

A Personal Memoir of Policy Failure

The Failed Merger of ANU and the Canberra CAE

Roger Scott

The emergence of the unified tertiary education system in the late 80s and early 90s involved a series of struggles between traditional 'real' universities and the merged CAEs that were to make the new system possible. Roger Scott was a key actor in one of the bitterest battles. Here he recalls the Machiavellian manoeuvring and policy gaffes, and muses on the lessons learned.

PROLOGUE: THE DAWKINS ERA OF RECONSTRUCTION

I do not propose to retrace history. Other scholars have written at length on the general history of the binary system of higher education and its aftermath (see in particular Marginson and Grant Harman). In other places, I have also put my own 'spin' on events in which I was occasionally actively engaged and at several different points in my career (see citations and in particular my chapter in Teather, 1999)

The more immediate context of the events I describe here is needed in order to identify the policy framework within which the Australian National University (ANU)-Canberra CAE (CCAЕ) merger was placed as a component of a wider public policy initiative undertaken by John Dawkins.

There were four major components in that wider policy shift. The first of these was the creation of the mega-department of Education, Employment and Training, with Dawkins as its first minister. This elevated the significance of education, which had grown from a mere Office, only a generation previously. The second was the introduction of direct charges to university students in the form of the Higher Education Contribution Scheme (HECS). A recent study by one of the senior bureaucrats within this new department makes it clear that HECS was the highest priority of all the proposed changes because it was the only sound financial basis on which the system could be rapidly expanded.

The third – and the one under close analysis here – was the thrust towards amalgamation to create larger and more cost-efficient organisations in a single Unified National System to replace the binary division between universities and CAEs. The fourth – often not spelled out but well understood by those close to Dawkins – was to enhance the efficiency of the uni-

versities as tools of public policy. The aim was to refocus their activities so that they provided a reasonable return for the long-term investment which government and the community had made. This was to be accomplished in part by encouraging greater competitiveness between universities, initially aimed at servicing an emergent market for overseas students.

The issuing of the epoch-making Green and White Papers followed closely on Dawkins' appointment. The Green Paper indicated that a Unified National System was to be established with a set of new ground rules linking size of individual institutions to differential access to public funding. This was accomplished by creating an arbitrary minimum size below which existing institutions would not be able to survive as independent entities funded at the maximum rate. This resulted in pressure on many CAEs (including CCAE) and a few smaller universities (including the ANU) to become part of a larger organisation. In addition, funding formulae and public rhetoric encouraged existing relatively large universities to become even larger.

There were already several CAEs at the appropriate size level – mainly the state capital cities' eponymous Institutes of Technology. These bodies had formed themselves into a pressure group to differentiate themselves from the smaller and dispersed organisations operating from a base of teacher training activities or on regional sites. The chief executives had formed themselves into a body called Directors of Central Institutes of Technology (DOCIT). Canberra's Principal was a prime mover in the foundation of this body. For constitutional reasons, states have the final say in the actual mechanisms for approval of these bodies becoming universities. The state governments set up processes of accreditation based on generous definitions of comparable academic merit.

In some jurisdictions, where smaller CAEs clearly could not meet this test, a system of sponsorship provided for a period of tutelage by an established university, so that places like the Northern Territory acquired a tiny university with support from the University of Queensland. Monash University expanded its activity by sponsorship of former CAE's in both suburban and regional Victoria. The University of New South Wales also took on the sponsorship of a new institution called Charles Sturt University, linking widely separated campuses in Wagga, Bathurst and later Albury.

Profiles of the range of academic offerings and the quantum of enrolments for each institution were then subjected to a much more stringent set of conditions, to be negotiated with a joint planning committee representing the interests of states as well as the Commonwealth. There was also increasing specification of the internal management arrangements of universities, which were examined during site visits to discuss profiles.

The unification of the Unified National System was accomplished by central control. CTEC - the former statutory body advising the national government - was replaced by a National Board for Employment, Education and Training (NBEET). This body was more directly accountable to the minister and in turn controlled a series of subordinate councils, including one more directly related to the employment components of the new department. Membership of all these boards and councils was extended to provide for a wider range of interests, especially those of employers and trade unions.

None of these changes was welcomed anywhere in the academic community within existing universities. Students resented the imposition of fees, which had been abolished more than a decade earlier. There was concern about the emphasis on commercialisation associated with the recruitment of overseas students in dramatically increased numbers. University staff and alumni were alarmed about the threat they perceived to academic standards posed by the broadening of the definition of university status. There was also concern about the federal government's intrusion into institutional autonomy in terms of changes to governing bodies and more direction of their activities through the prescriptive planning process. Amalgamation proposals were greeted with hostility from many universities, although most finally tolerated an outcome which seemed to guarantee them a stronger basis for funding in the future. These sentiments were manifest in the ANU - generalised hostility among the wider academic community but a confidence among the senior management that the process could be controlled to their financial benefit if the new regime was forced upon them.

**AUGUST 1987 TO JULY 1988:
THE SEARCH FOR OPTIONS**

Canberra CAE was a special case for Minister Dawkins because the major university (the ANU) had operated since its inception under the benevolent control of the federal government. Education initially was located in an office with the Department of the Prime Minister and Cabinet. Over time, the Office broadened into a department which went beyond the previous confines of collecting statistics, administering international scholarship plans and providing special purpose funding to schools. The ANU remained the jewel in the national crown throughout this period of expansion. By contrast, when the CCAE was created in 1968, it was seen as being designed to meet the parochial needs of the inhabitants of the capital's territory, and was under the direction of the more mundane Department of Interior and Territories.

As Minister for Education, Dawkins made it clear that he intended to exploit the direct control the Commonwealth could exercise over both institutions in its own territory. The future arrangement for the ANU and the CCAE was a test-case, one which needed to be made to work in order to demonstrate the feasibility of his general model of institutional consolidation.

The ANU itself was a binary institution, an uneasy amalgam of research schools at the historic core and a later accretion of an undergraduate 'school of general studies' which had started

life as a separate college of the University of Melbourne; each half had a different set of interests in the outcome of any reform of the existing structures. This latter school offered nation-wide scholarships to boost the quality and

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size of its entrants but was essentially providing university opportunities for the local population. Its reluctance to diversify into newer areas of study, specifically teacher education, ultimately created the market opportunity for the CCAE - an earlier Vice-Chancellor had been humiliated when he had supported the introduction of teacher training, a move which provoked a vigorous debate which he ultimately lost. (Juddery *op cit*, see also Foster and Vargese, 1996, Aitkin in Teather.)

As newly-appointed Principal of the Canberra CAE in 1987, my first task was to assist in the preparation of the College's response to the Green Paper and then defend that response once the White Paper had been issued in the following year as a statement of government policy. This was seen by all concerned to require developing strategies for expanding enrolments to meet the growth targets required to meet the minimum size requirement for entry to the Unified National System. Given the planning constraints on numbers within

existing institutions, this seemed only possible by some form of affiliation with other institutions.

It seemed clear at the outset that the ANU had no interest whatever in being part of those plans. The only exception they were prepared to make was to form a close relationship with the Schools of Art and Music, then of TAFE status but located adjacent to the ANU campus. These two bodies had recently been grouped in response to earlier amalgamation pressures to form the Canberra Institute of the Arts (CITA). The leader of this new institution was Professor Peter Karmel, a former Vice-Chancellor of the ANU and former Chair of CTEC. Art and Music were perceived as more appropriate for 'real' universities than the more vocational offerings which typified CAEs, like education, engineering, nursing, management and journalism.

There were plenty of other players in the cast. In addition to the ANU and CCAE, there was the Australian Defence Forces Academy (ADFA), which was a college of the University of New South Wales; a small Catholic CAE; and a small protestant theological institution which eventually linked with Charles Sturt University.

Initially the College's main hope was to seek to increase its numbers by embracing the much larger student numbers on offer in the Technical and Further Education (TAFE) sector. There several separate institutions had been grouped at an earlier stage into the Canberra Institute of TAFE. There were precedents in other states, notably in the Royal Melbourne Institute of Technology, for TAFE and CAE activities to co-exist. So the first independence strategy was to propose a University of Technology - the title increasingly being adopted by several of the much larger DOCIT members in their own push for university status. I sat on a committee of accreditation (along with Don Aitkin, then head of the Australian Research Council) which translated Brisbane's QIT into QUT. For the CCAE to travel this route, it needed to meet the Dawkins enrolment minima by the inclusion of CITAFE. Precedents existed for this sort of arithmetic in Melbourne, but it turned out not to be a foregone conclusion that the TAFE leadership would accept this route to quasi-university status.

Though the head of CITAFE decided that TAFE interests could not be safeguarded in that arrangement and ultimately went his own way, the proposal for a University of Technology enjoyed wide local support in the ACT community and among its aspiring political leaders. Staff inside CCAE were ambivalent about the technology tag, as they had been about the earlier proposal, but supportive of the idea of moving to separate university status on whatever ground-rules were being set by the system.

One of the major supporters of the University of Technology was the ACT territorial administration within the federal Department of Territories. This group was somewhat preoccupied with its planning for the establishment of an independent

political entity analogous to statehood. As part of my general strategy of community engagement, I participated vigorously in the administrative co-ordination committee linking the CEOs of all the major administrative groupings - TAFE, education, water and power, transport etc. - under the chairmanship of Bill Harris, the chief bureaucrat specifically responsible to the Minister for Territories for the ACT section of his portfolio.

The preparation of documents advocating the University of Technology option were produced for Council, the ACT Administrative Co-ordination Committee and ultimately as a Ministerial Submission to the Minister of Territories. This proceeded through the early part of 1988 with the full support of the ANU - their only interest was remaining separate and, if necessary, embracing the Institute of the Arts to top up their student numbers.

AUGUST 1988 TO DECEMBER 1988: SHOTGUNS AND CHICANERY

All of this groundwork came to nothing when Minister Dawkins peremptorily announced in July 1988 that, despite the acknowledged preferences of all the institutions concerned, only one university would exist in Canberra under the new Unified National System. He set up a small committee to accomplish that objective. In addition to me, the other three panel members were Laurie Nichol, Vice-Chancellor of the ANU; Peter Karmel, ex-Vice-Chancellor of the ANU, ex-chair of CTEC and now head of the Institute of the Arts; and Keith Lyon, Deputy Head of the new ACT Administration. The committee was chaired by Hugh Hudson, a serving public servant.

My first reaction was that a merger ought to appeal to the ANU leadership because it would secure for them monopoly control over the university sector in the ACT and the subordination of their main competitor. However I also recognised that past history suggested that the ANU more generally would fight hard and only reluctantly accept a merger in which their interests were exclusively served to the detriment of CCAE staff and students. Such a merger would only be rendered barely acceptable if it meant no significant changes to the way they conducted their business. But even these terms would be unpopular with the bulk of staff at the ANU; any concessions to CCAE interests would render it anathema.

The chair's reaction was to comply fully. His direct experience with Minister Dawkins suggested that opposition was hopeless and that the CCAE should work hard to secure the best deal available by supporting the move. The founding Principal, Sam Richardson, had remained in touch with events since his departure and in his regular correspondence advised me to opt for the strategy of devolution and separate development. He said that I should aim at being left alone on the existing CCAE campus and become in effect the manager of a separate College of the ANU. He anticipated that the ANU

would manifest its characteristic distaste for involvement in CAE-style activity and would allow a high level of autonomy in practice.

After consulting my two assistant principals, I decided in effect to reject both pieces of advice. My private view was that no deal with the ANU would benefit the CCAE staff as much as remaining independent, because the terms of such a deal would be varied by the ANU in practice once the new structure was in place. And the best way of remaining fully independent was to pursue the option least acceptable to the ANU – a fully integrated model which gave me a major role as Deputy Vice-Chancellor (DVC) in the undergraduate activities of the ANU as well as the CCAE. If Dawkins proved powerful enough to deliver this model as the core of the deal, then my second-best outcome still left me better placed to act as guarantor of College interests at the centre of the new ANU rather than on the periphery.

This could not be my public position. I appreciated that, given that the Minister had issued a directive, we at the CCAE would be courting disaster in terms of the imposition of resource penalties if the above terms became our public position. CCAE as an institution was too young and vulnerable to risk such punishment for resisting amalgamation. It could not afford to be denied access to the benefits of the title of university if it were blamed for the failure of a merger.

Minister Dawkins made that clear privately on a number of occasions that ‘if a merger does not occur, there is no prospect for the CCAE being transformed into a second federally-funded university in the ACT’. When he later suspected that I might have ambitions in that direction, he encouraged me to communicate this advice to my own Council. (see Appendix: The Scott Memorandum)

The ANU, by contrast, already had an established national reputation and was rich enough and influential enough to conduct a campaign of opposition without much risk to its reputation. My strategy therefore was to take a public position strongly in favour of amalgamation, with the proviso that its terms were fair and equitable. My private hope was that such terms would alienate the ANU and lead to an outcome which left the government no option other than creating the University of Canberra (UC).

Therefore the thrust of the actions of a small inner group of my advisers was directed towards making sure that the cost of the merger to the ANU was so high that they either would not pay it (our preferred outcome) or – as the second best outcome from the CCAE point of view – the ANU paid that cost by making genuinely significant concessions which advanced the interests of the staff and students of the CCAE. Our position of weakness – relying on the activities of the more powerful – was in one sense a strength, as we had only a little to lose from either outcome, provided university status was achieved at the end of the process.

The ANU hierarchy appreciated that they had most to gain if they acquired control of the student numbers of the CCAE, since size was power and financial support in the new Dawkins order. They knew that they had lots to gain if the merger was a success, whatever level of local and temporary unpopularity they might experience. For them, university status was not at risk, only perhaps their status in the existing hierarchy of institutions. The CCAE was relying on the local unpopularity of any change to deliver its preferred policy outcome. This meant that we had to ensure that the detailed terms of the merger could not be represented as a simple takeover of the CCAE resources by the ANU. This would clearly be their preferred second-best option – an ‘apartheid’ organisational model that left the CCAE staff exactly where they were, both physically and organisationally, but subordinate to a central control which ensured that all decisions favoured ANU interests.

In these negotiations we expected to receive support from the federal and territorial governments and bureaucrats because they wanted a ‘real’ amalgamation and not a sham. By contrast, we did not expect to receive much support from the implementation committee, loaded as it was with ANU sympathisers. More equitable treatment could be expected in bodies drawn from staff in both institutions, particularly in those faculties who were keen to develop workable relationships to mutual benefit. So the negotiations often produced CCAE ‘bids’ which were judged to seem unreasonable to the ANU. We also took independent action – while still an autonomous body – which was designed to offend ANU susceptibilities as well as advance CCAE interests.

The major example of the former was an insistence that as putative DVC I should have direct line responsibility for all undergraduate study on both campuses and not just for CCAE staff on its existing campus. This exemplified our commitment to a fully integrated model, which was fiercely resisted by many staff at the ANU as well as its leadership. The ANU’s preferred organisation chart tabled in negotiations clearly assigned me to a role relating to just the CCAE’s existing campus. CCAE’s integrated model meant exerting pressures for ‘rationalisation’ where there was duplication of course content – in law, accounting, social sciences, science, languages, maths etc. Unified staffing arrangements and common access for students became the mantra, soon expanded into common access to libraries, shared research infrastructure and (most threatening of all) evenly distributed staff workloads. We also reclassified senior academic staff at CCAE with university-style titles: Principal Lecturers and College Fellows were re-christened as Associate Professors and Professors. This was justified as safeguarding the interests of our own staff, who would otherwise be likely to be denied such titles in an amalgamated structure (see *Canberra Times*, 22.2.89).

The second issue which, almost unbeknown to us, created even more of a sense of outrage was the application of

the logic of institutional nomenclature which was occurring throughout the system. New institutions made up of separate CAEs were given new names to underline that no single institution was dominant – thus Charles Sturt University emerged from a collection of separate campuses across country NSW. We argued, with our tongue firmly in our cheek, that the same logic should apply in the amalgamated structure in the ACT, which should be henceforth the National University of Australia or even named after a pre-eminent national politician. This latter idea had been floated by the local trade union organisations wanting Chifley as the title.

It was a pleasant surprise to find a recent history of the ANU indicates that this was perceived as a serious challenge to the ANU's sense of identity. Foster and Vargese report that such talk 'stiffened ANU resistance' (p 346) and that Nichol 'accepted the amalgamation in principle while working to ensure that negotiations *on large questions, such as the name of the institution*, went the ANU's way.' (p 347, italics added). At no stage did the CCAE inner circle contemplate the issue of name change as anything other than a bargaining chip.

As part of the final stages of the implementation process, the government agreed that my position should be safeguarded legislatively rather than left to the whims of the post-merger ANU. I went through a charade of appointment as DVC, finishing second in a field of two for the two top jobs. The history cited above indicated that even conducting a competition of any sort was interpreted as a destabilising influence. The ANU then lived up to the College's worst expectations when, prior to the amalgamation but after my appointment as DVC-in-waiting, they appointed 'their own' DVC who would clearly be seen as the 'real' second-in-command of the new unified structure.

DECEMBER 1988 TO DECEMBER 1989: THE PRIMACY OF POLITICS

The defeat of the amalgamation proposal was a two-stage process. The first stage was the presentation of legislation to the federal parliament in December 1988, based on the outcome of the implementation committee and its adjunct bodies, ensuring the senior appointments and setting up the terms of future management. A press release from the Minister identified that the post of DVC was a temporary one only – the first I had heard of this – and that I would have special responsibility for implementing the terms of the amalgamation. The former point was clarified in private discussions in

which I was assured that my tenure and seniority was assured but the job specification might vary over time.

In the discussions on the legislation, the major opposition group – a conservative coalition of Liberal and National Parties – took cognisance of the repeated and widespread opposition to the amalgamation, including resolutions of the ANU Council, Academic Board, staff and student associations and alumni. The status of the ANU as a national icon was seen to be at risk, especially if it were to be subordinated in any way to the emerging ACT territorial government. Local politicians – including those from the governing Labor Party as

well as the Liberals – also came out strongly in support of the idea of the ANU remaining unchanged (apart from absorbing art and music) and were easily persuaded to support the idea of the CCAE becoming a University of Technology. Both CCAE and ANU leaders appeared before the Liberal

Party's education committee and I even 'supped with the devil' by engaging in telephonic communication with one Peter Reith.

As is usual with the Australian Senate, the governing party with the majority in the lower house faced a potentially hostile majority if the opposition coalition was joined by other smaller parties represented by virtue of a proportional representation franchise. In this period, the Australian Democrats held the balance of power and – as a slightly green and egalitarian group – would not have been expected to oppose the spirit of the Dawkins reforms.

However the Democrats' spokesman on education, a Queensland Senator I had known from my own university days there, was persuaded by arguments in favour of community engagement that the soon-to-be-elected ACT Assembly should be given the opportunity to make its views known. The Democrats indicated therefore that they would join the opposition coalition and would vote against the amalgamation legislation if it were presented before the ACT Assembly had had a chance to consider the matter and offer advice to the Minister.

Minister Dawkins then indicated that the legislation would be withdrawn and presented after the ACT Assembly had commissioned and received a report from one of its own select committees appointed for the purpose. All further work on the details of the amalgamation were suspended and the ANU went ahead and filled its own DVC position, responsible for the affairs of research and the Institute of Advanced Studies. However it was made clear that the matter would be reconsidered after the ACT Assembly Report.

Both the ANU VC and I continued to argue strongly in favour of the merger because of the potential benefits of collabora-

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tion and the potential costs if neither institution was admitted to the highest-funded segment of the Unified National System. Both of us gave evidence to that effect to the committee, which also received strong representations from forces opposed to the merger, including student associations from both campuses and the staff of the ANU. There were also private discussions with committee members and relevant bureaucrats at federal and state level.

In the middle of the year, this committee reported in favour of the ANU merging only with CITA and supported the proposal for a Canberra University of Technology, separate from the Institute of TAFE. It argued that the elements of close co-operation between CCAE and TAFE already demonstrated could be equally well achieved under a dual rather than a single institutional umbrella. The same could apply to relationships between CCAE and the ANU.

Minister Dawkins remained unpersuaded by these recommendations and indicated that future funding allocations would be prejudiced by the absence of a merger. There was a specific carrot on offer, the creation of a unified Engineering School for the ACT and a large building to be located at the CCAE: to this point, the ANU had not been offering an undergraduate engineering qualification but now wished to move in this direction. In addition, in some faculties on both campuses, the earlier discussions had sparked a genuine commitment to the ideas of collaboration. The ministerial edict to the CCAE Council mentions this in passing – the final outcome was to guarantee the CCAE capital funding for this purpose and deny ANU special funding for new developments (funding which the ANU then found from its internal revenue).

While the CCAE remained committed to an integrated amalgamation, the ANU was deeply divided. Many of those in favour generally wanted something segregated and/or dominated by ANU interests in order to be able to point to any likely balance of benefit for the ANU; those against were untrusting of the capacity of their own senior managers and conducted a campaign of open vilification of the CCAE as well as the Chancellorate at the ANU.

Matters came to a head when Minister Dawkins established a timetable for the reintroduction of the legislation to take effect by January 1, 1990. The series of ANU Council and Canberra CAE Council meetings were scheduled in August and September. I sought to have the matter deferred at the CCAE Council meeting in August on the grounds of growing uncertainty about the nature of the ANU's commitment. This was in the light of statements being made by ANU leaders at protest meetings in the presumed privacy of the ANU that seemed to indicate a determination to breach the spirit of equity and integration.

I was also becoming concerned privately that opinion was swinging in favour of the merger at the ANU, as less prejudiced ANU staff became alert to the potential advantages of a merger

and the monopolistic position it would confer on the ANU. Collaborative discussions were going on across all disciplines and not all were acrimonious. In addition, I had started to use an office on the ANU campus, mingle with disciplinary colleagues in the research schools and undergraduate faculties and at the University House social centre as befitting a DVC-elect.

At this point, the merger seemed on balance likely to proceed, especially as most CCAE staff members were understandably enthusiastic about the prospect of gaining university status at whatever cost. They were concerned to get the best deal available; the only choice available seemed to be the ANU. I now acted to offer an alternative choice in the weeks before the ANU was scheduled to hold its key Council meeting.

I mentioned earlier the range of institutions operating within the ACT. The TAFE option had been ruled out by its leadership and was in any case regarded as inferior by most CAE staff. The Catholic university network had not yet emerged and the local college did not add material support in the numbers game.

This left the ADFA. Geoff Wilson, then head of ADFA, had worked with me on several issues of joint interest, including engineering; in the accidents of small country towns, he was also a near neighbour and we were both members of the governing board of the local primary school. However when Geoff took the idea to his Vice-Chancellor, there was a negative response based on perceived dangers of over-commitment but also an unwillingness to give offence to the ANU.

I then took counsel from Gus Guthrie, head of the emerging University of Technology, Sydney and digesting its own merger with Kuringai CAE. He offered to commit to a sponsorship role but we agreed that this would be a last resort because more established universities would be more acceptable as patrons to CCAE staff.

This led me to approach Mal Logan at Monash University. Mal was an active institutional entrepreneur both locally within Victoria and internationally. We had served together on the Linke Inquiry (on university efficiency and effectiveness). I had also met him much earlier because of our common interest in social science curriculum issues. Vitally, he was a member of the informal group committed to the spirit of the Dawkins reforms known as 'the purple circle' and alienated from the ANU by his own experiences in dealing with that institution. He immediately responded favourably to the idea of sponsoring CCAE and persuaded his governing body to make that commitment.

At the August meeting of the CCAE Council meeting, I avoided taking a firm position on the ANU merger. Instead I was able to report on discussions that I had been conducting for some weeks. I had previously speculated in public only about a hypothetical future if the merger was rejected by the ANU. The announcement of the Monash option came as a dramatic new factor, dismissed as ludicrous and 'improbable' by the ANU.

The choice of Monash as an alternative sponsor was widely welcomed among the academic community and provided an invaluable means of reassuring CCAE staff that they were not in any sense at the mercy of the ANU's prejudices in order to secure their future as university staff members. The CAE Academic Board and later open meetings of all staff unanimously endorsed this strategy if the ANU declined to support the merger.

Two days before the ANU Council was due to meet in September, amid speculation about a nearly-tied vote, I sent a newsletter to my own staff assuring them that the ANU merger would only be supported if there was reliable commitment by the ANU leadership to the spirit of our previous discussions. Resources at the ANU would not be retained exclusively for the ANU, for example, as had been indicated in some of the recent public utterances from ANU officials and there would be genuine parity of treatment for staff and students. This coincided with a particularly vitriolic exchange in the press between opponents and proponents from within the ANU. (See *Canberra Times*, 8 September 1989).

When this newsletter found its way to the media the next day and circulated widely at the ANU, it was interpreted to mean that I had gone cold on the sort of merger which the ANU believed was on offer. This lost me a few friends and supporters at the ANU and, not least, Minister Dawkins. He instructed his most senior adviser to tell me that I should immediately publish a clarification that I still did favour the ANU merger and that I had been reassured by him that ANU would be compelled to honour the spirit of the agreement. This should be published that day because of the imminence of the ANU Council debate. When I omitted to do so, I was warned again that there would never be approval for university status for the CCAE while Dawkins was Minister. (In retrospect there was an element of bluff here as the changes occurring all around Australia at the behest of state governments had made the classification CAE redundant and universities much smaller than Canberra were later allocated the title. However the threat certainly felt real enough at the time.)

The next day, the ANU Senate met and by a very narrow majority voted against the merger despite the advocacy of all the senior officers of the university. Anecdotal evidence suggests that my activities may have been pivotal in shaping the outcome of the final crucial vote in the ANU Council. Here is part of the account in the *ANU Reporter* of the debate on September 9 that led to rejection by a vote of 20-16, including the contributions of two key swinging voters:

Professor Bryant, the Dean of Science, who spoke strongly for the amalgamation... wanted to say that a letter circulated to all council members and reported in yesterday's *Canberra Times* had been 'offensive' and 'frankly insulting' about the CCAE. However, Professor Bryant said that a newsletter from the principal of the

CCAIE was also 'offensive' and typified the way in which attitudes at the ANU had been manipulated by the CCAE in the past year. He accused Professor Scott of 'adroit political manoeuvring' to secure the high ground.

The Head of the Research School of Social Sciences, Professor Paul Bourke, said he found himself in a middle position. Until now, he had supported every move towards amalgamation. Now, however, he found himself moving in another direction.

Previously he had voted a marginal 'for' on the ground that there would be growth of moneys in the system. His Faculty had voted against. At the board meeting he had said that he believed his faculty was wrong. But now, as a member of Council, he could only do that on two conditions: if the signal around the university was unequivocal and if there was a clear signal that the CCAE really wanted the merger.

Professor Scott's letter was a political intervention. It meant that the ANU could struggle to a 'yes' vote only to be confronted by the strong view of the College. Professor Scott had stressed the importance of the 'fully integrated model' for amalgamation. The ANU had fudged it and fell a long way short of Professor Scott's view.

David Solomon, a leading columnist to *The Australian* had been outspoken in his personal capacity as an alumni-elected member of the ANU Senate. He used the device of resigning to force a by-election to allow an identification of the high levels of discontent with the merger proposal. He offered a briefer version in *The Australian*, which recorded that my Newsletter comments 'provoked some anger in the ANU Council, with both supporters and opponents of amalgamation complaining about the way the CCAE had won all the political and public opinion battles.'

The following week, the CCAE Council met and advised that it did not believe it was feasible to proceed with discussions of a merger in the light of the ANU decision. Instead the Monash option would be actively pursued and, at a meeting of CCAE staff shortly afterwards, this option was unanimously and enthusiastically endorsed.

Minister Dawkins graciously agreed that the Monash option was an acceptable application of the broad parameters of the Unified National System. I suspect I was helped informally by representations from Mal Logan on my behalf. With a minimum of fuss and just a few bureaucratic flurries, the 'new ANU' legislation was withdrawn and resubmitted as the *University of Canberra Act*. It became law on January 1, 1990.

FINAL THOUGHTS

My public relief and rejoicing were tempered by the assurances in private and the public commitment of Dawkins to revisiting the question at a later stage, at the end of the Monash three year period of tutelage specified in the legislation.

Gregor Ramsay, then head of NBEET, clearly felt that I had misplaced my efforts. When I moved on to be Director-General of Education in Queensland, he wrote a letter of congratulation. In it, he suggested that the continued existence of four universities remained an unsolved problem, the merger idea was not dead and he regretted that I had been diverted into spending most of my time at CCAE in pursuit of a negative goal.

Given the trigger of a periodic review of the ANU Research Schools provided for in their legislation, during 1991 the idea was revived of separating the undergraduate activities of the ANU and merging just this portion with the new University of Canberra. This was proposed by a committee chaired by the new head of the Higher Education Council of NBEET.

Don Aitkin, who had by then left the federal education bureaucracy to succeed me as VC at the University of Canberra, came out strongly in support. Doubtless he will offer his own account of how he arrived at this position. But the idea was never likely to take off because of the way it united the ANU in opposition, perhaps more strongly than ever before, as there were no perceived benefits whatever in conceding greater strength to the already autonomous new university.

In my parting comments on moving to become Director-General of the Queensland Department of Education, I affirmed my view that, once the Monash connection ended, the new university should revert to the relationship it had enjoyed with the ACT while a CAE.

When the 1991 proposals failed, pressure emerged again for the transfer of the University of Canberra legislation to the ACT, now well-established as a living political organism (albeit still Lilliputian in scale and the object of widespread derision for its sometimes farcically multi-party shenanigans.) This finally occurred in 1997, signalling that the federal government had finally given up on its merger aspirations. Ironically, the bureaucratic committee that launched this third attempt at amalgamation in 1991 was chaired by Professor Ian Chubb. Chubb has recently become Vice-Chancellor of the ANU.

An Overview of a Policy Failure

There are several historical and institutional factors which came into play to generate an outcome which would not have been predicted and was atypical of events in the rest of Australia. Most of the time and in most circumstances, the policy of promoting amalgamations and groupings into larger units was successful. The University of New England, already mentioned, was one other aberrant case where a network university including CAE components was formalised and then fell apart.

In the case of the ACT, the apparent strength conferred on policy-makers by the fact of direct constitutional control proved illusory on two grounds. First, the requirement to pass legislation to amend the ANU's status and implement the merger with UC had to brave the Senate. Amalgamations else-

where were passed by compliant state authorities who did not face this sort of inhibition once the party in power was persuaded by its Education Ministers. It did not become a partisan issue, even though some states were not controlled by Labor Party governments.

In the case of the ACT, the lack of a government majority in the Senate meant that the minority parties and the Liberals were well placed to pursue more sectional interests. The Liberals wished in particular to be seen to be defending the established 'sandstone' institutions against a degrading of their standards. Apart from Tasmania, the 'sandstones' were not directly threatened by amalgamation policies and largely remained aloof from the number-crunching which went on in this period (and Tasmania was often omitted from the 'sandstone' categories, despite its age). So the Liberals were happy to rally to the ANU and respond to the lobbying by staff there, using their geographical proximity to advance their case.

The Democrats were more sympathetic on ideological grounds to the broadening of the size of the tertiary sector and to the upgrading of CAE's in general. However their key spokesman, Michael Macklin, was alert to the potential for capitalising on an opportunity to display the party's community-focused credentials and argue for the CCAE to become a university for the Territory rather than the nation. He was equally sympathetic to the idea of preserving the special vocational qualities embodied in the CAE ethos and favoured the title of 'University of Technology' to underline this distinctiveness.

This impacted on the second institutional feature which defeated the policy. The ACT was moving steadily towards self-government throughout the period of the policy implementation, albeit without much enthusiasm from the local population who were savvy enough to know that this change was intended by the federal government to shift the municipal costs away from national to local taxpayers.

Because of the extraordinary level of proportionality in the electoral system - 19 members in a single constituency - this cynicism towards imposed self-government could be expressed by the foundation of small and disparate parties. The Democrats could show their credentials as a national organisation by flexing their muscle in the Senate on an issue where there was widespread popular support

They joined the Liberal-National Coalition Senators to force the withdrawal of the merger legislation, while making it clear that they would be willing to re-visit the legislation if the newly elected ACT Assembly had been given a chance to express a view. This made them a sure winner in terms of a profile in the forthcoming ACT election campaign. All other parties then fell into line behind them during the ACT election campaign, including Senator McMullan of the Labor Party.

The election produced a wide diversity of members across several parties and various independents. An Assembly committee of enquiry was duly appointed as one of the earliest

pieces of business of the new body. Its membership reflected the diversity of parties in the Assembly and was chaired by a former staff member of the ANU who had been active in local affairs for some time, outside the normal partisan framework.

When this committee offered the recommendation that there be a separate university for the ACT, operating under territorial legislation, Dawkins realized that he could not progress with the existing legislation unless he could persuade the governing bodies of both institutions to accept the new structure.

His strategy then – as earlier – was to exert pressure by sticks and financial carrots. This had been a long-term mechanism used by federal education ministers ever since the time of Menzies and Gorton and continues to be employed under the current regime. In the end it proved ineffective in this circumstance because of the strength of the collegial tradition which inhibited the capacity for independent action by the Vice-Chancellor and his Council.

So the overall reason for the implementation failure was the particular combination of forces in a small tightly-knit society like the ACT in which the ethos of traditional university values was strongly entrenched in the wider community. The power of networks in these circumstances made an exercise of political will much harder to consummate than pulling the strings at a distance in relation to university systems in the states.

As I saw it, the reason the merger proposal failed in 1989 was that, from the start, those controlling the CCAE response were convinced that the ANU leadership lacked the ability to strike a reasonable bargain because of internal constraints within that organisation. This conviction was reinforced as events unfolded and the ANU's culture asserted itself. The recruitment of a 'white knight' as patron and the public rationale for preferring Monash to the ANU was the last but successful throw of the dice in a complex game of chance.

Implications for Governance

When I showed this piece to a fellow student of public administration, I was legitimately asked 'who did I think I was working for?' It appears in retrospect that I was operating like a self-proclaimed Platonist Guardian. As my questioner pointed out, this exemplified the frustrations of Dawkins, his advisers and his bureaucrats about the university system in total and the absence of clear lines of accountability. It is in fact a long time since universities (and CAE's) have been self-governing corporations acting like medieval Oxford colleges in the autonomy conferred on staff to decide how to spend their time and what to teach. But I made a fair fist of deciding what was best for staff and students, then acting in disregard of Ministerial direction.

In a formal and contractual sense, I was employed by the Council of the Canberra College of Advanced Education. Yet I felt able to willfully ignore the views of the Chairman of the Council and pursue a strategy which provided formal external support for the political master of the Council, the Minister,

while seeking in practice to achieve a different result.

The heart of this issue is the nature of the governance culture which was particular to the CCAE. The Council of the CCAE consisted of two components, insiders – the Principal ex officio and elected representatives of academic and general staff and part-time and full-time students – and outsiders, predominantly other educationists and public servants representing national and local administrations. It was by standards then prevailing a small Council (17).

In practice, I provided guidance to the Council on the options faced by the CCAE through developing a response to the Green and White Papers which laid the ground rules for the Dawkins reforms. But when the decision was taken to merge the ANU and the CCAE, all the public servants, including the Chair, felt obligated to support that decision without reservation. To do otherwise was seen to be a breach of their ethical code (and possibly illegal – a moot point). So I could not compromise them by discussing the nature of my response and on a few key decisions gave no advance warning of the position I intended to take, such as seeking and then preferring sponsorship with Monash as an alternative to the ANU.

The educationists on Council included both the Head of TAFE and the DVC of the ANU. Both were interested parties and legitimately pursued their own agenda at Council meetings. Again, for different reasons, I could not expose my assessment of the correct path to pursue without being blocked either in Council or in subsequent meetings of the Implementation Committee set up to implement the merger.

The result was that the key policy discussions occurred with a small group of insiders, so a de facto collegial system emerged to which the staff and student association leaders had privileged access. Their linkages to their constituents and my own use of college assemblies ensured that there was a constant taking of collective pulses. The one item where my own views were finally subordinated was the rejection of 'Technology' as a defining label for the new university. This was seen as being too constricting on humanities, social science and education, whereas I would have welcomed alliances with the DOCIT group which, as Marginson has pointed out in several places, materially improved their relative position as a result of the reforms. For the most part, central strategy was planned by a relatively small group of senior staff, very ably supported by a Council member who lacked any conflict of interest and offered significant legal skills as a specialist in anti-discrimination law. She and a businesswoman from Victoria had been recent additions to the Council when I arrived, appointed by Minister Susan Ryan to broaden Council perspectives beyond the confines of the ACT.

The issue of governance did not go away with the creation of the University of Canberra. The Council shrank even further and Monash was given representation, first by its DVC and then by Professor Allan Fels. The disputation continued over

whether the legislation should remain with the federal government or be transferred to the ACT. The symbolic focus in the short term was on whether the ACT Government should choose the two ACT representatives on the new University Council or whether these should be chosen directly by the federal government. The Act specified that they should be nominated by the ACT for approval by the federal Minister

In keeping with its general view of university governance, the federal department recommended that no serving politicians be included, even though this was a commonplace under State acts. The ACT Assembly decided to nominate two of its own members rather than the senior bureaucrats favoured by the Commonwealth. For a significant period of time, the Council operated without either set of appointees and effectively conferred a constant majority on the academic staff and students. The matter was only resolved after my time, apparently because bureaucrats felt that there was patent dissatisfaction with the level of academic self-interest in some of the Council's decisions.

So, in retrospect, it appears that the de facto autonomy claimed by me as CEO was not unlike that which has generated the complaints increasingly levelled at counterparts in the private sector. Decisions were made by the managers in what they conceived to be the best interests of the employees and clients/students of the organisation. In public policy terms, this suggests a failure of the assumptions of public accountability.

This raises the general theoretical issue about the relative significance of individuals and institutions in determining policy outcomes. Harman's treatment of the Dawkins reform agenda suggests that conventional analyses such as Cerych and Sabatier's work in 1986 on implementation tended to underrate the significance of political activity. A key factor was the differential skills of actors within the institutional framework which constrained or supported the general reform initiatives.

More recent work, specifically on higher education policy studies, has tended to emphasise the significance of the multiple objectives being pursued by different interest groups inside and outside the universities and in the public bureaucracies created to regulate them.

Educational processes and outcomes are often influenced by circumstances and preconditions at various levels in the educational system... On the issue of implementation, an arena model is based on the twin concepts of space of action and capacity for action. The key point in this conception is that the actor's autonomy is dependent on the extent to which he succeeds in exploiting his space of action and his capacity for action in order to realize his preferences. (Bauer, Asklung, Marton and Marton, 1999 quoted in Harman)

This captures the dynamics of the ANU/CCAIE policy environment within which this actor operated. A reader of my

initial conference paper suggested that the events of those years were worthwhile recording for posterity. 'If we do not learn from our mistakes (and our successes) we are doomed to repeat them (or not, as the case may be!) And Australian universities are in a messier mess than in 1987-1992.' *a*

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APPENDIX: THE SCOTT MEMORANDUM

My personal archive contains the following memorandum from me as CCAE Principal to the CCAE Council:

"In an interview with Minister Dawkins on Thursday January 16, he indicated that it was appropriate for me to communicate the following information to Council, which is consistent with the terms of the general commentary on the Task Force given in Mr Dawkin's (*sic*) speech

included in the Council papers.

Mr Dawkins raised the following points in discussion, concerning the consequences of the possible failure of the merger legislation:

1. That there can be no expectation that proposed allocations of recurrent funds necessary for new developments – 'the growth profile' – will remain in place.
2. The allocation of capital funds for an Engineering Building and DEET support for an ACT School of Engineering will also be 'back in the melting pot'.
3. If a merger does not occur, there is no prospect for the CCAE being transformed into a second federally-funded university in the ACT."

Attached was a letter advising the Principal of a visit by a Task Force to advise the Minister on the current status of all amalgamations - a discussion to include applications for assistance with mergers from the 1% reserve fund. It included the following sentence: "You will note from the Minister's press release that assistance and support will only be provided where amalgamations have the support of the institutions concerned."

~~A Contrasting Courtship~~ ~~The Monash Takeover of Chisholm~~

Paul Rodan

Paul Rodan compares the strikingly similar experiences of Monash and Chisholm in Melbourne at the same time.

~~Roger Scott's account of the abortive ANU/CCAЕ merger brought back memories of the Monash University/Chisholm Institute of Technology amalgamation, effected around the same time. I was much lower down the food chain than Scott, being a middle level administrator and an elected general staff member of the Chisholm Council, nominated by the then union, to the Merger Implementation Committee and subsequently appointed to several of its working parties.~~

~~The outstanding point of difference between the two mergers was that the Chisholm senior management was firmly behind the link with Monash, as were the bulk of the external members of the Council. At Monash, the senior management was supportive and the Vice-Chancellor, Mal Logan, seemed to have no problems locking his Council in. In an astute move, he offered the entire Chisholm Council full membership of a combined interim Monash governing body for twelve months. Monash Council membership was an obvious asset on a CV, and probably helped convince at least some of the external waverers to look past immediate staff concerns to the glorious future. Equally enticing to some senior staff was the prospect of acquiring the title 'Professor' in a 'real' university, a more certain status symbol on the cocktail circuit than the same tag in what were to become known as 'Dawkins universities'.~~

~~Staff at both institutions were largely opposed, as measured by polling and anecdote, albeit for different reasons. Chisholm academic staff, aside from a few high flyers, saw an unequal contest for resources (including promotion) and were also mindful of Monash's reputation as a poor employer offering inferior terms and conditions, augmented by an autocratic decision-making culture. One colleague thought that Monash was 'run like a Prussian military academy', and later experience suggested that he might have been a bit tough on Prussia. Like ANU academic staff in Scott's narrative, vocal Monash opponents decried CAE academic inferiority and feared a 'corruption' of the gold standard.~~

~~General staff at Monash seemed the least likely to be affected while their Chisholm counterparts could see restricted career paths and de facto redundancies in the medium future. Chisholm had acquired a democratic culture, thanks to capable work by the unions and some inept local management. Monash's location at the other end of that spectrum was demonstrated when oft made promises about a defiant mass protest at the Professorial Board dissolved into a vain stand by one lone dissident. A prominent dean, who had promised his constituents that he would vote against the merger, capitulated on the day, for which he was traduced as~~