

Australian Higher
Education Industrial
Association



Annual Report 2003

AHEIA – delivering on its promise of better service

The Association

Overview

AHEIA concentrated on providing an unprecedented level of assistance to its members in relation to enterprise bargaining during 2003. It has responded to its members' requests for a much greater concentration on communication. AHEIA has facilitated the exchange of information about existing enterprise agreements and about strategies being adopted in current bargaining. AHEIA's highly successful national higher education Enterprise Bargaining Forums and its specialist enterprise bargaining publication *inform* have been met with praise from its members.

During 2003, AHEIA also settled a long-standing case before the Australian Industrial Relations Commission on casual employment in the sector, on terms favourable to universities.

AHEIA's initiative in calling for new legislation to assist when students are being harmed by industrial action has been taken up by the federal Government. The Government plans to introduce legislation enhancing the capacity of the Australian Industrial Relations Commission to intervene in such circumstances before the end of 2003.

Membership

AHEIA's membership remained stable in 2003. AHEIA's 31 members are:

Australian Catholic University
Australian Maritime College
Central Queensland University
Charles Sturt University
Curtin University of Technology
Deakin University
Edith Cowan University
Flinders University of South Australia
Griffith University
James Cook University
La Trobe University
Macquarie University
Murdoch University
Northern Territory University
Queensland University of Technology
Royal Melbourne Institute of Technology
Southern Cross University
Swinburne University of Technology
University of Ballarat
University of Canberra
University of New England
University of Newcastle
University of South Australia
University of Southern Queensland
University of the Sunshine Coast
University of Tasmania
University of Technology, Sydney

University of Western Sydney
 University of Wollongong
 Victoria University
 Victorian College of the Arts

Meetings of members

Extraordinary General Meetings of AHEIA were held on 4 March 2003 and 19 May 2003. The main business at both of these meetings was the possible settlement of union award claims in relation to casual employment in higher education institutions. It was agreed to settle these matters in the terms recommended.

The Executive Committee

Membership

During 2003, the membership of the AHEIA Executive Committee has been as follows:

President	Professor Di Yerbury AO	Vice-Chancellor, Macquarie University
Vice-President	Professor Bernard Moulden	Vice-Chancellor, James Cook University
	Professor Brian English	Deputy Vice-Chancellor, University of Newcastle
	Professor Elizabeth Harman	Vice-Chancellor, Victoria University
	Mr Colin McAndrew	Pro-Vice-Chancellor (Administration), Griffith University
	Professor Iain Wallace	Vice-Chancellor, Swinburne University of Technology

The Executive Committee is responsible to the members of AHEIA for all matters to do with the Association's operations.

Elections

The current terms of the President and Vice-President of AHEIA were due to end at the Annual General Meeting in November 2003. The current President, Professor Di Yerbury AO, and the current Vice-President, Professor Bernard Moulden, were elected unopposed to these positions.

A casual vacancy on the Executive Committee arising from the retirement of Professor Iain Wallace, is to be filled by invitation of the Executive Committee by Mr Karl Dubravs, Director Human Resources of the University of Canberra, on 1 December 2003.

Meetings

Since the 2002 Annual General Meeting, meetings of the Executive Committee of the Association were held as follows:

9 December 2002	IDP Education Australia, 1 Geils Court, Deakin, ACT
10 February 2003	AHEIA Boardroom, Level 8, 170 Queen Street, Melbourne
7 April 2003	Administration Building, Macquarie University, E11A, North Ryde
16 June 2003	AHEIA Boardroom, Level 8, 170 Queen Street, Melbourne
23 July 2003	Administration Building, Macquarie University North Ryde NSW
15 September 2003	AHEIA Office, Level 1, 210 Clarence Street, Sydney
26 September 2003	Special meeting by teleconference
2 October 2003	Special meeting by teleconference
6 October 2003	Special meeting by teleconference
7 October 2003	Special meeting by teleconference
20 October 2003	6 th floor, Building K, Victoria University, Melbourne

Staff

Following negotiations at end expiry of his initial contract of employment, Mr Ian Argall was re-appointed as Executive Director of the Association until the end of 2005.

Staffing of the Association has been stable during 2003 with all notional positions having been filled.

Activities

As in previous years, AHEIA's resources have been spent on assisting its members both collectively and individually. With the advent of a further round of enterprise bargaining and the emergence of a number of union "test cases", the distinction between national and institutional activity has become increasingly blurred.

In general, approximately two-thirds of the time of AHEIA officers continues to be spent on activities on behalf of AHEIA's members generally. Such activities include national enterprise bargaining matters, award proceedings in relation to the entire sector, the dissemination of information on general industrial relations developments and representation of individual universities in matters that have implications for the rest of the sector.

AHEIA officers also represent member universities in individual matters that do not involve any significant precedent for the rest of the sector.

National activities

This includes industry wide issues, arbitrated cases and activities of significant long-term impact on the entire sector. In 2003 that has particularly involved the conduct of arbitration in relation to casual employment and the ongoing simplification of industry awards. It has also involved work associated with preparation for enterprise bargaining, including the holding of national Forums as well as time spent in advising on aspects of the federal Government's Higher Education Workplace Relations Requirements and on the industrial action that followed their announcement.

Also falling within this category has been the organisation of the AHEIA Annual Conference and National Enterprise Bargaining Forums.

AHEIA Conference 2003

AHEIA's Annual Conference at the Hilton on the Park Hotel in Melbourne on 2-4 April 2003, was attended by the largest number of delegates for many years. With the theme of "Negotiating the Future" the Conference was focussed on the strategic issues facing universities in enterprise bargaining. Among the popular Conference speakers were Grahame McCulloch, National Secretary of the NTEU, AIRC President Justice Geoff Giudice, and Dr John Tickell.

Enterprise Bargaining Forums

Following on the success of the first two national Enterprise Bargaining Forums held in 2002, two more were organised by AHEIA on 30 May and 24 October 2003. These Forums have been very well attended and feedback suggests that they are highly valued by those planning for and conducting enterprise bargaining.

Consultation & communication

Throughout 2003, AHEIA officers continued to maintain a regular routine of State-based monthly meetings with officers of member universities.

Timely and topical communications with members on both higher education specific and more general industrial relations developments, have included:

Publication	No. for year to date
Code CEO	11
Code A	3
Code B	13
<i>inbrief</i> (formerly Industrial Briefs)	30
<i>inform</i>	13

During 2003 AHEIA also provided its members with an *information* CD-Rom Resource Kit on enterprise bargaining, which has been by all accounts, very valuable to members in their planning of bargaining.

Institutional activities

This has comprised a range of activities, including:

- consultation, advice, and communication through Regional/State meetings, telephone, e-mail, fax and correspondence;
- advice on and representation in relation to institutional disputes over the application of enterprise agreements;
- advice and representation in relation to misconduct investigation committees;
- advice and representation in unfair dismissal matters before the Australian Industrial Relations Commission;
- providing advice and assistance in the development of submissions for partial salary supplementation under the Workplace Reform Programme.

Association involvement at this level is a crucial part of building the national perspective and in turn converting that intelligence back to individual members through its communication and education processes.

Industrial Relations

General Climate

2003 began with preparation for significant arbitration over union claims in relation to casual employment in universities. Much of the first half of the year was spent in negotiations that eventually led to a settlement of those award claims by agreement.

Enterprise bargaining developments took on a greater significance for the sector following the University of New South Wales reaching a generous settlement with unions. The federal Government's Higher Education Workplace Relations Requirements, announced on 22 September 2003, have both complicated and probably delayed settlement of enterprise agreements for the rest of the sector.

Casual employment

Union applications to vary higher awards to provide improved conditions, including a conversion process, for casual employees were made during 2002. During preparations for what promised to be extensive arbitration on the merits of these applications, discussions took place with a view to settling these issues by agreement.

In May 2003, in-principle agreement was reached with the unions and other parties to a settlement involving a phased-in increase in casual loading for both academic and general staff to 23% and a conversion process and minimum hours provision for general staff. The terms of the settlement were approved by an Extraordinary General Meeting of AHEIA following extensive consultation with member institutions.

The terms of the settlement are favourable to universities given the likelihood of an arbitrated outcome that would have provided far less flexibility.

Enterprise Bargaining

Enterprise bargaining negotiations have progressed in AHEIA member institutions during 2003, although some institutions are still at an early stage in the process. The salary settlements already arrived at by UNSW and ANU and offers of settlement at a number of institutions represent a significant challenge to many institutions. Further differentiation in salaries between institutions can be anticipated.

Higher Education Workplace Relations Requirements

On 22 September 2003, the federal Government announced its Higher Education Workplace Relations Requirements, which it intends must be satisfied before universities qualify for funding under the Commonwealth Grants Scheme. These Requirements represent a significant challenge to universities in implementation, if they are passed by the Senate in original or even modified form. The most controversial requirement is that universities and unions agree that individual Australia Workplace Agreements can override collective agreements.

These Requirements prompted condemnation from many Vice-Chancellors and a National Strike on 16 October 2003 by all unions represented in universities. Further industrial action and disruption to enterprise bargaining can be anticipated.

The federal Government has proposed legislation, to be introduced into Parliament before the end of 2003, that would enhance the possibility of the Australian Industrial Relations Commission suspending or terminating bargaining periods in circumstances where industrial action was harming students. This legislation flows directly from AHEIA's initiative in drawing attention to the unsatisfactory response of the Commission to such circumstances arising in previous bargaining rounds.

General Staff Awards

AHEIA has continued to successfully represent its members who are seeking comprehensive institutional general staff awards to replace the national HEGSS Award. Almost half of AHEIA's members who were subject to the HEGSS Award have now been removed from responsiveness to that award or will be shortly.

University of Southern Queensland decision – teaching only academic staff

An important decision of the Australian Industrial Relations Commission recently found that the University Of Southern Queensland was not precluded from advertising for and employing academic employees as “teaching only specialists”. The AIRC, in reading the position classification standards contained in the USQ enterprise agreement determined that “the university is empowered to construct a range or suite of duties for an employee employed at academic levels a and b that provides for different emphases for purposes of different tasks”.

Emerging issues

The major industrial issues emerging for 2004 are likely to relate to Enterprise Bargaining and the effect of the Higher Education Workplace Relations Requirements, if they are passed by the federal Parliament. Another significant issue for 2004 is the implementation of conversion processes for casual general staff.

AHEIA will consult widely with its members over these issues to ensure that the Association continues to meet their needs.

