Nelson bid to seize unis from states

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Higher education writer

EDUCATION Minister Brendan Nelson will use the Howard Government’s new Senate majority to push through sweeping industrial change and centralise in Canberra power over universities.

Unveiling his second-term agenda yesterday, Dr Nelson signalled he would pursue some of the most contentious parts of his higher education package watered down in the Senate last year.

The changes are likely to provoke widespread industrial unrest on campuses and lead to a stoush with the states.

Dr Nelson wants to outlaw compulsory membership of student unions, by reintroducing a voluntary student unionism bill that has been defeated many times in the Senate.

He will also extend the use of Australian Workplace Agreements in what academic unions will see as an attack on the sacred cow of tenure.

And he wants to ban strike action that damages “innocent third parties.”

Dr Nelson said he wanted universities to have greater freedom on the employment mix within their institutions, using full-time, part-time and casual staff.

“We strongly want to drive this performance culture and financial rewards for performance culture,” he said.

“I also strongly believe that every academic, every employee of the university should be free to be represented by a union.

“But equally if they wish to negotiate their own working arrangements … they are surely capable of negotiating their own employment arrangements if they choose to.”

Dr Nelson has also signalled he wants a higher education sector where some universities focus only on teaching and others pursue research.

He told The Australian yesterday he would approach the states to discuss having all legislative acts governing universities — presently enacted by each state — transferred to the Commonwealth, a move that would finish what former Labor prime minister Gough Whitlam started when the federal government took over university funding and policy in the 1970s.

Universities are established under state acts, which gives the states control of their borrowing, their commercial activities, part of their governing councils and financial accountability.

“Too often … the states see universities as quasi-government departments,” Dr Nelson said. “I think there are unnecessary restrictions on commercial activities.”

The Australian Vice-Chancellors Committee yesterday said its members would be concerned about all power resting with one minister.

AVCO’s chief executive John Mullahy said some states provided university funding and actively supported them in their communities.

“If the legislation is moved from the states to the Commonwealth there will be less of a need or desire for states to be involved in the activities of the university,” he said. “And that would be a concern for vice-chancellors.”

An angry Queensland Premier Peter Beattie vowed to fight “all the way” any attempt to remove state powers over universities.

“We want the best possible education system for Queenslanders and we’ve invested more than $2.4 billion in research, science and innovation,” he said.

“Without state government support there would be no regional campuses in places like Cairns, Mackay, Bundaberg and Gladstone.”

In contrast, federal governments had given universities “paltry funding in decades.”

A spokesman for Victorian Education and Training Minister Lynne Kosky said they were “happy to have the conversation” about shifting power to the Commonwealth but it had to be looked at as a total package.

Dr Nelson’s most radical industrial laws would see AWAs override collective bargaining agreements and academics’ power to strike curbed — particularly at exam time.

Carolyn Allport, president of the peak National Tertiary Education Union, said that after the exhaustive negotiations to get the Government’s initial higher education package through the Senate last year, Dr Nelson’s opening gambit was not productive.

“If the Government wants to come after us again I can assure you we are well up to it and we will hold their sites,” Dr Allport said.

The National Union of Students has predicted the demise of student unions on campus under voluntary student unionism.

NUS’ president Jodie Jansen said this would not only mean the loss of important services for students, but also threaten their representation on many boards and committees.

Dr Nelson said the most important thing for Australian higher education was to exceed international benchmarks and be competitive on quality. That required money, less regulation, and having flexible work practices.

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Nelson’s battlegrounds

Student unionism

VOLUNTARY student unionism is in line with the Liberal Party’s long-held philosophy that people should not be compelled to join a union.

Brendan Nelson says “under no circumstances should a university collect a compulsory fee from students to directly support political activism.”

Students are forced, upon enrolment, to pay a services fee of approximately $200 a year for a full-time place. The money is then passed to the student association or guild to spend on accommodation, health, sporting facilities, clubs, childcare, counselling and other support services.

Most universities have a conscientious objection clause, which means students pay but choose not to automatically be a member of the union.

Under Liberal governments in Victoria and Western Australia, a compulsory union fee was introduced but later overturned. In Western Australia it spelled the demise of many student services, and financial problems for student unions, prompting universities to look at other ways to fund those services.

An Australian Competition and Consumer Commission test case involving James Cook University came down in favour of the university, continuing to collect the fee on behalf of its union.

Industrial relations

BRENDAN Nelson’s industrial relations agenda for universities will be the most contentious.

He says it is about making universities internationally competitive through more flexible work practices and driving a performance culture.

Dr Nelson’s attempts last year at linking funding to the Australian Workplace Agreements was a key sticking point in getting his higher education package through the Senate. It was seen as hostile by unions, vice-chancellors, many of whom saw the move as having the potential to provoke unnecessary industrial unrest.

Dr Nelson first wanted clauses in collective agreements that enabled AWAs to override certified agreements. That was watered down in Senate horse-trading. While his statements are still ambiguous, he appears to be returning to that position.

This will set him on a collision course with the unions. He also wants laws to prevent industrial disputes that “damage an innocent third party”.

This is aimed squarely at strikes held around exam time, when academics can withhold students’ results.

Dr Nelson says unions will continue to have the right to strike, but not when it damages students relying on exam results for jobs.

Federal versus state

UNIVERSITIES are a hybrid of federalism.

On one hand, the Commonwealth provides most of their funds and determines their policies. On the other, they are established under state acts, making them legal creations of state parliaments.

The only exceptions are the Australian National University and the Australian Maritime College, which come under federal acts.

It was not always thus. In the 1970s, the Whitlam government took over the bulk of their funding and policy. But most states still inject significant funds through debt and in-kind support, particularly for research facilities.

Research and teaching

ALL universities teach. And all universities – but not all academics – do research.

The big question that has not abated since the Dawkins mergers of units and the former colleges under the former Labor government – is how much of each they should do.

In recent years, the elite Group of Eight universities has pushed to focus research funds in their institutions.

Other universities argue they compete equally for deserving funds and that the nexus between teaching and research is a critical one.

In other words, good research informs good teaching. Brendan Nelson says unis should pursue what they do best – and some would be better to focus on teaching and scholarship, with limited research. He stops short of suggesting we return to the old binary divide of teaching-only institutions.

“We can have a university that offers relatively narrow course offerings, has an excellent reputation in scholarship and teaching, but does very limited if any research,” he said. That fails to address the fact performance funding and academic promotion are stacked in favour of high research output.