Williams B (1989), "Status and conditions of employment at the University of Sydney", *Australian Universities' Review*, Vol. 32, No 2, pp 24-26.

Yeatman A (1991), "Corporate Managerialism: an Overview", paper presented at a NSW Teachers' Federation Conference titled "The Management of Public Education : a question of balance", March 1991, Sydney.

Notes

1. For good critiques of the "new managerialism" - referred to in the literature as "corporate managerialism" - see Considine (1990) and Yeatman (1991)

2. Though it should be noted that Dr Blackford in his article in this issue takes a different view, referring to "stifling over-regulation and overly complex regulation of personnel practices".

3. The devastating consequences of a combination of the new managerialism and the Dawkins changes are described graphically by Yeatman (1991, 3):

> *Instead of there being a committee system of policy making, where the culture of decision-making is a collegial culture, and the Vice-Chancellor is first among equals, there has developed a centralised unit of executive authority which asserts its authority as that of an employer over the academic staff, now redefined as employees. How was this achieved? By making each higher education institution a self- managing budgetary unit, i.e. a unit which receives a fixed allocation from the government in relation to a quasi-performance contract where it is clear that the institution is responsible for adding to these resources through the commercialisation of its services where at all possible. Instead of the Vice-Chancellor acting as a channel and broker of claims from the collegial community of the university to Canberra for more resources in relation to a planning process and certain well-known resource formulae, the Vice-Chancellor becomes the Chief Executive Officer of a higher education commercial enterprise. His or her job is to develop a judicious mix of carrot and stick to get the employees of this enterprise to perform at an optimal level, not to bestow on them his collegial respect. The committee system is replaced by a system of centralised executive management combined with devolution of budgetary management to the School or Faculty level. This means that Deans of Schools/Faculties become the equivalent of a branch manager. Like any good branch manager, their role is to trouble-shoot the claims of employees and clients at that level, not to refer them upwards. Within the School or Faculty, the committee system is reshaped in relation to the increase of the Dean's power and management prerogative.*
>
> *In general, there is a decrease in policy-oriented debate within the institution, an increase in self-regarding behaviour on the part of academics, and a more or less scrupulous commercialisation of academic services to anyone who will buy them, including of course full-fee foreign students. The professional pride, morality and ethic of academics is left to slowly drift away as an irrelevance and quaint anachronism.*

4. Though it is interesting to note that the AHEIA is less than pleased with the operation of the new dismissal procedures, concluding that they are "administratively difficult to implement, costly, open to abuse, and unnecessarily destabilising on other staff and students". *Industrial Update* Issue No 15, October 1991 pp 4-8 at 8.

5. See further Mr Shaw Q.C.'s article in this issue.

Enterprise bargaining and higher education: A changed role for the AHEIA?

Russell Blackford
Chief Industrial Officer, Australian Higher Education Industrial Association

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 or a dramatic effect upon the sector's operations in 1992.[1] The nature of the Bench's decision makes me incline to this view more than when I originally planned to produce this paper - having regard to the constrained system of enterprise bargaining which has actually been introduced. In particular, I believe that changes to the role of the employer association representing higher education institutions, the Australian Higher Education Industrial Association (AHEIA), are likely to be modest for the foreseeable future. This is also likely to be true of academic and general staff unions operating in the sector, though not necessarily for identical reasons. Indeed, the approaches which I expect academic and general staff unions to take will constitute one of the main constraints on changes to the role of the employer association.[2]

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 October 1991 national wage principles; the same applies to the situation if an entirely different system of labour relations legislation were introduced by an incoming alternative government. It would be foolhardy 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.

Even with such a scenario, the likely changes to the role of an employer 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 in which AHEIA officers are currently involved consists of providing advice on individual personnel decisions, handling or assisting in discipline matters, contesting the merits of unfair dismissal claims and handling disputes arising from the interpretation or application of awards, employment contracts and other instruments. This is, no doubt, the experience of any employer organization. In any imaginable future system of labour relations law, rights and quasi-rights' 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 the 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 AHEIA office or the AHEIA membership to devolve 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 advocates 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-rights 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 modesty of foreseeable changes to 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 constraints on adopting any full-fledged regime of local bargaining in the higher education sector in the near future. These constraints arise from the current wage-fixation system and from aspects of the higher education system itself, conceived as an industry. To summarize some of these constraints:

- The enterprise bargaining principle introduces only a limited form of local bargaining based upon notions of "productivity".
- Enterprise agreements reached under the principle must be processed through and scrutinized by the AIRC.
- Enterprise bargains will, in practice, include one or more federally-registered unions as parties, giving the unions considerable power to frustrate bargaining if its outcomes run contrary to national union policy.
- The application of the concepts of a "single bargaining unit" and an "enterprise or section of an enterprise"[3] to higher education are 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 cutting expenditures.
- Questions must be raised about the extent to which the sector can deliver further improvements in measurable 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 award conditions.
- 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

consideration.

The labour relations system

The new national wage case principles offer only a limited form of enterprise bargaining. In no sense has scope been created for parties to "opt out" of the labour relations system with its paraphernalia of tribunals and registered organisations of employees and employers. The new enterprise bargaining principle purports to do no more than provide scope for limited deals over "productivity" or "efficiency measures" in an enterprise or "section of an enterprise".[4]

In the shorter term, parties will be able to frustrate negotiations by arguing that innovations do not relate to productivity or by disputes over questions of how productivity is to be measured and/or distributed.[5] In particular, many industrial provisions relating to personnel practices which are administratively burdensome to employers to an extent that they would give high priority to abolishing or modifying them will doubtless be vigorously defended by unions on the ground that employees allegedly would not become more productive as a result of such changes.

The focus on productivity and the detail in which the enterprise bargaining principle is set out will tend to restrict debate about industrial regulation within an enterprise. This is doubtless defensible as AIRC policy, given that the AIRC's primary focus is on lifting the international competitiveness of Australian manufacturing industry. However, it may work against institutions of higher education where the problems experienced by management relate less to low rates of production and low quality product than to stifling over-regulation and overly complex regulation of personnel practices. It might even be questioned whether the philosophy behind the limited form of enterprise bargaining which has been introduced to suit the needs of the manufacturing sector is relevant to higher education at all; its adaptation to the sector will be with reluctance from many staff and managers.

The fact that enterprise agreements reached under the enterprise bargaining principle must be processed through the AIRC would not be a major constraint in itself if the AIRC adopted a policy of certifying any memorandum of agreement brought before it which was not clearly unconscionable. In practice, however, the AIRC will be vigilant to protect its own standards and the orderly processes of wage-fixation, including pay relativities within and between awards.[6] Again, this is defensible as AIRC policy and is in keeping with the AIRC's statutory responsibility to have regard to the public interest.[7] But it imposes limitations on what can be enshrined in enterprise agreements.

For a start, the national wage principles provide that certain matters are effectively cordoned off from negotiations, in that one criterion for approval is the following:

the agreement does not involve a reduction in ordinary time earnings or departures from Commission standards of hours of work, annual leave with pay or long service leave with pay.[8]

The correct interpretation of this is not clear. While there may be no difficulty with the concept of ordinary time earnings, what is meant by "departures from Commission standards"? Is the intention of this provision to prevent the undermining of core standards such as availability of four weeks' annual leave? Or is it actually to enforce such standards in the public interest so as to prevent departures below or above, for example, to rule out bargains which provide for six weeks' annual leave?

On either interpretation, the scope to negotiate over the most fundamental terms of employment has been limited - on the latter interpretation, particularly so. A bargain that reduced ordinary time earnings but increased annual leave, for example, would be ruled out even if in the interests of the parties concerned. While the same effect might be achieved by the contrivance of providing for unpaid leave, it cannot be guaranteed in advance either that the AIRC would certify an agreement contrived to evade the effect of its principles or that workable contrivances could be worked out for all circumstances.

This sort of provision in national wage principles might well have implications for proposals relating to salary packaging schemes, in which total remuneration can sometimes be taken in the form of access to benefits such as greater annual leave. It would be unfortunate if bargaining over innovations of this kind is ruled out in advance by the national wage principles.

None of this is to suggest that the new principle will prove unworkable, or the AIRC unreasonable, in practice. However, the system is constrained to the extent that the imprimatur of the tribunal is still required, and the precise requirements which it will impose remain uncertain. Such uncertainty will itself discourage bargaining in many cases.

More discouraging is the role of federally registered unions. This role is inevitable given the public policy of the *Industrial Relations Act 1988* (Commonwealth) itself, and enshrined in its objects. Object (f) set out in s.3 is "to encourage the organisation of representative bodies of employers and employees and their registration under this Act". Five out of the Act's eleven objects relate to such "organisations".[9] Moreover, the processes of the Act are driven by the requirement to make binding awards - binding, to be precise, upon the parties to interstate industrial disputes. In almost all cases, it is inconceivable that the parties to any such dispute would not include at least one federally-registered union. Enterprise agreements, in the form of awards made by consent or agreements certified under s.115 of the Act, are no different for this purpose.[10] Inevitably, enterprise bargaining conducted under the scheme of the Act must at some point involve federally-registered unions. To anyone familiar with labour relations law in this country it would seem naive to expect otherwise.

Nonetheless, this is a real constraint. The officials working in a national union office have no stake in the health of any particular enterprise and are not likely to be sympathetic to an agreement bargained locally if it is inconsistent with elements of national union policy or strategy. It may be that a national union office would eventually accede to a locally-negotiated bargain if local union representatives and their constituencies remained convinced of the merits of the bargain and were determined to achieve it. However, the opportunities for federal officials to frustrate the process cannot be underestimated. It is not surprising that some managers in institutions would prefer to finalize bargains with locally recognized employee representatives, elected by non-unionists as well as unionists, or with a local staff association. Neither is a real possibility as the Act stands. Given the scheme of the Act, it is difficult to see how the AIRC could provide for this on any significant scale, even if it wished to.

Given that bargaining must ultimately involve federally-registered unions, there is still a question as to how enterprise bargaining processes and outcomes should be structured, in terms of what staff might be covered by an enterprise bargain and what unions should be involved in the bargaining unit. The relevant provision of the national wage principles is paragraph (d) of the enterprise bargaining principle which requires that:

the agreement has been negotiated through a single bargaining unit in an enterprise or section of an enterprise. In the case of a single bargaining unit in a section of an enterprise, the parties must demonstrate that the section is discrete: its being treated separately from other sections of the enterprise must not restrict the implementation of the structural efficiency principle and enterprise bargaining in that establishment, or other sections of the enterprise.[11]

This paragraph raises a host of questions, including "What is the enterprise as a concept in the higher education sector?" Prima facie, the answer to that question would appear to be that "the enterprise" is the employing institution as established by relevant State or Commonwealth legislation. However, on one interpretation, the enterprise, for at least some purposes might be the unified national system of higher education. It is likely that the AHEIA would be attracted to that proposition, if at all, only for very limited purposes.

However, it might suit the policy proposals of some federal unions. It might also suit the Commonwealth in respect of some initiatives across the unified national system.

At the other end of the scale, the question arises as to what would be an acceptable "section of an enterprise". The principles appear to use the word "establishment" as synonymous with "section of an enterprise". In addition, the requirement that such a section be discrete, and the reference to "a single bargaining unit in a section of an enterprise", seem to imply that what is envisaged is an independent organisational unit such as one of a manufacturing employer's individual plants. It might be thought in the higher education sector that the obvious analogue is an individual campus of a multi-campus university. However, this might not always be so: a multi-campus mega-university may nonetheless be structured in such a way that individual schools, divisions or faculties are themselves multi-campus entities, and the organisational hierarchy cuts across geographical locations. In some cases, a better analogue might be a recognisable body within the corporate structure, such as a university library.

Be that as it may, what implications do the principles have for attempting to treat broad categories of staff, such as all academic staff, or all blue-collar staff, as discrete sections of an institution, each with its own bargaining unit? The plain words of the principles are not suggestive of this approach to carving out sections of enterprises, but nor do they clearly preclude it. It might be observed that many sectors of public employment do not lend themselves to joint negotiations involving all pay groups. It is difficult to imagine that the rights to private practice of specialist medical staff in public hospitals would easily fit into the same negotiations as those involving work-schedules and rostering patterns for cleaners. The industrial issues and interests involved are simply not the same. The conditions of service covering medical specialists, like those covering academics, are downright esoteric. A similar problem arises with pilots in the aviation industry. The AIRC may have to accept special arrangements for sectors such as the public hospitals, the airlines and higher education. However, the uncertainty as to whether this will be possible may well cause tentativeness about bargaining in some of those sectors.

The higher education sector

A major source of potential frustration in the higher education sector is the relationship between enterprise bargaining and funding arrangements. Whereas higher productivity in the manufacturing sector may mean numerically greater production figures or higher quality and more saleable products - either of which imply larger sales and greater profits - this is not generally the situation in the higher education sector. Institutions are not free to increase the number of non-fee-paying students taught or, in practice, to create major changes in the ratio of fee-paying to non-fee-paying students. Superior quality of teaching and learning, furthermore, does not attract greater funds. More productive researchers who might, for example, place a greater number of articles, or more frequently-cited articles, with international refereed journals do not bring in more cash to an institution. Except at the margins, higher education is a sector where there are no obvious increases in productivity, in the sense of numerically greater outputs or higher quality outputs, which actually provide money to fund wage increases.

It might be argued that numerically greater or higher quality outputs in teaching and research are a public good, and should, in effect, be "bought" by the tax-payer through increased Commonwealth funding of the sector, thus paying for salary increases. However, this becomes a decision as to what the tax-paying electorate is prepared to "buy" and at what price. In practice, a policy decision must be made by government as to what additional funding, if any, it is prepared to provide in return for a larger or better teaching and research effort.

Another way of looking at this transaction is to define "productivity" more narrowly as meaning doing as much with less. This would be an unfortunately reductive way of looking at the issue but it is one which might, to a greater or lesser extent, prevail. On this approach, the issue is not what extra funding might be provided by the Commonwealth but what spending the sector might need to eliminate. In theory, operational changes could be introduced which produced savings on future salary or capital expenditure. However, such operational changes would likely be (a) difficult to identify in practice, (b) costly to implement, at least in the short term, and (c) unlikely to capture the imaginations of the parties actually bargaining, whether representing staff or management, in the same way as initiatives designed to enable more and higher-quality teaching and research.

HIGHER EDUCATION STUDENT/STAFF RATIOS12

	1986	1987	1988	1989	1990
Staff engaged in teaching and research (FTE)	22500	23278	25176	25615	26810
Total student load (EFTSU)	284443	298451	322785	346209	379095
Student/Staff Ratio	12.64	12.82	12.82	13.52	14.14

Questions must be raised about the extent of the sector's capacity to make productivity improvements in this narrow sense, given that the productivity of the sector as measured crudely by student/staff ratios has increased in recent years at a significant rate (though the increase has doubtless been inconsistent both within and between institutions). Figures produced by the Commonwealth during the academic salaries case show changes of the following order:

This table shows a steady increase since 1986, representing a rise of 11.87%. The ratio in 1983 was 12.00, giving a rise since that year of 17.83%. It may safely be assumed that these figures will be even higher for 1991 as a result of the level of over-enrolments in the system. This increase in student/staff ratios of perhaps 18% since the early '80s must represent a multitude of forced, more or less covert and ad hoc changes in practices within institutions.

If credence is given to the testimony of senior witnesses in the academic salaries case, institutions have already been pushed to "desperate measures to maintain efficiency - to do more with less".[13] Accordingly, it is difficult to see that further productivity increases measurable as increases in student/staff ratios, will easily be obtained. It might be that productivity in this sense could be increased further by radical changes to teaching methods and technologies. However, even if this proved to be so, such an approach would be costly in the short term, if only because of the capital expenditure involved. Questions as to the effect on quality of any drastic changes would also have to be answered. Dramatic reductions in staff as experienced in the micro-economic reform of other sectors would involve early retirements and redundancies, which have a considerable up-front cost to employers, as well as the obvious human costs. Radical changes like these would not be able to be implemented overnight for many reasons, including their impact on academic timetables and curricula, which would have to be debated and reconstructed through appropriate collegial processes.

None of the above should be taken as meaning that increased productivity cannot be achieved in the higher education sector through enterprise bargaining. Doubtless productivity initiatives can and will be taken. However, the shift towards decentralized bargaining is likely to be cautious and the effect on the central players modest and gradual.

Any thought that swift change is possible would also be in ignorance of the current development of industrial regulation of the

sector. Higher education is currently bedevilled by multiple overlapping levels of industrial regulation, often in conflict with each other, through State and Federal legislation, rival coverage claims by State and Federal unions, elaborate procedures in staff handbooks, some having the status of subordinate legislation (as resolutions or statutes of governing bodies), national industry awards albeit in embryonic form, State-based or institution-based Federal awards, and various amalgamation agreements. Though some matters, such as actual hours of duty for academic staff, are largely unregulated, this merely reflects the culture of academic employment and the truly professional nature of the work. Speaking generally, higher education is one of the most over-regulated and messily-regulated sectors of Australian employment.

To take an extreme (but the most important) example, the overwhelming majority of higher education general staff are covered by the *Higher Education General and Salaried Staff (Interim) Award 1989* ("the HEGSS Award").[14] This is a document which, in fact, calls up the provisions of over one hundred pre-existing State and Federal awards and freezes their provisions as they were at the date of "incorporation" into the HEGSS Award. The effect is to fossilize many outdated provisions, including hundreds of job categories. An effort is being made by AHEIA and the unions with coverage of general staff in the sector to reduce these categories to a single highly-flexible nine or ten level salary structure and to rationalise conditions of service. This exercise will take months if not years to implement fully but it should be of real and lasting value to the industry. No institution or union is likely to wish to engage in any local bargaining process contrary to the direction of this exercise. Indeed, all parties in the sector, as well as the AIRC, are likely to look upon enterprise bargaining with great caution until the outcomes of the HEGSS exercise, and almost equally complex exercises involving academic award regulation, appear much more clear.

As a final point, the situation in higher education is complicated by the extraordinary changes which have been absorbed by institutions since 1987/88 as a result of policy directions from elsewhere.

Changes to the sector over the past four years have necessarily had a significant impact on the management of institutions and the work - as well as the morale - of many staff. The most readily identifiable changes have occurred in response to the Commonwealth Government's White Paper, *Higher Education: A Policy Statement*, of July 1988. While the policy directions determined by the White Paper have been thoroughgoing and pervasive in their effects, obvious outcomes have included the creation of a unified national system of higher education institutions and the abolition of the binary system of universities and colleges of advanced education.

This process has led to a frenzy of amalgamations of institutions which has resulted in the halving of the list of institutions in receipt of Commonwealth recurrent grants. Increased accountability of and competition between institutions has been demanded in relation to funding, including the institutional profile process, the need for research management plans, and an overriding obligation to direct an increasing share of higher education resources to "those fields of study of greatest relevance to the national goals of industrial development and industrial restructuring".[15] Increased competition for individual and group project funds has been required involving the transfer of funds from institutions to central competitive grant allocation bodies.

Many of these changes have reinforced change arising from within institutions themselves which would have taken place in any event. In particular the increased entrepreneurial and income-generating activities of institutions manifested in such areas as the development of consulting companies, short courses, joint ventures, university centres, international programmes, the establishment of technology parks and the initiation of full-fee paying overseas students and postgraduate student programmes.[16]

All of this has had substantial effects on the work of many staff in higher education institutions, particularly those in more senior academic employment or in management positions. In the case of the institutional amalgamations, there has been widespread industrial activity, including the service of various logs of claims, some local agreements reached on staff transfer conditions, isolated threats of and some actual industrial action, and, in one case, very lengthy arbitrated proceedings in the AIRC, the outcome of which is still being worked through at the institution concerned.[17]

The pace of recent change in the higher education sector was commented upon in these terms by the Full Bench of the AIRC which heard the 1991 academic salaries case:

> *We are also mindful that the higher education industry has been subjected to quite revolutionary change within a very short time span and we are most reluctant to add to that at this time.*[18]

While this statement was made in support of the Bench's decision not to endorse the full breadth of AHEIA's proposals on appraisal of academic staff, the statement is accurate in its recognition of the pace of change in the sector, as evidenced by the extensive documentary evidence and witness testimony put forward in proceedings by both AHEIA and the academic unions.

In the circumstances, it must be doubted how quickly either institutions or staff and their representatives could bring themselves to bargain over radical operational changes on any large scale.

Conclusion

If the above appears to paint a bleak picture of the prospects for enterprise bargaining in higher education, that is certainly not intended. Doubtless there are positive initiatives which will be taken to change the operations and the industrial regulation of institutions and which will best be sorted out at the local level. Such changes, furthermore, are only likely to bring about real benefits if they derive from local discussions among people with a direct stake in the well-being of the institution. The move towards an enterprise bargaining system should be viewed positively, and even the relatively constrained nature of the system as introduced by the AIRC at this stage is defensible having regard to the tribunal's statutory responsibilities.

But the fact is that the move towards a more decentralised regime of industrial processes will be a gradual one, unless an entirely new form of regulation is imposed by an incoming Commonwealth government. This is likely to be especially the case in higher education with its unique funding arrangements and its current state of evolution in industrial regulation.

Accordingly, the role of both AHEIA and the federal unions will change slowly. To the extent that AHEIA may become involved in local disputes over bargaining processes or the interpretation/application of enterprise agreements once they begin to appear in the sector, this role will not look very different from that played in the bargaining which took place over institutional amalgamations and recent disputes which have arisen from the application of amalgamation agreements. What will change will be the role of individual institutions in negotiating pay increases for the generality of their academic staff. The role for general staff may not be greatly different from the 1988 second-tier pay round. AHEIA will continue to negotiate with Commonwealth representatives over global issues to do with the sector, including funding insofar as it relates to pay and related matters for academic and general staff, and will continue to provide an advocacy service for handling disputes and processing matters before tribunals. It may have a greater role than previously in disseminating information on local processes and outcomes to institutions across the sector (a clearing house role which will need further definition) and in coordinating industrial relations training. However, the rationalisation of national awards including the finalisation of a national salary structure for general staff and the negotiation of current logs of claims by the academic unions, will continue, and the changes in AHEIA's own functions and operations are likely to be gradual and modest.

References

1. Print K0300. Note that the views on this decision and its likely implications for AHEIA are my own, not those of the AHEIA membership or Executive, though I have had the benefit of discussions with many senior academic managers in the sector as well as senior administrative and personnel staff.

2. My expectation at this point is that both general staff and academic unions will be quite sceptical about enterprise bargaining in its early stages and will wish to pursue various forms of industry- level bargaining.

3. Print K0300, pp. 6, 16. The new enterprise bargaining principle is set out and explained at pp. 6-7 and repeated at pp. 15-16 in Appendix A, i.e. the new wage fixation principles.

4. Print K0300, pp. 6, 16.

5. The National Wage Bench itself has wisely not attempted to decide principles as to how productivity should be measured and distributed, Print K0300, p. 4.

6. In relation to the latter point see the Bench's discussion of award categories and appropriate methods of wage determination, Print K0300, pp. 9-10.

7. *Industrial Relations Act 1988* (Commonwealth), s.3 paragraph (c), s.90.

8. Paragraph (g) of the enterprise bargaining principle, Print K0300, pp. 6, 16.

9. See *Industrial Relations Act 1988* (Commonwealth), s.3 paragraphs (f)-(k).

10. In both cases, an award/agreement can be made only in settlement of "matters in dispute" between "parties to an industrial dispute" - ss.112(1), 115(1). The phrase "industrial dispute" is defined in s.4 in such a way as to require (subject to very limited exceptions) that the dispute be one "extending beyond the limits of any one State". The circumstances in which a local unregistered staff association or an informal group of employees in a particular institution to create or be a party to such a dispute are increasingly unlikely.

11. Print K0300, pp. 6, 16.

12. These figures are derived from statistical material presented by the Commonwealth to the AIRC in the academic salaries case. See Exhibit Commonwealth #2 Attachment C and Exhibit Commonwealth #5 Table 2.

13. Witness statement of Professor John Sharpham, Director and Chief Executive Officer, Ballarat University College, Exhibit AHEIA #7, p. 9.

14. Print J0369 [H084]

15. *Higher Education: A Policy Statement*, p. 8.

16. The material in this and the preceding paragraph is largely based on an agreed statement to the Full Bench by AHEIA and the academic unions in the academic salaries case, Exhibit AHEIA/Unions #2, p. 2. This, in turn, is partly based on John E. Maloney "Time to Shed the Myth of the Ivory Tower", *Financial Review*, 14 August 1990, presented in proceedings as Exhibit AHEIA/Unions #4 Tab 3.6 (1).

17. The case concerned involved the amalgamation which formed Charles Sturt University. An arbitrated decision, Print J3191, issued after 15 hearing days in the total proceedings. At the time of writing some minor differences have arisen over implementation of the decision.

18. Print J8559, p. 6.