

Subject: Re: Submission publication acknowledgement | Inquiry into the quality of governance at Australian higher education providers
From: Manuel Graeber <manuel.graeber@professoriate.org>
Date: 4/16/25, 12:11
To: "Committee, EEC (SEN)" <eec.sen@aph.gov.au>

Dear Mr Hodder,

Thank you very much.

The redactions are fine with me.

Yours sincerely

Manuel Graeber

On 4/16/25 11:33, Committee, EEC (SEN) wrote:



THE SENATE

EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE

16 April 2025

Professor Manuel B. Graeber

Via email: manuel.graeber@professoriate.org

Dear Professor Graeber

Inquiry into the quality of governance at Australian higher education providers

I am writing to acknowledge receipt of your submission to the Senate Education and Employment Legislation Committee (committee) and to advise that it has been accepted by the committee. Your submission has been published on the committee's [website](#) as **Submission Number 190**.

Please note that publication of your submission includes it being published on the committee's website under your name, but with your contact details redacted if they are not already published elsewhere. It will be available to other interested parties, including the media. Please note that the committee has accepted the appendices of your submission on a **confidential** basis, and these will **not** be made publicly available, though copies have been provided to members of the committee. As such, parts of your public submission have been redacted to remove mention to the confidential appendices. If you have concerns about how your submission has been published, please contact the secretariat.

As you are aware, an adverse comment process was undertaken in relation to your comments about the University of Sydney. The university's response to your comments has been published alongside your submission.

Your submission is protected by parliamentary privilege. This refers to the special rights and immunities attached to the Parliament or its members and others necessary for the discharge of the parliamentary functions without obstruction and fear of prosecution. This means that you cannot be prosecuted or disadvantaged because of anything you have provided in evidence, or because you gave such evidence. If you believe that anyone has disadvantaged you in any way as a result of the submission you have made, please advise the secretariat. You should note that this protection does not apply to any prior publication of the material you have submitted to the committee.

However, please be aware that should you disclose or publish the confidential appendices, they would **not** be covered by parliamentary privilege.

Thank you for your participation in this inquiry. Should you require further information concerning the committee's inquiry, please contact the secretariat.

Yours sincerely

A black rectangular box with a white 'X' inside, used to redact a signature.

Patrick Hodder
A/g Committee Secretary

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The Role of the Office of General Counsel in Enabling Allegedly Unlawful Conduct by University Management

Submitted by

Professor Manuel B. Graeber MD PhD FRCPath

Sydney, 28 February 2025

Executive Summary

This submission, made by the President of the University of Sydney Association of Professors and Vice-President of the Australian Association of University Professors, highlights the critical role of the Office of General Counsel (OGC) in enabling allegedly unlawful conduct by university management.

The author, with extensive international academic experience, presents a personal case study of reprisals faced after making a public interest disclosure about alleged management criminality at the University of Sydney.

The submission argues that the OGC has failed to uphold its responsibility to maintain academic integrity, honesty, and professional conduct, instead enabling management misconduct and prioritising profit over scholarly excellence. The author contends that this is not an isolated incident, but rather representative of a broader culture of impunity and lack of accountability in Australian universities.

To address these concerns, the submission recommends a series of reforms, including:

- Revising the composition of university senates to ensure a substantial representation of academic members and students (together forming the majority).
- Implementing robust hiring processes for general counsel from a group of *external* candidates, with careful vetting for ethical standards and professional integrity.
- Establishing clear ethical guidelines and codes of conduct for OGCs.
- Conducting regular performance reviews and maintaining independence in the general counsel's office.
- Strengthening whistle-blower protection laws and ensuring proper handling of public interest disclosures by university audit under the oversight of the OGC rather than the Vice-Chancellor.

The submission highlights the relevance of these issues to the Tertiary Education Quality and Standards Agency (TEQSA).

Ultimately, the submission calls for a **Royal Commission to investigate the shortcomings of Australian university management** and recommends increased transparency, accountability, and independent oversight to restore the integrity and reputation of Australian universities.

Introduction

I am making this submission as the democratically elected President of the University of Sydney Association of Professors (USAP), Vice-President of the Australian Association of University Professors (AAUP) and in my personal capacity.

I have made observations in these roles which I hope the Committee will be able to use to improve the quality of governance at Australian higher education providers.

In my submission I am focusing on the Role of the Office of General Counsel (OGC). The OGC has so far received comparatively little attention in discussions about the Quality of Governance at Australian Higher Education Providers.

A major concern at our Australian universities currently is the perceived lack of accountability and impunity of university managers who routinely disregard academic values and principles and engage in widespread staff abuses, e.g. (1).

I am well placed to compare local case evidence from colleagues as well as my own experience at the University of Sydney to several higher education providers and research institutions internationally where I have worked as an academic over the last decades: Max Planck Society and University of Munich (Germany), Harvard Medical School, National Institutes of Health (visiting), and Mayo Clinic (visiting) (USA), National Institute of Neuroscience (visiting) (Japan), Imperial College (UK), and King Fahd Medical City (KSA). I have also been a medical student at several universities (Saarbruecken/Homburg, Heidelberg/Mannheim and Technical University of Munich, Germany, and, during two electives, in Glasgow, UK).

Background

TEQSA, the Tertiary Education Quality and Standards Agency, is expected to ensure that universities provide quality education while safeguarding student interests. Therefore, TEQSA expects universities to prioritise student welfare by providing high-quality educational experiences.

Our domestic students hold the future of Australian society. They should be the main beneficiaries of TEQSA's activities and the Office of General Counsel (OGC) of a university would be expected to assist with that.

The OGC at a university interacts with TEQSA as part of the university's broader compliance and regulatory framework. In addition to safeguarding the handling of student matters, the OGC is supposed to uphold conscience and professional conduct rules, as well as academic values such as honesty and integrity more broadly, i.e., a good OGC acts as a guardian of academic values and principles. Honesty and integrity are fundamental to the purpose of a university, as they provide the foundation for the pursuit and dissemination of knowledge.

To the general public and especially to fee-paying students the key question is: What is the point of research and teaching if not to pursue and convey factual truth? However, habitual lying at a university has become a common problem amongst managers with weak or no academic background, and it is a mission-critical offence. Such behaviour should not be condoned or even supported by the OGC.

As institutions dedicated to the advancement of learning and the education of future generations, universities have a responsibility to prioritise truth, accuracy, and intellectual honesty

across all areas of activity. This enables good universities to serve as “crap detectors” for society and support democracy.

Taken together, the OGC of a university has a central role as an enabler of academic life. Academic integrity is inviolate. Therefore, at a properly managed university, the OGC will serve the academic mission. Moreover, it has the legal means to guarantee that management does so as well. The OGC can thus help ensure that universities are centres of free speech, intellectual curiosity, critical thinking, and moral integrity. ***However, in the current culture at our universities this is no longer the case.***

As someone who has personally experienced the consequences of speaking out, I believe it is crucial to provide the committee with pertinent records of my experience, which can inform its recommendations.

The Role of the Office of General Counsel in Enabling Allegedly Unlawful Management Conduct: Case study

I was personally targeted and terminated by the current management of the University of Sydney after I made a public interest disclosure about alleged management criminality, i.e., bribery and blackmail of a junior staff member by a high-ranking university executive. Given the significance of the allegations, which had been brought to my attention in my official role as workplace delegate (USAP President), I tried to refer the matter to the federal police but this has been blocked so far.

As someone who has made a public interest disclosure, I have been subjected to massive reprisals, including breaches of my work contract, fabrication of misconduct charges, and targeting of my postgraduate students. The case is currently before the Federal Court: <https://www.comcourts.gov.au/file/Federal/P/NSD57/2024/actions>

The OGC not only ignored these reprisals but actively participated in creating management's false narrative. There can be no doubt that this false information was created deliberately and systematically, constituting numerous lies, and some fabrications which are on file would qualify in all the other jurisdictions where I have worked as perjury. However, I am not hopeful that the responsible individuals will be held to account.

Importantly, based on what I have heard from colleagues both at our university and at other universities, my experiences are not an exception but rather representative, which is worrisome.

Analysis and implications

Lots of money can currently be made by managers in the Australian university sector. This has led as far as I can see to the wrong characters being attracted to many highly paid university positions, individuals whose priority is profit, especially personal profit, rather than the scholarly excellence good universities need.

It is not logically possible to serve two masters. The results are devastating and our domestic students, the future of Australia, are taking the brunt of the damage: Education has been turned from a common good into a commodity by non-academics in leadership positions, camouflaged as professors of practice for instance, who lack the relevant qualifications, are typically and regularly out of their depth but full of themselves which is especially dangerous at times when good universities are needed to control AI. Many wrong decisions are being made by these managers.

Universities are the places where human intelligence and ideally morals should be cultivated but how can this be done if the moral compass of the leadership has been lost?

The OGC at the University of Sydney employs lawyers to assist its work for the management of the university. One would expect the rule of law to be upheld by these legal experts but this is not the case in my personal experience.

I therefore wholeheartedly agree on the characterisation of our contemporary Australian ‘universities as a “lawless sector”’. My own submission to the Attorney General (2) more than a year ago characterised the problem in similar terms: “University autonomy appears to be misunderstood by these managers as a carte blanche to act as if they were above the law” and “University offices of general counsel currently provide the legal cover for management misconduct. They have become enablers rather than the correctors they ought to be. There need to be effective protections against corrupt lawyers especially in a university setting where truth and integrity form the foundation of all work.”

There cannot be an effective Governance reform in my opinion if this critical aspect continues to be ignored. The OGC needs to become a true guardian again, of both the university's integrity and reputation, and in this order.

Recommendations

1. Revise the composition of Senate with a clear majority of academic members and students.
2. Implement robust hiring processes: The revised Senate should be actively involved in hiring the general counsel, carefully vetting external candidates for their ethical standards and professional integrity and excluding in-house recruitment. This helps ensure that the selected individual has a strong moral compass and commitment to legal compliance.
3. Establish clear ethical guidelines aligned with academic values and principles for all OGC conduct, e.g. develop and enforce a comprehensive code of ethics specific to the general counsel's office, outlining expected behaviours and professional standards.
4. Conduct regular performance reviews: Implement periodic evaluations of the general counsel's performance, including assessments of their ethical conduct and adherence to legal standards.

5. Maintain independence: Ensure that the general counsel's office operates with sufficient independence to provide unbiased legal advice so that they can fulfil their role as the guardian of the university's integrity and reputation.
6. Independent oversight: Establish an independent body to oversee the OGCs and ensure they are upholding academic values and professional conduct rules.
7. Whistle-blower protection: Strengthen whistle-blower protection laws to prevent reprisals against staff who make public interest disclosures (2).
8. Make sure that public interest disclosures are handled properly by audit and that audit functions reporting them to the OGC but not the Vice-Chancellor's office.
9. Transparency and accountability: increase transparency and accountability in university governance, including regular audits and reporting requirements.
- 10. Establish a Royal Commission to look into the shortcomings of the management of Australian universities.**

References

1. <https://www.professoriate.org/2025/02/12/aaup-calls-for-urgent-reform-of-university-management-management-failures-undermine-public-trust-in-our-universities/>
2. https://consultations.ag.gov.au/integrity/pswr-stage2/consultation/view_respondent?uuId=834841301