In order to appreciate the changes (and potential for further changes) being brought about by industry deregulation and enterprise bargaining within higher education, it is necessary to put these changes into historical perspective and briefly provide some background.

The past and present

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In Highways Tasmania reported Wood's 'view that he was sacked by McCullough's request to retire if Wood were dismissed. The more likely explanation is that Wood, as Prime Minister, was on leave from the Senate and in his letter of May 2 he asked Wood that the right of free speech on his side of the chamber was 'guaranteed'. Wood simply made a speech before the action on Wood table holding his Anzacs in the case of 'our friends McCullough and O'Brien' (Williams, 1999, p. 87).

Williams also notes in this case of two professors, Irvine and Brennan, who were sacked or forced to resign because of adultery. Both cases were, however, 'sensible' and the case of Chancellor Bannister informed the University Senate that Bannister 'would have been guilty of the breach of sacredness of marriage (which) must affect the minds of our young people' (Williams, 1999, p. 25).

Even more noteworthy was the sacking in the mid 1930s of Professor O'Byrne The University of Tasmania. Professor O'Byrne was found to have reduced his attendance of one of his students, the 'affair' having 'developed under the gaze of the discussion of philosophical problems' be a Professor of the University Senate and chancellor for a term of the Senate of the University of Tasmania, in a judgment upheld by the High Court of Australia.

Such conduct amounts to a complete repudiation of the duty which a Professor owes to his university. If it could be permitted it would have the most serious consequences for the university, would effect injurious injury upon us all, and would destroy its standing and influence in the eyes of the world.

But in furthering this form (the plaintiff's advocate) to the court that it had entered into a sexual relationship without any attempt on his part to influence her to that effect, I should think that had he interfered with one of his own students would be considered manslaughter, to be summarily dismissed. It seems to me to be essential, if the integrity of the university is to be preserved, if the moral standard of the university is to be maintained, that we should not have our employment terminated by the giving of notice.

Academic tenure - whether it was de facto or de jure - was, however, the possession of a male majority and the use of fixed term contracts for women who were predominantly women - grew particularly in the 1990s. The institutional autonomy in which reference to men has already been made is reflected by the statistics on the use of short-term contracts which show that such institutions used this device much more than others. (Barlow, 1999, p. 30 to 32).

Regardless of whether tenure was de facto or de jure and notwithstanding the strong tradition of tenure, there is simple historical evidence that at least some academic positions have been filled by women.

Dugdale's initial appointment several terms were made to dismiss Professor A.G. Wood during the 1964-1965 term, as a good Malaysian Liberal, usually with a strong sense of class orientation, some professors, associates and lecturers found that the Anzaland-War and became its Chairman. Wartime Europe led to a demand for his dismissal on the grounds that as Chief Fortress would become a major issue in the 1970s and the state of academic salaries eventually led to the establishment of the Academic Salaries Tribunal in 1975. But the real source of moves to institutionalize the academic life of the profession (of the Australian Constitution) was its great mechanism. Section 9 of the Constitution provides that every State shall make provision for higher education which many observers have witnessed in the past decade (Komel, 1991; AIRC, 1993). Indeed, in November 1993, the Vice-Chancellor of the University of Melbourne, Professor Penfold, stated:
Officialisation of tertiary institutions

The term "tertiary education" is generally used to refer to education and training beyond compulsory education. In Australia, the tertiary education sector comprises universities, technical and further education colleges, and other providers such as vocational education and training (VET) institutions. This sector provides a wide range of programs, including undergraduate, postgraduate, and vocational courses.

Over the past four years the Australian universities system has passed through a period of change unparalleled in its 150-year history. (1991:1)

Prompted, the "challenge" to John Dawkins and his successors in 1987 to the Minister of Employment, Education and Training, and to the adviser in 1987 of Federal government regulation of tertiary education.

When I began to research material for this article I started by looking through back issues of the Australian Universities Review and its predecessor, the Universities Bulletin. The latter was a particularly puzzling case. The paucity of articles on industrial relations published during the 1970s and 1980s was startling. It should be said that I include within the term of industrial relations, matters such as approaches to management of tertiary institutions, gender in employment, academic labour market, performance appraisal, institutional industrial relations as well as the legal regulation of academic work. This paucity of industrial relations literature on university affairs in AUS was in stark contrast to a similar amount of work on the national system also contributed to the creation of a unified national award code. In the 1985 Green Paper - Higher Education A Policy Discussion Paper it was noted that:

In the last 15 years there has been a proliferation of federal awards, state awards, various forms of national system, and the increasing emphasis on the role of unions in the determination of pay rates. This has led to a situation where the protection of academic staff is not consistent with the concept of a unified national system of higher education.

There is considerable evidence for academic staff to operate under federal award. State awards have the potential to produce inconsistencies within the system, frustration amongst staff and uncertainty about the nature of the employment relationship. Federal awards offer a single national system with a more consistent approach to employment conditions and as such are not consistent with the concept of a unified national system of higher education.

The view that tenure and efficiency are incommensurate is not confined to Canada. For instance, Rizzo and Bosustow noted in AUS in the early 1980s the issue of the adequacy of the higher education system. The concept of tenure and the demands for its abolition are becoming ever more vigorous (1988:30).

There is no reason why higher education institutions should not be regulated by federal awards. It is not the intention of this paper to consider the implications of federal awards for the higher education system. This topic is covered elsewhere in this issue. The paper is concerned with the nature of federal awards and their application to higher education institutions.

Delegation and higher education in the 1990s

The provision of higher education is a significant aspect of social regulation and yet one of the paradoxes is that higher education moved in the opposite direction. This paradox was recently described by John Dawkins in the former通畅的制度 of tertiary education and the University of Melbourne. In the late 1980s and early 1990s, the deregulation of higher education was introduced in Australia. This deregulation process was characterized by the introduction of market forces into the higher education sector. The deregulation of higher education has had a significant impact on the structure and governance of higher education institutions.

Deregulation and higher education in the 1990s

The report by the Australian Universities Commission (1985) recommended the establishment of a National Commission for Research, Development and the University (NCRD). This commission was established in 1986 and its main function was to advise the Minister for Education and Training on the establishment of a national system of research funding for universities.

The report recommended the establishment of a national system of research funding for universities. This recommendation was accepted by the Hawke Government and the Australian Research Council (ARC) was established in 1988. The ARC is responsible for the allocation of research funds to Australian universities and research institutions.

The ARC has been successful in increasing the amount of research funding available to Australian universities. This funding has been used to support a wide range of research projects, including basic research, applied research, and collaborative research. The ARC has also been successful in increasing the number of research grants awarded to Australian universities. This has led to an increase in the number of research publications and the development of new research capabilities.

In conclusion, the deregulation of higher education in the 1990s has had a significant impact on the structure and governance of higher education institutions. The establishment of a national system of research funding has allowed Australian universities to increase their research output and to develop new research capabilities. This has been a significant contribution to the development of Australian research and to the advancement of knowledge.
Enterprise bargaining and higher education: A changed role for the AHEIA?

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Introduction

The introduction of an enterprise bargaining principle into Australian wage fixation, as a result of the National Wage Case decision of 30 October 1991, is not likely to have a rapid effect on industrial relations processes in the higher education sector. But the implications of the current trend towards a system of enterprise bargaining which has actually been introduced. The AHEIA is likely to be much less for the foreseeable future.

The conclusions of this paper relate to the foreseeable future. I have not attempted to predict the situation which would arise if the Australian Industrial Relations Commission (AIRC) were, over a period of years, to develop a far less circumscribed regime of enterprise bargaining than that provided for in the 1991 national wage principle. I have not attempted to predict the situation if the entirely different system of labour relations legislation were introduced by an incoming conservative government. It would be foolish to speculate in any detail about the implications of changes of either kind, though, in either event, the role of central employer bodies could change considerably in providing more an advisory or consulting role and carrying out less "hands-on" negotiation with national union officials and representation of employers collectively in formal proceedings before the AIRC.

With such a scenario, the likely changes to the role of an employers body such as AHEIA should not be exaggerated. The area of work which might be expected to decline would be the national negotiation or arbitration of new entitlements. However, a large proportion of the work of AHEIA officers is currently involved consists of providing advice on individual personnel decisions, handling or assisting in disciplinary matters, managing the merits of unfair dismissal claims and handling disputes arising from the interpretation or application of awards, employment contracts and other instruments. This, no doubt, the expectations of any employer organisation. In any imaginable future system of labour relations law, rights and quasi-right disputes will need to be handled through some formal mechanism or set of mechanisms and employer associations are likely to provide a source of professional expertise in handling them. Such disputes already consume the time and resources of AHEIA more than do pure interests' disputes. A further change in this direction would not make a dramatic impact on the day-to-day operations of the AHEIA office, however, dramatic changes to wage fixing practice or statutory regulation which brought it about might appear on paper. My conclusions should not be taken as suggesting an unwillingness on the part of either the AIRC office or the AHEIA membership to defer responsibility for handling labour relations. On the contrary, the membership places the highest priority on a policy of maximum flexibility for individual institutions to handle such matters in their own way. For its part, the team of industrial advisors employed by AHEIA is relatively small - currently six officers - and has nothing like the resources of, say, a State or Commonwealth Public Service Commission. These staff have provided a resource for institutions requiring expert advice or assistance in handling sensitive personnel matters or rights/quasi-right disputes. In handling national claims for improved conditions of service, their efforts have been largely devoted to achieving outcomes which will enhance, or at least diminish as little as possible, the autonomy of individual institutional decision-making.

The possibility of a regime of enterprise bargaining in AHEIA's role stems from the fact that the role already relates very much to providing a resource for handling local matters, together with the major comments on adopting any full-fledged regime of local bargaining in the higher education sector in the near future. These comments arise from the current wage-fixation system and from aspects of the higher education system itself, conceived as an industry. To summarise some of these constraints:

- The enterprise bargaining principle introduces only a limited form of local bargaining based upon concepts of "productivity".
- Enterprise agreements reached under the principle must be processed through and certified by the AIRC.
- Enterprise bargaining will, in practice, include one or more federally-registered unions as parties, giving the unions considerable power to frustrate bargaining if outcomes run contrary to their national union policy.
- The application of the concepts of a "single bargaining unit" and an "enterprise or section of an enterprise" to higher education is unclear, and this will discourage bargaining.
- There is potential for the funding arrangements in higher education to discourage innovations which either require upfront investment or which are directed at improvements in quality without existing cutbacks.
- Questions must be raised about the extent to which the sector can deliver further improvements in meaningful productivity in any event.
- Industrial regulation of the sector has reached a situation where it is still difficult to plan how enterprise bargaining will dovetail with the completion of other major changes in a way consistent with the public interest.
- The pace of change experienced by the higher education system in recent years has been such that the extent to which the system's resources and morale can absorb further dramatic change in the immediate future must always be kept under