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**THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET ON THURSDAY,
8 DECEMBER 2022**

INQUIRY INTO THE PROVISIONS OF THE UNIVERSITY OF TASMANIA PROVISIONS ACT 1992

Ms GABE GOODING, NATIONAL ASSISTANT SECRETARY (Webex), **Mr ANTHONY BECKETT**, TASMANIAN DIVISION PRESIDENT AND UTAS STAFF MEMBER; **Dr KELVIN MICHAEL**, RETIRED TASMANIAN DIVISION SECRETARY AND RETIRED UTAS STAFF MEMBER; AND **Ms EMMA GILL**, TASMANIAN INDUSTRIAL OFFICER (Webex), NATIONAL TERTIARY EDUCATION UNION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

The committee commenced at 9 a.m.

CHAIR (Mr Valentine) - I acknowledge the traditional people of the land we are meeting on, and acknowledge and pay respect to the [Tasmanian Aboriginal people and their Elders, past and present. We recognise them as the traditional original owners and continuing custodians of this land.

These are hearings in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992.

It is important to note that all evidence taken at the hearing today is protected by parliamentary privilege. I remind you that comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses is available. Have you all read that information and are aware of its contents?

Ms GOODING, Mr BECKETT, Dr MICHAEL and Ms GILL - Yes.

CHAIR - Thank you. There's an opportunity, if any sensitive matters come up, you can ask for permission to go in camera. That is something you would provide us and we would then get back to you. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available, if you want to review the session at all.

We will give you an opportunity to make an opening statement then it will be open to members to ask questions. Do you wish to make an opening statement?

Mr BECKETT - Yes, a very brief statement, if we could, Chair.

To introduce the team, Kelvin Michael speaks today as a previous division secretary of the National Tertiary Education Union (NTEU) Tasmanian division and also as a former staff member of the University of Tasmania, with a solid background in university governance in those areas. Emma Gill is our Tasmanian division industrial officer and has a very long working background in industrial matters at the university, predominantly around the staff of the university, both academic and professional. Gabe Gooding is our general national secretary of NTEU, with a good working background in the tertiary sector in general, along with myself

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as an academic staff member and current Tasmanian division president. We speak to support our submission. This is the membership with us today.

CHAIR - Okay, thank you very much. I will lead off with a couple of questions then other members will have questions, I am sure, in relation to your submission. Thank you for providing the submission. It is always interesting to get different perspectives with an inquiry and certainly your perspective is of interest.

When I look at your submission, you go to a point where you talk about some real conflicts of interest within the UTAS council relating to remuneration. For those listening in who might not have read the whole submission, could you just run down what those conflicts of interests are and outline the real issues that you feel exist there?

Dr MICHAEL - I am happy to speak to that. The subcommittee of council, the Remunerations and Nominations Committee (Remcom), amongst its duties are to set the remuneration for the vice-chancellor and the other senior staff members of the university. This includes the group of university staff who are part of the management structure and, of course, whose terms and conditions of employment are not set by the staff agreement that covers the vast majority of university employees. The Remcom, if I may just use that shortened form, sets the employment conditions, including salaries for this smaller group of staff. The vice-chancellor is, ex officio, a member of that Remcom and, therefore, we assume, because we have no direct knowledge of the inner workings of that committee, when there is any discussion of the remuneration of the vice-chancellor that he or she at the time would be excused from those deliberations. The vice-chancellor would, we assume again, be present for discussions of remuneration of other senior staff at the university.

CHAIR - And would they handle the chancellor's arrangements as well, do you think?

Dr MICHAEL - The other side of the coin now is the fact that the chancellor and other elected members of council or other elected or appointed members of council do receive, in a sense, a board sitting fee, if you could describe it that way, or the equivalent or a remuneration from the university for their duties on UTAS council. There is certainly a perceived conflict because the subcommittee that sets the remuneration for the senior staff members of the university, members of that committee also themselves receive remuneration from the university. The remuneration for the members of council as a whole, it is a little bit opaque as to whether that remuneration is determined by Remcom but it is certainly agreed by the council as a whole.

As stated in our submission, it seems to be a little bit unclear as to the relationship between the bi-directional flow of the approval of remuneration, both within the council as a whole and with the Remcom as the specific group charged with those responsibilities.

CHAIR - So, Remcom, you feel, recommends to council on the appointment extension and removal of the vice-chancellor as well?

Dr MICHAEL - Certainly.

CHAIR - But they would also recommend to the council those various pay arrangements for senior executive, staff who are not on the general enterprise agreement of some description?

Dr MICHAEL - Correct. Yes.

Ms WEBB - In relation to that, it is hard to see how there will be a different arrangement, a committee of the council making recommendations to broader council for decisions on remuneration of executive and VC.

Is the issue also that there is not an external point of further accountability around the decisions made? For example, in a private sector company, the board, I presume, would be making decisions about the remuneration of the CEO, for example, but would have a broader stakeholder group to have to answer back to, for that sort of decision.

In this situation there is not a broader, more external accountability for those decisions. Is that what you are identifying as a key issue? I don't know what other model you would propose for these remunerations to be decided. Can you talk me through what you are saying would be a more appropriate model, or what are the flaws of the model that is there?

Dr MICHAEL - From an historical standpoint, this model existed before members of council, in general, were provided with a remuneration for their services on council. The arrangement at that time, with the Remcom setting the salaries of the vice-chancellor and other senior executives.

That was a less circular process at that point. At some point, and I don't recall the year, the chancellor and other members of council were provided with a remuneration for their service to council. At that point, from our perspective, nothing appeared to change in terms of the overall governance arrangements with respect to remuneration. So now, as we have described, we have this situation where the Remcom recommends both the salaries for the senior executive of the university, and then by extension for the council members themselves.

Ms WEBB - Back to my question, are you suggesting a different model? Again, my observation would be the difficulty about this situation that is different to, say, a corporate entity in the private sector, is that there is no external accountability to a stakeholder group, who vote on the board, or whatever, and therefore can hold them to account by spilling them at a certain point for the decisions they make about their own remuneration for board sitting fees, or remuneration for your senior executive.

To me, that looks like the difference, in terms of accountability. Are you suggesting there is a different model within this structure that would a better accountability model?

Dr MICHAEL - I think that you have identified that it would be better if there were some external influence on the way that members of UTAS council are themselves remunerated. It is not inappropriate for UTAS council to set the remunerations of the senior executive of the university, but the internal setting of board fees for the members of UTAS council is itself not under any external scrutiny.

Ms WEBB - Would it be a potential solution to address the concern if there is a greater proportion, potentially a majority of the council who are elected members in some sense, and therefore accountable to those who elect them to be there?

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Dr MICHAEL - It would help in part, although even in that model the members of council would still be receiving a board fee, and then the council would be responsible for setting their own.

Ms WEBB - Yes, but who else are you going to have set it? Are you proposing a different model?

Dr MICHAEL - Not explicitly. No.

Ms WEBB - Okay.

CHAIR - That is something we can explore with the university itself possibly, just to get some finer detail on it. We do appreciate that viewpoint, though.

You also make mention on page 4 of your submission:

Many NTEU members who have served on Academic Senate describe it as an exercise in rubber-stamping of decisions taken elsewhere, most items listed in Academic Senate papers are flagged for noting only, and there is little time or opportunity for debate to occur.

Why don't they speak up and force a change in the way things are handled, do you think? Are they afraid that their position on the senate might be at risk? Do you have any feedback in regard to that?

Dr. MICHAEL - We have had feedback from many members over the years who've held elected positions on academic senate. To try to characterise their comments - which are not all exactly the same, but there are some underlying themes - there is a feeling of people not being prepared to speak out and be visibly critical of the university leadership. That's irrespective of the leadership at the time. There's a reluctance to be seen to be rocking the boat. The composition of academic senate is such that the members who are, in a sense, appointed or sit on senate by dint of their academic role as a head of school or equivalent outnumber the elected representatives.

On the numbers, there is generally not an opportunity to resist a proposal that has the support of university management, and therefore, unless it's something egregious, will be supported on the numbers that are part of the mid- to high-level university management. I will just pause there for a moment.

CHAIR - That's fine. It's just interesting to know why people aren't bringing up their concerns. There must be some reason, and that's why I explore that. It seems what you're saying is that the number elected isn't going to override the numbers that are appointed by management.

Dr MICHAEL - That's right.

CHAIR - And that's the real concern.

Dr. MICHAEL - Also, in part, I think we've detected a trend in the last few years to stifle the opportunity or requirement for debate because the papers for academic senate are

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voluminous. There are limitations to the amount of time that members of staff, particularly members of staff who have their own academic roles, are able to, or prepared to, put into the analysis of the senate papers.

Our information is that a lot of the big items at academic senate are moved through very quickly and without debate. These are the types of reports we have received from our members who've been part of the senate process.

CHAIR - You also mention that the office of UTAS provost has been abolished, and the Vice-Chancellor has announced that there are no plans to recreate the role. You go on to say:

All senior academic and research appointments now report directly to the Vice Chancellor. This represents a downgrading of academic voices within a university that is becoming more managerialist.

Playing devil's advocate, one could say that taking out a reporting layer is flattening the structure, creating efficiencies and giving the reports a more direct opportunity to communicate with the VC. Tell me, what's wrong with that scenario, in your opinion? Why is it more managerialist? The reports are the same academics. The academics haven't changed. It's taken out one position and they now directly report to the VC. What's wrong with doing that?

Dr MICHAEL - The position of provost - or, as it was previously titled, deputy vice-chancellor - at universities in general, is designed to be an academic leader. If we go back a few decades, universities tended not to need that, because the scale of universities was, in a sense, a bit smaller, and they weren't acting or seeking to act in a more corporate manner. The changes that have occurred mean that vice-chancellors now look a lot more like a CEO of a large business, and for those reasons, many universities established a deputy vice-chancellor or a provost whose job it was make sure that the teaching and research functions of the university were being adequately cared for by someone who was clearly in that role. In a sense, that sort of arrangement set the VC certainly above, but also slightly to the side of, the academic and research functions of the university.

The fact that UTAS has now removed the position of provost, I guess on paper your proposal is that it is a simpler, flatter structure. But frankly, with the removal of the provost we don't see that the Vice-Chancellor's duties in terms of all of his other responsibilities have declined. He's still running a large business with a lot of moving parts. So, it is of concern to us and our members that the provost is no longer a role that is in operation at the university.

CHAIR - Basically, you're saying the academic aspects of the university are getting less attention as a result of it, and having to be slotted into the wide priorities of the vice-chancellor and not getting the level of attention that it needs.

Dr MICHAEL - That's right. We don't see that the vice-chancellor or the office of the vice-chancellor have created more space or time for the oversight of academic duties.

CHAIR - Thank you for that.

Ms LOVELL - I want to explore a bit further the section of your submission around casual staff. You talk about an increase in casualisation of the workforce, and some issues that has in terms of the impact on academic freedom and related to section five of the act and casuals

being excluded from those definitions. Could you expand on that a little, particularly if this is something you are seeing as a growing trend in terms of the number of casual employees, and just expand a bit on the impacts that's having on the university, and particularly on those topics that you've mentioned.

Dr MICHAEL - Are you referring to page nine, just for clarity please? Or a different part of the report?

Ms LOVELL - To be specific I was looking at page 11. I think it started a little earlier, but I'd got up to page 11. Point 8. If that helps?

Dr MICHAEL - Yes. Thanks for the question. The reliance on casual employees is a feature of the University of Tasmania, and many other universities. Understanding the total number of employees, the total number of casual employees, and the proportion of the work at the institution performed by casual employees, these are difficult numbers to know in confidence. But, if we speak broadly, in any given year, roughly half the employees, on a headcount basis, are casual. Therefore, at the moment, roughly 3000 casual employees are engaged by the university in any typical year.

So, the university community, as the act covers, comprises the staff and also the students of the university, and in a broader sense the alumni of the university. But the casual employees of the University of Tasmania have very little recognition in terms of the role that they play at the university, in terms of contributing to its wellbeing and its operation.

When we come to the way that employees of the university have the opportunity to be part of its governance and to feel part of the fabric of the university, casual employees are really in the outer regions and they don't have that recognition. They don't have the opportunity to speak. They don't have seats at any tables. A lot of our concerns revolve around the fact that they are itinerant. Their labour is brought in and then dispensed with as needed. This is part of the nature of being casual but we note that they are excluded from the way that the university engages with its workforce.

Ms LOVELL - Can I ask a question around the types of roles where you are seeing casual employees? Is that across the board or are you talking just, for clarity, teaching staff, is it admin? In what areas are you seeing those increasing casual employees?

Dr MICHAEL - Casual employees come in in many different shapes and sizes. To answer your question in more detail requires information that we don't have, because when people refer to casual employees at the university, the tendency is to home in on casual academic flavour, but that is only one component. There are a lot of casual professional staff roles that are provided but the university itself, we suspect, is not very good at tracking where the casuals are engaged, and certainly not very forward in reporting where those casuals are or what types of casuals they are.

Ms LOVELL - My question is more around the fact that there is a causal workforce amongst that workforce that is included in what people would expect to be the university community. We are not talking necessarily about security staff, or hospitality workers, or cleaning staff - not to say they wouldn't be included in the university community - but in terms of that academic side of the workforce, there is still a casual workforce there as well?

Mr BECKETT - I could clarify that. That is correct. It is the casual employee whether it be professional or academic. But also, for clarity, the university can use 'casual' in many terms. Casual as such, full-time equivalent, can also be into the casual equation and fixed-term can fit into that. So, it is that whole broad range and that is where they can choose to use the term to suit. In their reporting they can exclude casuals, and that can exclude a whole range of that. It is very hard for us to narrow in on where the actual casual workforce or the numbers lay.

Ms LOVELL - That links to my next question. In terms of the need for a casual workforce, how much of that work is genuine casual work and how much of it could be more permanent work in your view?

Mr BECKETT - Again, that would be very hard to quantify because of how the term is used. We might have some other terms. Emma, do you have any comments?

Ms GILL - I think it's fair to say it's correct we can't quantify it because for the data that we have, we rely on the university reporting to various bodies. That data is used as different data sets, so it is difficult for us.

It is fair to say that a large proportion of teaching work at the university is done by casual staff, particularly in undergrad programs where these are degrees that are taught year in, year out. So, on the measure of, 'is the work casual?', I think we would argue that lots of the work that casual staff members are undertaking is not casual work in the nature of coming in for a shift, like in hospitality or retail. It's work that continues year on, year out.

Dr MICHAEL - You mentioned security work or hospitality or cleaning. It's useful to note that none of those functions are done by casual staff employed by the university. All of those functions have been outsourced by the university to other third-party companies.

Ms GOODING - Yes, I'd like to make an observation about the paucity of reporting from the University of Tasmania, particularly, in the annual report, and the lack of detail about staffing.

I also point out to the committee that the Victorian Government requires the universities to report on the level of insecure employment, both fixed term and casual. We want to get a handle of people who don't have secure jobs, but it definitely has an impact on academic freedom. Academics from around the country will tell you, because their working semester is dependent of various things, such as getting a good student satisfaction score, then they don't feel that they can speak out on any sort of issues.

More importantly, I think, it impacts on quality in many different ways, largely because casual teaching academics are almost never paid enough to cover the amount of work that they're required to do, including in marking and providing assessment but also in preparing for delivering material and maintaining their academic currency.

For a state like Tasmania that has one institution, it's a threat to the ongoing capacity of the stake in research and innovation, particularly if a significant number of your employees at your only institution are in insecure employment. The data is out there that they will leave to seek more secure employment. It happens on a national scale to researchers, but it also happens

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on an institutional scale. So, the more employees who are casually employed at UTAS, the more it undermines the capacity of the state to deliver on that agenda.

Mr GAFFNEY - I'm going to recommendations 1, 2 and 3 on the bottom of page 4 in your submission.

I would like to know how did you arrive at recommendation 1, increasing the numbers? We heard yesterday, for example, Oxford University, I think, 22 of the 26 members of that council are actually from the academic university. I am just wondering have you based your recommendation there on other universities or from a constitutional point of view? How did you arrive at that number?

Dr MICHAEL - Recommendation 1 seeks to reset the number of elected positions on council to pre-2013, from memory, when there was a change to the University of Tasmania Act, to reduce the size of council. So, that is the premise on which recommendation 1 is based.

Mr GAFFNEY - Okay. From that, are we assuming that pre-2013, the council was fine in its make-up?

Dr MICHAEL - It was certainly better. The thrust of our submission is that more elected positions on the council does give a greater variety of voices. Certainly, we haven't recommended that we have an overwhelming majority of elected voices on council because a number of roles need to be performed by council.

Mr GAFFNEY - Have you compared that recommendation with other universities throughout Australia which might have a different make-up of their governance structure?

Ms GILL - I can speak to that. Yes, we've looked at the composition of councils or equivalent bodies at all of the other public institutions in Australia. Quite a number of them, a lot of them - I can't recall the number off the top of my head - had numbers equivalent to what we are recommending in recommendation 1 for elected staff and student representatives.

Mr GAFFNEY - Thanks Emma. Another question, to recommendation 2:

The NTEU also recommends that another position on UTAS Council is appointed by the NTEU.

Is that an academic from the university? Is that your intention that the representative be somebody who is an academic at the university or is it an NTEU member who might not have any involvement with the university?

Dr MICHAEL - If such a position was created as an appointed position on the UTAS council it would then be up to the NTEU branch at the university to determine who that person might be, but it would make sense for that person to be a current or past staff member of the university.

Mr GAFFNEY - If there is a recommendation like that I would want to see some guarantee that that was part of it. Otherwise it could be another non-academic who has no idea what is going on at the university. When I saw that recommendation that was my first thought. Well, who is that person going to be? That's fine. Thank you.

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CHAIR - I have a question on recommendation 2, which follows on:

The NTEU also recommends that another position on UTAS Council is appointed by the NTEU. The overall result would be a Council of 18 members, 6 of whom are elected.

Why only six? The more elected, the better, you would think. What is your thinking on that?

Dr MICHAEL - In part this comes back to an earlier question. Three-quarters of Australian universities have a higher elected representation on their councils. Certainly, the more elected positions, the better. Our recommendations are seeking to make some improvement in the proportion of elected, but we would not object to any outcomes that increased that elected representation further.

CHAIR - You can see the reason for having non-elected positions, I presume?

Dr MICHAEL - Indeed.

CHAIR - Do you have any comment on the number of non-elected positions at the moment in terms of how they are appointed or anything like that? Do you have any comment as to whether or not the way they gain their place on the council is fair and reasonable? Or have you not put your mind to it?

Dr MICHAEL - We have. The membership of the UTAS council, both current and over the last little while, can be described as people who are leaders in education, in some cases, but leaders in industry.

Part of our concerns about the way the UTAS council is comprised and appointed is that a lot of the control of the appointed positions, when you analyse it, rests with the university management. That opens up the membership of council and its ongoing evolution to be constrained in a certain direction. So, separate from increasing the elected representation on council, for members of council appointed by state parliament, we'd suggest that the identification of those people could be done more independently from any guidance provided by UTAS management itself.

Ms GOODING - Can I add to that?

CHAIR - Yes.

Ms GOODING - I will just say, from a national perspective, the proportion appointed by the university itself is relatively high at UTAS, and I think Kelvin was getting to this point. That means that it tends to be self-replicating and it tends to not invite onto council voices that might have alternative views. In my view, where you continue to self-appoint, then that's the outcome you get. You combine that with the fact that at most university councils around Australia - and Kelvin and Anthony could comment on this with relation to UTAS - people who are elected are bound by very strict levels of confidentiality. They are usually inducted to say they are not a representative, they are now a council member and that's their primary obligation, and they're prevented from reporting back to the people who've put them onto the

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council. That is one of the problems we see in the remuneration model - that those people who are elected don't have the capacity to go back and consult or discuss it with the workforce who put them there.

CHAIR - That is interesting. Of course, some of the observations that have been made are that members of the council aren't there strictly as representatives of the people who vote them in, they're there to do the best for the council, for the university. Do you have a comment on that?

Ms GOODING - No, I believe that's right. But I think if, when we were talking before about how you could have better transparency about remuneration, and the observation was made that more elected people would have better transparency because they could report back, the reality is that they can't report back and they become part of that circle that is working within itself, and there's no transparency or external view on it. More elected people gives you more people with expertise in the university, more people who are capable of challenging the management on the view that they're putting to the external councillors, but it doesn't give you more transparency on the decision-making.

CHAIR - Thank you for that. The last recommendation in that group, recommendation 3. I suppose I can understand why you'd be wanting to see the composition of academic senate amended by the addition of one position appointed by the NTEU because, obviously, you're representing the NTEU. Why not one from across the whole academic body of the university? Chances are you'd likely get an NTEU member, given the level of membership you have across the university, but would you have any issues with that?

Dr. MICHAEL - There are a number of elected representatives on academic senate, 22 based on the information we've provided to you. A number of those end up being NTEU members and it's our role to encourage our members to run for those elected positions. Recommendation 3 is different in its nature because it suggests an appointed position nominated by the union, in this case, to provide a distinct voice in that respect.

CHAIR - Okay, from a union perspective specifically?

Dr. MICHAEL - Correct.

CHAIR - Okay, thank you. Meg?

Ms WEBB - I'm just going to move on to another topic, if that's okay. It's relevant to our term of reference 4, which is about the appropriateness of the act to protect and promote academic freedom, independence and autonomy.

I know we've already discussed this, partly in relation to casualisation and the fact that that can potentially curtail academic freedom, independence and autonomy through insecurity of employment.

You've recommended that protection of academic freedom, independence and autonomy is put into the act as an object, which isn't there at the moment; it's only protected through policy. I wondered a couple of things about that. The effectiveness of the current policy that's there, because as we gather from the material provided by UTAS, there's an academic freedom and free speech policy which expresses deep commitment from the university to those

concepts. The university also explicitly says that the appropriate exercise of academic freedom and freedom of speech will not constitute misconduct. I would be interested to hear your reflections on how that plays out in practice, in terms of a policy and staff experience of it. The next question I'll ask after that, just to flag it now, is around use of tools such as NDAs and non-disparagement clauses in employment contracts or redundancy packages, and how that intersects in that space. That's the second question. The first one is around your reflections, as the relevant union, on staff experience of current policy and protections provided through policy-level statements.

Ms GILL - Thank you. I can initially respond to that. Yes, the university has a policy around academic freedom and free speech, although just a policy, which means that there are no enforceable rights or protections for staff afforded through a policy. Policies are management instruments that management can determine and change without any consultative process with staff so we don't see anything in the policy that affords staff of the institution any real protection.

It's worth noting that we do have an enterprise agreement that has a clause in it around intellectual freedom, which is academic freedom, which has been improved through this round of negotiations. However, we do see there being a really good benefit to the staff of the institution through having academic freedom rights enshrined in the act. That will help the staff feel like they can actually speak on matters and be able to exercise intellectual, academic freedom in a fair way at the institution without being reprimanded.

It's worth noting that while it might not constitute misconduct, there have been cases, and I have dealt with them myself, where there has been an accusation, while a mild accusation, that an academic may have breached academic freedom. The university may choose not to do a misconduct procedure but that doesn't mean that there aren't negative consequences for the staff member. Usually, there are no formal processes gone through. They might be reprimanded by their head of school or their discipline lead, and face negative consequences to their careers, either in the short term or long term.

In terms of NDAs, the university in my time working for the NTEU, which has been seven years now, has frequently used non-disparagement and confidentiality clauses. Usually where we see them is in deeds of settlement. That's a contract that terminates an employment relationship that might have a number of things in it. There is a standard deed of settlement that I have seen dozens of times in the last seven years that has an NDA clause and a confidentiality clause built within that deed of settlement.

Ms WEBB - Can you just repeat that number, sorry? I missed how many you said.

Ms GILL - I've seen dozens.

Ms WEBB - Is there a pattern of increasing or is that a steady number over the years in NTEU's experience? What is that scenario looking like, in terms of, is that normal, is that increasing, is it less?

Ms GILL - It's been fairly steady over the years I've been around. I have seen a bit of a decrease this year. I'm not sure if that's to do with the publicity around it but, just anecdotally, I have seen a slight decrease this year. But normally it's been about the same average over every year that I've seen it. Obviously, I see it through members coming to the union seeking

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assistance with negotiating an exit package or the university has suggested that the employee leaves the institution and they've put a deed on the table for the employee to consider, and the staff member has come to the union for advice.

Ms WEBB - In terms of confidentiality clauses and things as part of employment agreements, what does the use of that look like? And what impact does it have, then, on the way staff are able to speak about or engage with community discussion or those sort of things in relation to the university?

Ms GILL - The way that the university deals with its employment contracts now is quite opaque, in a sense. The old-fashioned version is that you would get a paper contract that became an email contract that was a pdf that you could keep. You signed the bottom of it and sent it back. Now it is an online system where, as I understand, you move through a series of screens and then agree to something at the end, which has then made it very difficult to pin down exactly where confidentiality clauses have crept into employment contracts, because the nature of it is a bit different.

I have not been able to access one. I have had plenty of anecdotal information from members saying they believe they had something in their contract of employment. Going through that online screen-based thing, that has shifted, and then they have had difficulty accessing that information when they have tried to track it down in the future.

Ms WEBB - So, staff do not have an actual, either paper copy or straightforward pdf copy, electronic copy, of their employment agreement?

Ms GILL - I believe it exists if they ask for it, but as I understand, as it has been described to me, it is an online process where they agree to their terms and conditions. I think there is a document that sits behind that that a staff member can access. But the information that has been given to me is that has been at times very difficult to access through the online HR system, and sometimes they have to ask their HR business partners to find that information for them, and sometimes there can be a delay in that.

Ms WEBB - So, in terms of a confidentiality element to an employment agreement, what is that covering, in terms of what does that compel the staff member to maintain confidentiality of?

Ms GILL - As I said, it has been very difficult to pin that down, and I have not actually seen one, so I would not be able to talk about what is in that. All I can say is that's the information members have given us, that they believe they have signed confidentiality arrangements through this process, but I have not sighted one myself, so I cannot speak to exactly what it says.

Ms WEBB - Interesting. One of the reasons I am asking about it is that in one of our other submissions - Number 114 from Peter Bicevskis who we heard from yesterday in hearings - he attached a leaked risk register to his submission and one of the things that jumped out at me from that risk register from UTAS is a control of risk, and the risk being:

Risk # 1: Planning Scheme Amendment application is unsuccessful, restricted or suboptimal.

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One of the controls mentioned in that risk register is confidentiality agreements for consultants, and then, staff reminded of confidentiality provisions in employment agreement. That jumped out at me, and I wondered what that was about, and how that might be used as a control measure for a risk, in relation, in this case, to the city move. I am looking for more information. If you don't have that, I will pursue it through other channels.

Is the use of NDAs, non-disparagement clauses or confidentiality agreements something that is a matter of discussion amongst NTEU members?

Ms GILL - Yes, it is well known that those types of clauses are used throughout the institution. I see it in a deed of settlement, it is a standard deed of settlement, it is a template, the person's details are plugged in at the relevant points and there is a signature at the bottom. It has been used as long as I have been working for the NTEU and I am sure that they were used previous to that.

It is definitely of concern to the NTEU that staff members are required to sign confidentiality and non-disparagement clauses at the cessation of their employment. Sometimes that might be a link to a redundancy payment or another exit payment from the institution. The way that I hear it, or the way that I see it being used over the years, there might be an issue with a staff member. It might be that they are critical about something that is happening within the institution or their school. The manager might allege some type of under-performance.

Then what happens is there is a discussion about whether or not that issue can be resolved the easy way, or the hard way. The hard way is always referred to as going through a performance management process, or academic freedom matter, or the easy way is taking the settlement and exiting from the university. That is commonly how I have seen them being used. Probably 50 per cent of the occasions I have seen them use it is in sort of that scenario.

Ms WEBB - Thank you. I was going to ask you if you could provide a reflection that is a broader sector-wide perspective on that.

Ms GOODING - It is such a problem that it has recently been added to our policy manual, opposing NDAs and those sorts of deeds of settlement, for a number of reasons. It massively suppresses debate. Where they are used particularly in the most egregious forms in my view are when they're used where there is a victim. So, where there is a bullying accusation, or a sexual harassment accusation, and the victim is paid a certain amount to leave, as well as the person who is being alleged to have performed that act, and the victim is then bound in confidentiality. When further victims come forward, they cannot contribute any information to that. I think that is incredibly insidious. It was actually identified in a British parliamentary inquiry into the impact of NDAs, particularly on women. Emma described a frequent scenario. Most universities will frequently seek to pay out an individual rather than deal with a problem. It is easier for everyone, except for the taxpayer who is paying for the payment, sometimes for people who should actually be being terminated.

So, they are widely used. They are - [transmission interrupted]

CHAIR - We just lost you there for a brief minute. Sorry, about that.

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Ms WEBB - You were saying they are widely used. After that you froze for a while. So, we missed what you said after that.

Ms GOODING - They are widely used. They are also frequently used when an individual, usually an academic, has been in some sort of conflict with the senior management and they will be paid out to leave. The NDA is used in part to shut down any further criticism of the management. That is quite a common scenario across the sector.

CHAIR - One last question on that, for clarity. When these things are applied, in your experience, have any of them or any members come to you talking about non-disclosure realms in relation to the substance of their work? In other words, it might be commercial-in-confidence aspects of their work that the university does not want revealed as opposed to the individual themselves. Do you have any comment on that, about whether or not they are used in those circumstances where there might be intellectual property associated with a non-disclosure agreement and those sort of things?

Ms GILL - I don't have any information on that myself.

Ms GOODING - Not frequently in intellectual property areas because, where there is research that is likely to produce intellectual property that is potentially commercially valuable, that non-disclosure thing kicks in before they leave their employment with the university. Usually, I think the intellectual property rules are relatively clear about the ownership by the university about the relevant intellectual property. There is a case from Western Australia called Gray where if an employee is being paid to conduct research to produce a particular outcome, then that intellectual property belongs to the university.

CHAIR - I can appreciate that. Intellectual property is just one circumstance of commercial-in-confidence sort of things in relation to their work.

Ms GOODING - Generally, we wouldn't see those because they wouldn't be a point of conflict.

CHAIR - Unfortunately our time is up. We will assimilate what we have heard and it might be that we want further information, and might call you again. Would you be prepared to do that if we were to do that?

Dr MICHAEL - Sure.

CHAIR - Thank you. Just to remind you, before you leave us, firstly, thank you for attending, thank you for providing the information. As I said at the start, it is always interesting to get those different perspectives. But it is important to note that all the evidence taken at the hearing is protected by parliamentary privilege and I remind you that any comments you make to the media or others outside of this room, even if you were to repeat what you have said here, will not be protected. Can I have an acknowledgement that you understand that?

Dr MICHAEL - Yes.

CHAIR - Thank you and thank you for attending.

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Mr BECKETT - Thank you on behalf of the NTEU Tasmanian Division, thank you for the opportunity of supporting our submission.

THE WITNESSES WITHDREW.

The Committee suspended at 10 a.m.

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The Committee resumed at 10.01 a.m.

MR PAT McCONVILLE (WEBEX) WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you and welcome to Pat McConville to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992, just to be sure you know who you are talking to. The members of the inquiry are Sarah Lovell, Meg Webb, myself Rob Valentine and Mike Gaffney. We have Ms Jenny Mannering as Secretary to the inquiry, ably assisted by Alison Scott, and we have Roey from Hansard.

Our hearings today are being recorded. It is protected by parliamentary privilege, but I would remind you that any comments you make outside the hearing may not be accorded such privilege. There is a copy of the information for witnesses that has been sent to you, have you had a chance to review that?

Mr McCONVILLE - I have, yes.

CHAIR - The evidence you present will be recorded by Hansard and it will be published on the committee website when it becomes available, if you wish to review it at a later point. We give you the opportunity now to make an opening statement, if you wish. You don't have to, but if you wish to do that, by all means do so.

Mr McCONVILLE - Thank you. You have my background in the submission so I won't recapitulate that.

I do have a few short opening statements so the first is that only days after submission to this inquiry closed UTAS announced that the current Vice-Chancellor had been offered and accepted an ongoing appointment to that role. Obviously, the University Council is entitled to make this appointment, but it is certainly extraordinary in recent decades for the VC to receive such an ongoing appointment. This sort of appointment would be difficult to imagine occurring, for instance, in other universities or in comparable roles in the public service.

The second quick point I want to make is that a number of submissions and witnesses have raised the participation of academic staff in university decision-making. I am concerned about that, but I would also add that I am concerned about professional and general staff participation in decision-making, not just academic input. Professional staff are deeply invested in the mission of the institution. In fact, the line between professional and academic services is very blurry.

Professionals are integral to the success of teaching and research at the university from laboratory managers to educational technologists to even my old professional job at UTAS, which was curating the UTAS public lecture program. At times, people who are effectively research assistants may also be appointed as professional staff at UTAS. I mention this because participation and franchise and protections like intellectual freedom are important for these people too, just as they're important for students. These protections ought properly to belong to the university community, not just academic staff. When we talk about academic freedom, I think we ought to be having in mind intellectual freedom for the entire university community.

The next point is in terms of the composition of the university council, which I know that this committee has been interested in over the past few days. I saw Dr Bugg's evidence earlier in the week, including his reference to the 2004 Nelson reforms and the voluntary code of best practice for university governance. My general disposition towards that argument is that I don't have a great deal of sympathy for the argument that fundamental legislative and governance decisions are out of the hands of UTAS, of our parliament, or are in some way inevitable and non-negotiable.

A significant part of the problem of accountability at UTAS, and at universities generally, is the complex and ambiguous regulatory relationship they have with federal and state governments. As a result, robust accountability of universities falls through the cracks. Whatever this committee concludes on this topic, I would really strongly encourage you not to assume that proper regulation will occur at another level or that someone else will take responsibility, nor that Tasmania ought to be a supplicant either to the university or to federal decision-making.

To get back to the composition of council, I think even if one were to accept that UTAS must adjust its arrangements to suit the code that Dr Bugg referred to, on my reading of the current version of the code, the UTAS council would still be compliant with that, even with the addition of at least one more elected staff representative or a genuinely elected student representative.

The witnesses who appeared before me from the NTEU made the point that there are more elected representatives at other institutions. I haven't looked at those numbers but I take what they say on face value. That suggests to me that the voluntary code of conduct for university governance is not the ruling document in other institutions; they make their own decisions. I think we ought to feel entitled to do that as well.

The broader point is that these reforms from 20 years ago have not been beneficial for the good governance of Australian universities. Almost 20 years on from those 2004 reforms, to me, it's clear that these reforms have contributed to a serious change in the democratic culture of Australian universities.

The next quick point, I would also note, is that I don't think those submissions I've read are indifferent to the financial challenges faced by UTAS and neither am I. I strongly believe in a publicly funded and impartial university system. Some of those challenges are beyond the scope of this inquiry, but the point is that the university is founded on principles and enjoys privileges based on its distinctive, non-business status in our community and not on private entity status. An excessive focus on corporatisation undermines the university's core role and identity. I think that resource constraints are not an excuse for compromising the principles on which the university was founded.

The last little point I want to make is that there's not been much said in this committee about how academic work is traditionally divided into categories of teaching, research, and administration and community service. Community service can mean many things, such as contributing to committees in the university or the broader discipline, or to journals - being an editor of a particular journal - but it can also mean contributing expertise to the community through joining advisory or governance committees, making submissions to policy or reform initiatives, or visiting local schools or the University of the Third Age.

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This aspect of traditional university work is being eroded at UTAS in favour of corporate goals. Ongoing staff are being denied an adequate opportunity to use their workload entitlement for service. Central university directions have undermined workload allocations for service in favour of excessive teaching workloads. In my view, they have circumvented the proper process for developing workload models, which is written into the current staff agreement. That's not to say they're contradicting that provision in the staff agreement, but they're circumventing it by simply not paying any attention to it.

Casual academic staff typically only have teaching duties, meaning no opportunity to develop a research profile or any university-supported opportunity to contribute to the community. This is just one of the many ways that casual staff, who are core to UTAS's teaching success, are disadvantaged and disenfranchised. I believe very strongly in the value of higher education and the importance of UTAS to our state. Accessible education is key to improving people's lives through equipping them with economic and vocational skills, but universities are also really important for enriching people's lives by giving them access to ideas and traditions, and enriching our community and our society. That's what I want to say as an opening statement. I am very happy to make myself available to the committee for questions on the written submission I've provided as well. Thank you.

CHAIR - Thank you, Pat. I will pass to Meg Webb for opening questions.

Ms WEBB - Thank you, Pat. I would like to pick up on some things you mentioned at the end which aren't covered in much detail in your submission. I would like to hear more, particularly around the changes to academic workloads and proportions of times spent on different aspects of that. You mentioned the community service aspect being eroded or perhaps not even available to casuals. I would like to understand how those changes have come about and what say the academic community within UTAS have had in those changes and the decisions around them?

Mr McCONVILLE - I was a professional staff member at the university when the current agreement was negotiated. That's going back a few years now. As part of that agreement, we negotiated a process for developing something called the workload model. A workload model is basically the way of determining in each academic unit - that might be at a discipline level or it might be at a school or college level - how long it typically takes to develop and deliver a course, how long you ought to be spending on research, how much time that will take, and what sort of service allocation you have. Those are the three categories of academic work typically - teaching, research and administration of service - which I generally just refer to as service.

That is the process that is in the current agreement. The process is that workload models are supposed to be developed in consultation with the academic unit to which they apply. That's consultation with all academic staff in that unit. To my most recent knowledge, which is probably about six months out of date but I dare say it hasn't changed significantly, only two workload models have been developed in accordance with that process. The rest of the workload models have been inherited from the previous regimes, and they were subject largely to management discretion and direction. So, people had been told, 'You need to take on more teaching, you don't have the time you might think you ought to have for research', and typically, across the university, people have next to no time allocated to service. It is very hard for staff members who want to do a job across the full spectrum of their academic responsibilities. But

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it is also a terrible outcome for the community, which doesn't have access to the expertise of academics like it ought to.

Ms WEBB - The main thing I am interested in is the process that sits behind these sort of changes and the decisions made, and who gets to have a say in that process and who the decision-makers are. From what you are saying, even though there might be an agreed way that these things are considered and decided on, that can be set aside quite readily.

Mr McCONVILLE - Yes, it has been set aside, that's true. There's a process for developing new workload models. It is not in the agreement but in the discussions there was a general understanding, when we agreed the last staff agreement, that this would lead to the development of new workload models in different academic units, and here's the process for doing that.

Instead, what the university has chosen to do is simply inherit old workload models because they haven't needed to develop new workload models, they haven't needed to go through that consultative process. That is why I say circumventing, rather than contradicting. There's been no contradiction, there is nothing that we can challenge but I think there has been a concerted effort to circumvent those processes.

Ms WEBB - Thank you. I'm interested to talk to you more about our term of reference 4, which is the appropriateness of the act to protect and promote academic freedom, independence and autonomy. You have some comments in your submission about that, which I would appreciate you expanding on a little, following on from the conversation we had in the last session with the NTEU.

I am interested in how well the current policy-level protections provided at UTAS function to protect and promote academic freedom and autonomy, and what the real on-the-ground experience of staff is in relation to that.

In your submission you make the comment that academic freedom protects scholars not only from external but also internal stakeholders. Could you reflect on the current situation a bit more to explain your understanding of how that looks and that comment you've made?

Mr McCONVILLE - I will make some comments and then I will try to find that comment I made in the submission, just for reference.

Ms WEBB - It's on the final page.

Mr McCONVILLE - In general, I would say intellectual freedom is really important, particularly in the university community. I've already made comments that it should be thought of as intellectual freedom rather than academic freedom, because of the porosity of roles at a university and because it ought to adhere to all participants in that university community, including students, who should be entitled to make rigorous and scholarly comments, but also robust and potentially controversial comments. That is one of the key reasons for that intellectual freedom.

As you heard in the previous evidence you have received, UTAS has a management policy. Again, referring to my time as a professional staff member at UTAS, maybe eight years ago there was something called a policy network. When a new policy was being developed to

go in the repository of university guidance and policies, all staff were notified and all staff were able to contribute to that. I had problems with that policy networking in that I don't think the feedback was ever really robustly considered through that process. But there was a process at least.

As far as I know, to my most up-to-date recollection, there is no process now. Policy is developed sort of unilaterally within the governance unit, or whatever the relevant unit of the university might be, so HR will often take the lead on that, then that policy is simply promulgated. So, it is very much, as the previous witnesses said, an instrument of management. It reads to me like a protection of management. It is entirely discretionary.

It is fair to say that staff at the university do not feel robustly protected by that policy. I think that lends itself to a culture of self-censorship and it may, at times, lend itself to overt and explicit directions from management not to speak out on things. But I think the more insidious and serious issue is the culture which is developed around that. I don't think the policy really protects people.

Ms WEBB - In terms of your recommendation, and it's one that's made by others in submissions to the inquiry, is that some form of statement or clarity around protection of intellectual or academic freedom should be included in the act, so legislated, as presumably a higher-level accountability than simply a policy of the organisation. How do you see that this would be more effective in delivering that protection to the staff?

Mr McCONVILLE - I don't think that staff or members of the university community really feel like they can point to a robust protection. I think a statutory protection would be far more robust than what exists at the moment, which is entirely discretionary and up to management.

If you are speaking out on an issue and you're concerned that somebody is going to be offended and try to stop you, you are usually concerned about somebody more powerful than you stopping you, and that's usually management. If you've got something that protects you from those people then I think that encourages you to go ahead with your speech. I think a statutory protection would do that. There are still cultural issues that would need to be tackled. But I think that would go a way to providing people a level of assurance that their speech is protected.

Mr GAFFNEY - Thank you. It would be handy for the people listening if you could explain, on about page 4, where you talk about 'I submit' and no. 3:

3. Consideration should be given to increasing the number of students on the Council and restoring the democratic link between the student body and these students.

I appreciate the information you've provided in the table about what's transpired over the last few years. But could you elaborate a little bit further, for those listening, on what has occurred and what you think should be the better process?

Mr McCONVILLE - Thank you. I also heard your question to the previous witnesses that if the principle is that elected representatives are providing a greater level of accountability than appointed positions, why not have more elected positions?

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I am on board with the logic of that question. I guess, my proposal is a modest proposal to have more elected representative staff - who are very integral part of the way the university operates in that they provide almost all the research capacity and the teaching capacity - but students as well. Historically there has been much greater representation of both those groups on council. I think there used to be at least two student representatives, going back to the 1992 act, and then it changed somewhere around 2010. That is a more reasonable number.

The other big difference is that they used to be elected representatives, elected by students, or appointed through a process that was conducted and designed by a representative body of students. That was the TUU, the Tasmanian University Union, which is now the TUSA (Tasmanian University Student Association). I think you are going to be hearing from them next week. That no longer occurs. There is no longer that link between democratically elected student representatives and the representative of students who sits on the university council. I think that is a problem.

That happened in the wake voluntary student unionism. Students used to pay a services and amenities fee that went directly to the representative body that had elected representatives who were responsible for managing it. That no longer occurs. The services and amenities fee goes to the university itself, and then the university decides how to dispose of its service and amenities collection. Sometimes they will offer university services. Sometimes they will give a certain amount of money or a grant to the TUSA. I am sure that the student association will be able to speak to you more about that next week.

Universities as corporate institutions have taken on the role of providing a lot of those services and amenities to students. They also assumed the role of deciding who ought to represent students. I think that is a real problem. There is no democratic accountability for that student representative now.

CHAIR - Pat, just going to your submission. We talked earlier, in other hearings, about the casualisation of staff. I was drawn to your statement headed 'Disenfranchise of casual staff from Council, Senate elections'. I am interested to get your take on this.

It seems to me that you are saying that the growing casual staff numbers reduces the breadth of representation basically. Is that correct?

Mr McCONVILLE - Yes. That's part of it.

CHAIR - From your experience, with the trend to casualisation, is there any indication of the impact that casualisation is having in relation to the depth of academic endeavour employed, either positively or negatively?

Is there a direct impact on the level of academic endeavour through the casualisation of staff?

Mr McCONVILLE - I am going to be careful in how I respond, because the last thing I want to do is impugn the reputation of casual academics who are often junior and early career research academics, people who are going through their PhDs or another higher degree by research, or who've recently finished a higher degree by research. That is often the situation that people are in. They've just finished their PhD, what are they going to do? They have to

look for an academic job. In the meantime, they are going to take on some casual work, and where they do that is at UTAS. So, they are often very talented, very knowledgeable people who are fresh from a course or study which has got them up to date with their discipline.

Over the years though, they languish in casual education. They get paid to teach. They teach certain units and they may or may not be responsible for designing those units. They may or may not be responsible for delivering the lectures in those units, but they often will be the principal point of contact for students in that unit. As they continue in this kind of casual arrangement of teaching, they will gain some pedagogical experience and they will improve their teaching skills, but they do not have an opportunity to stay up to date with their discipline. One of the roles of an academic is that you have an ongoing appointment, you deliver teaching, you do research, you stay up to date with the scholarship; that is just part and parcel of that work. Casual academics do not have any opportunity to stay up to date with the scholarship, unless they do it on their own time, which many of them do.

Many casual academics also do research so that they can maintain some semblance of competitiveness in the academic job market, but they do that on their own dime as well, in their own time, while they are running around delivering quite heavy teaching loads. These are really talented, good people, but I think it is fair to say that students do not have the kind of access to casual academics they would have with ongoing academics and that is bad for students. It is fair to say that casual academics do not have an opportunity to stay up to date with the scholarship like they ought to as ongoing academics do. And they do not have opportunity to develop the robust research profiles that they ought to if they want to contribute academically to their field.

It is not because there are any issues with the talent or the understanding of casual academics, but they do not have the kind of structural support that they need in order to really contribute to an academic career and academic expertise at UTAS.

CHAIR - Thank you. I appreciate the sensitivity of what you are talking about, I certainly understand that.

Further on in that section of your submission, you talk about wanting to see the definition of university staff being amended to include casual staff.

2. Consideration should be given to setting the franchise for elections of Academic Senate in the Act and extending this franchise to casual staff.

Quite clearly, you are concerned that they are not getting enough input into an area and there are so many of them that they are not getting enough input to have an effective say in the way the university is run. Do you want to expand on that at all?

Mr McCONVILLE - Yes, I think you have the key points there. Casual academics are often not on school or discipline mailing lists. So, if there is talk of a new course being developed, casuals may or may not hear about that and may or may not have an opportunity to contribute ideas about the development of the course, yet they will often be the ones who are at the coalface, delivering that material.

I think there is a real missed opportunity there. They can't run for council or senate and I think that contributes to a general atmosphere of disenfranchisement and a lack of priority for

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including them. Casual academics simply are not thought about when courses are being developed or when academic activity is going on. That is a real cultural problem at the university.

Ms WEBB - Just a quick follow up on that, Pat. You might not know this because it is a current question and I can ask others who are currently there. I am wondering about whether casual staff are included in things like culture surveys and ways that staff sentiment and workplace issues are monitored and measured at the university?

Mr McCONVILLE - I think it varies from department to department. My experience when I was the secretary of the NTEU, so that's six months or so out of date, but I was there for a year and I observed a number of different culture pulse checks run by various people, either by the schools or HR, that excluded casuals on the basis that they weren't part of the ongoing team, they were just in to do a job. I don't think that is generally the case with a whole bunch of casuals at the University of Tasmania. If you look around the country, it's generally not the case at universities around Australia that people are just in to do one job and then they go. People often have very ongoing relationships with the university. It's ongoing and periodic, so they come in for the semester and leave before Christmas, and they come back in February. And they do that year on year. You have people who have been at UTAS or at other universities, doing essentially the same units with the same sort of load, for three, four, five, 10 years.

Ms WEBB - Right, so fairly clearly a case could be made that they should be part of a culture survey or a pulse check or a monitoring of workplace issues, given their ongoing relationship.

Mr McCONVILLE - Yes, they should be but they are often not. I can't say never but they are often not.

Ms WEBB - This is probably asking you to reflect back to your time when you were the NTEU representative and follows on from questions asked at the last session around the use of NDAs and non-disparagement clauses, and confidentiality clauses in employment contracts as a matter of course. Can you shed any light on the degree of use of those sorts of mechanisms and your reflections on that use?

Mr McCONVILLE - I don't know if I can contribute anything too useful to this discussion. I don't have a detailed understanding of those arrangements.

Ms WEBB - That is fine.

Mr McCONVILLE - I can make a general reflection on the culture of the university. This is the point I was making around intellectual freedom as well. I think there is a sense amongst the staff body that full and frank discussion is not welcomed at the university. That is a general point, that's not about the enforceability of legal provisions in those agreements. I can't speak to that.

Ms WEBB - To take that one step further then, if that's your sense - that there's a view that full and frank discussion is not welcomed, what impact does that have in the workplace?

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Mr McCONVILLE - I think it has resulted in the kinds of circumvention of some of the enforceable provisions in the agreement, like the development of workload models. I spoke to a whole bunch of academic staff who were concerned about the way workload models were going but who felt unable to raise that issue or robustly pursue it. That's the kind of impact of a lack of speech and a culture of non-dissent in the university. People end up with terrible working conditions, getting burnt out and not being able to participate in the kinds of research or service they would like to pursue, and which would be valuable for the community, because they are not the kind of things that are recognised by management as priorities.

Ms LOVELL - Can I jump in? Is that something you have seen happen as a bit of a trend over what period of time? Is that something that's gotten worse or more prevalent?

Mr McCONVILLE - My deepest experience was in the last 18 months or so and it was a real problem. The most public example you will already be familiar with is the Law School, the burnout, the exasperation of the Law staff and the fact that they had to go to external stakeholders to try to seek an intervention in the way that school was being managed. That is a good example.

But Law is in a very unique position in that it has some of those external stakeholders who are high-profile and able to intervene. The university is a big place and there are a lot of disciplines that are doing great and important work, important for the Tasmanian community and important for their disciplines, that don't have the advantage of going to those external stakeholders, so they are feeling quite cowed. Perhaps it is a confirmation bias or perhaps it is genuinely the case that that has become a lot worse over the last 18 months.

I think some of your other witnesses have made the point of 'never let a good crisis go to waste': COVID-19 has been a bit of a facade for the management reshaping the institution in many ways, in ways that would generally have received some pushback from staff. They have not received the pushback and COVID-19 has tended to exacerbate these issues.

That would be my reflection. I do not have hard and fast figures for you.

Ms WEBB - In your submission, where you discuss the use of redundancy, what you observed is UTAS having a willingness to fairly readily use redundancies as a tool when making significant changes. The statement you have there is:

I estimate that UTAS undertakes a 'significant change', with actual or potential redundancy implications, at a rate of about one per month.

Can you talk a bit more about the basis on which you are making that assertion?

Mr McCONVILLE - I guess that was my experience. There is a provision in the existing staff agreement where a change management, which is a significant change to an area of the university that may involve redundancies, triggers a certain level of consultation with the union and with staff in that area. We would get one of those a month and they would often involve significant redundancies and, I would say, significant degradation of the university's capacities in a whole bunch of areas.

One of the first examples that springs to mind, a week after I started as the secretary, some of the extra protections the union had managed to negotiate to get in place during the

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most acute period of COVID-19, those protections expired. The week after that the university announced a big change management process for the Australian Maritime College in Launceston. The vast majority of senior academics were made redundant - six out of eight, or something like that.

Ms WEBB - When you make the statement of about one a month, the implication is that you think that is a high rate, higher than necessary, or higher than to be expected. I guess I am thinking that the university is a large organisation with a lot of employees; it is understandable that changes would be occurring and there would be adjustments being made fairly regularly. Is it your assertion that that is happening at a greater-than-necessary or concerning level?

Mr McCONVILLE - Yes, I guess that is the implication of my statement. My concern is not just that changes being made in order to smooth or simplify things but that very often that leads to a degradation of capacity. I think that can be witnessed in a whole lot of areas across the university.

CHAIR - Pat, you might like to turn your video back on because we are just coming to the end of our time. I want to thank you for taking the time to, firstly, put in a submission and then appearing before us. It is good to get your perspectives from your own peculiar, or otherwise, position.

It is important to note that all of the evidence taken at the hearing is protected by parliamentary privilege. I remind you that any comments you make to the media or others outside of this hearing, even if you are to repeat what you have said here, will not be protected. Do you understand that?

Mr McCONVILLE - I do.

CHAIR - Thank you very much, and thank you very much for appearing again. I appreciate it.

Mr McCONVILLE - Thank you very much for the inquiry.

THE WITNESS WITHDREW

The Committee suspended at 10.39 a.m.