institution. These events are developed in greater detail later.

Some other Commonwealth legislation affects institutions, e.g., by providing for recommendations and academic salaries. However in order to implement its decisions in this area — and in others — the Commonwealth Parliament has to attach conditions through the States Grants Act.

The brief outline above of the key legislative provisions immediately raises questions of overlap and duplication in legislation and in practice. How could one relatively small country have developed such a legislative nightmare? How does an institution know where it stands? On the one hand it is responsible to a State for the operation of a grant. On the other it must obtain its financial support from the Commonwealth. The Commonwealth does not conform to the Commonwealth but point out that the States restrict them too.

The official position of the Commonwealth is expressed in the statement by the Commission to the Joint Parliamentary Committee on Public Accounts. Typical statements are as follows:

"Tertiary education is the constitutional responsibility of the States. (para 2.2)"

"The Commission does not 'run' tertiary education or tertiary institutions. (para 2.2)"

"Funding arrangements are designed to maintain rather than restrict the responsibility of the States and the autonomy of State institutions. (para 2.8)"

Although it may exercise a major influence over the development of tertiary education, the Commonwealth does not 'run' or manage tertiary education or tertiary institutions. (para 2.9)"

The Commonwealth Government has also maintained the position of the integrity of the States under its policy of 'co-operative federalism' — whatever that may mean.

However few people can now deny that the development of Federal intervention in the events of 1981 represents, in practice, a resounding reversal of the theoretical position stated above.

The major contributing factors may be clustered into three complex groups. The first is the lack of any consistent policy position of these Acts, and of the Commonwealth Government's and the C.T.E.C.'s treatment of post-secondary education. The second appears to be the growth of bureaucratic structures and procedures leading to a search for uniformity and the bringing to bear of many sections of the civil service bureaucracy. The third appears to be a change in the role of the C.T.E.C. and its Councils which now behave as extensions of the bureaucracy rather than bodies of experts working closely with the Commonwealth as a dominating factor over the Councils.

In developing further the first of these points, namely the lack of adequate policy development by the Commonwealth Government, some of the following elaboration is offered.

- The Commonwealth Government appears to be more concerned with regulation and compliance, and its influence is what it sees as the public opinion — particularly from those quarters considered to be its political support. Since public opinion is notoriously variable and diffuse it is obvious that one can hear what one wishes. From time to time, accountability, value for money, failure of education to train people adequately and other such matters have appeared to engage governments.

- Major public inquiries have been established and have reported e.g., Williams, Auchmuty, Myers. However by the time the reports were in the Commonwealth Government appeared to have lost interest and seemed most interested in shelving the recommendations as soon as possible.

- Policies which during the 1960s and early 1970s appeared to be the cornerstone for the development of tertiary education e.g., access, opportunity, for all who can qualify, the fostering of a well educated community, have been abandoned with no real debate or analysis.

- Key decisions have been made by the Government and its agencies e.g., the Razor Gang with the attempt to obtain evidence or in some cases on flimsy, incomplete and sometimes misinterpreted evidence.

With respect to the development of bureaucracy the following are illustrations:

- Typical civil service procedures have become more prevalent e.g., the dominance of permanent staff and the emphasis on increasing signs of irrationality and unpredictability. Nearly all the institutions are the State co-ordinating authorities, e.g., the C.T.E.C. and its Councils, together with other Commonwealth and State agencies and interested organisations.

Nothing but a complete re-think of the legislation can deal adequately with the present situation. That would mean the provision of a new Act which is to be avoided at all costs. In any case agreement is not likely to be forthcoming as some rationalisation would appear to be essential.

The Process in Operation

If the provisions of the various pieces of legislation could be implemented reasonably faithfully the position of the institutions would be tolerable — even if barely so. But of course that is seldom possible even in the best of worlds. The situation in Australia in the past five years has been anything but that.

The effects of Commonwealth and State policies and practices on institutions vary from State to State, depending largely on legislation and practice, but more so depending on the type of institution. For example universities have enjoyed a large degree of independence. They tolerate and resist where possible, any attempts by States to infringe on that autonomy whether it be through State co-ordinating authorities or acts which are assisted in this stance by the C.T.E.C. and the Commonwealth Government which deal directly with universities and universities alone. If the other hand the CAEs have to operate with the States and the autonomy of State education or tertiary institutions. (para 2.9)

Furthermore, it is hard to understand how the C.T.E.C. could vote on a Senate and a House just on matters of major national and overall policies, but on some recommendation by the Councils presumably after many months of detailed study and consultation with the States and with institutions.

Much more could be documented in this area. However, the net result is that the relationships between institutions, government and the State are out of joint. On the other hand, the C.T.E.C. could veto the advice of its Councils — not just on matters of major national and overall policies, but on some recommendation by the Councils presumably after many months of detailed study and consultation with the States and with institutions.

Some Aspects of Planning for 1982-84

It was accepted very early in the planning for 1982-84 that the financial position of institutions would be difficult. The reason for the rested almost entirely in the political stance that Commonwealth Government expenditure would be reduced rather than in any detailed debate on the real needs of tertiary education. Nevertheless, there were some specific problems that institutions and State authorities had to address, namely:

- The triennium 1982-84 would be largely a standstill, perhaps even a regressive period. Institutions would have to be very selective, and even ruthless, in order to survive in priority areas.
- Capital development would be minimal, highly selective politically and leave the tertiary education institutions in a position not of their choosing, while it would be difficult. The reason for this rested almost entirely in the political stance that Commonwealth Government expenditure would be reduced rather than in any detailed debate on the real needs of tertiary education. Nevertheless, there were some specific problems that institutions and State authorities had to address, namely:

- Teacher education was a special problem. Some States had been dilatory in reducing the basic pre-service teacher education intake and would have to be forced to the wall. The Commonwealth had taken responsible action were in danger of being swamped in the punitive actions proposed by the Commonwealth for the nation as a whole.
- Some smaller institutions, both universities and colleges, which had not grown to the degree originally envisaged, were under the threat to amalgamate — or at least do something.
The C.T.E.C. issued its recommendations to Government in its Report for the Triennium 1982-84, Volume I (February, 1982).1 The general tone of the recommendations were as expected although it was impossible to avoid the suspicion that the Commission had its eye on the main change, i.e., what was the Government geared to accept. The recommendations on general development of the tertiary education sector were much as expected, i.e., no growth, re-allocation of some resources and so on. However, the section concerned more with the issue of the infringement of the rights of institutions and States and hence it will focus specifically on examples of those issues.

The C.T.E.C. was quite rightly concerned with measures for rationalisation, and among these the position of teacher education could not be ignored. It wished to reduce the numbers and resources in teacher education and direct those resources to the Minister's satisfaction by December 1981, the end of the triennium. It was to recommend such measures that lent a serious air of plausibility to the Commission's proposals.2

As with Health, the Commonwealth believes that the States have a primary responsibility for the administration and delivery of educational services. Accordingly, it proposes to reduce significantly its involvement in this area.3

As with the Ter­

ary Education Commission, the Government will promote a major rationalisation and re­

allocation of educational resources. This will involve consolidation into larger units of 36 existing Colleges of Advanced Edu­

cation, for which teacher education is the main activity, by their incorporation into multi­

purpose or multi-campus colleges with a single governing body or by integration with neighbouring universities.4

Statements of the Minister’s view prevailed, right or wrong, and had to be enforced uniformly across the nation irrespective of the particular circumstances.5

The States have shown their weakness in the Commonwealth-State relationships area by their collapse in haste once the pressure was on. Financial considerations predominated.6

Those universities involved in mergers received scant support — particularly from their major col­

leagues. They eventually succumbed also.

In summary then, the following trends have emerged in 1981:

• Commonwealth Government policy was deter­

mined without logical support or principle.

• The Commonwealth has been based on States and institutions in matters of courses, governance, organisation and administration;

• The main mechanism used through the States Grants Act was the threat to withhold funds if the institution did not conform to the conditions specified. Part of this mechanism was simply to exclude an institution from the Act so that it is not funded. No state has challenged the Commonwealth seriously on this issue.

• No tertiary education institution is exempt, and judging by Commonwealth statements few areas of institutional autonomy and operations are sacrosanct.

• Widespread protests by States, the AVCC, the Conference of Principals of Colleges, and staff associations had no effect.

• The C.T.E.C. lost its credibility as an impartial body giving advice to government.

What is the Future?

Now that the planning for 1982-84 is over, there is a daunting task to face and a crucible on the many problems of coping with straitened circumstances and forge the real threat to the fundamental character of higher education institutions.

The issues of Commonwealth-State rights are of less urgency in the immediate future. The Commonwealth threat to state institutions. Having beaten down all opposition once, there is a real danger that policy will be decided in the same way again, i.e., based on political whim rather than rational analysis. Implementation will be by means of the financial bludgeon.

Some possible lines of action might be:

• The AVCC and the Conference of Principals should open up discussion now with the C.T.E.C., while the rush of planning has abated.

• The Commonwealth-State relationships with their State co-ordinating authorities should be explored. Some universities might see this as substituting one public master for another. However at the local State level universities have a lot of political clout to prevent undue interference.

• Concerted action should include all parties, i.e., hopefully, a united front between staff associations and the AVCC and the Conference of Principals.

• Tertiary institutions must become more politically sophisticated and must learn to use procedures and techniques designed to lobby and influence politicians. Resources should be devoted and specialist staff recruited for this purpose.

• Evaluative studies should be made of the changes forced by the Commonwealth Government so that a dispassionate review can be available.

The reader may believe that the Commonwealth threat to higher education has been exaggerated. It is to be hoped that it is. However, given the events of the past few years, it would be folly to assume this and to avoid taking some action now. Institutional-governmental relationships are at a low ebb. Remember Bill Taylor's fears at the beginning of this paper. Can the reader honestly deny this possibility in the Australian context?

References

2. ibid., pp. 230-233.
3. ibid., pp. 237-238.
9. ibid., p. 145.
10. ibid., p. 146.
11. ibid., p. 141.