

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Comments on the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022

Dear Sir/Madam,

The Regional Universities Network (RUN) welcomes the opportunity to provide the following submission to the Education and Employment Legislation Committee, to assist with your inquiry into provisions of the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022.

RUN is a national collaborative group of seven regional Australian universities: Charles Sturt University, CQUniversity Australia, Federation University Australia, Southern Cross University, University of New England, University of Southern Queensland, and University of the Sunshine Coast. RUN member universities may also make their own submissions to address in detail any specific issues they wish to explore with the Bill.

RUN universities support the overarching intentions of the Bill, including to promote job security and gender equity. As Chair of RUN, I would welcome an opportunity to meet with the Committee at one of the upcoming public hearings, to speak in support of this submission.

RUN universities are concerned that the proposed amendments to multi-employer bargaining (Part 21), if not implemented appropriately, could have unintended, negative impacts on Australia's world-leading university sector and the communities which they serve. The amendments could have significant adverse effects on regional universities and regional Australia. We wish to ensure that the proposed amendments do not inadvertently oblige universities with significant differences in size, scope, mission, and location into single interest multi-employer agreements.

One of the hallmarks of the Australian higher education system is the diversity of university providers. For example, regional universities (RUN members included) and metropolitan universities are demonstrably different enterprises and do not have clearly identifiable common interests. While they are all universities involved in higher education and research, they are different enterprises that operate different business models in different locations and circumstances. These differences extend to of size, financial status, the composition of student cohorts, objectives and (by definition), geographical location.

Key differences between regional and metropolitan universities include the following:

- **Size (student enrolments)**

Metropolitan universities enjoy both large and relatively stable enrolment numbers. The pool of students they draw from is large and the pipeline of new enrolments (year-on-year) is relatively consistent. In contrast, regional universities are smaller and highly susceptible to changes in regional economic circumstances.

The largest seven universities in Australia account for just over 32 per cent of total student enrolments. In contrast, the seven RUN members account for 12 per cent of Australian enrolments¹.

¹ Department of Education, Higher Education Statistics, <https://highereducationstatistics.education.gov.au/> accessed on 09 November 2022.

- **Size (staffing)**

A large student cohort translates into a large university, with large staff numbers. The total number of staff at Australia's largest university is approximately 10,000 (FTE). In contrast, the number of staff at some of Australia's regional Universities is less than 2,500 (FTE).

- **Student cohort (composition) and financial implications**

The student cohorts at metropolitan universities are predominantly full-time school leavers (< 25 years). At regional universities, approximately 50 per cent of the student cohort is mature aged (> 25 years) and part-time, still requiring much or more support and resources but yielding half the income.

Regional universities enrol a larger proportion of students from low socioeconomic or disadvantaged backgrounds. As a percentage of Australian domestic students, RUN enrolls the nation's highest rates of Indigenous students, students from low socio-economic backgrounds, and students from regional, rural and remote communities. While RUN universities host 15 per cent of Australia's total domestic enrolments, RUN enrolls 28 per cent of the nation's Indigenous enrolments, 23 per cent of national low SES enrolments, and 31 per cent of all regional/remote enrolments; by far the largest proportions of enrolments among these equity groups of any university sector network².

The business of delivering higher education and training in regional and remote areas, requires significantly greater, and costly, student support, including pre-enrolment enabling programs. These costs are not distributed equally across the sector.

- **Regional cost loadings and scarce resources**

Regional universities operate in regional and remote areas, which is reflected in higher operating costs. It is a day-to-day challenge to recruit and retain high quality teachers, academics and administrative staff especially in those regional areas, such as the Hunter Valley or Central Queensland, where the resources and heavy manufacturing sectors present strong competition for skilled workers.

The above are a selection of differences between Australia's higher education providers. As is evident, universities across Australia operate in significantly different markets, enrol significantly different student cohorts, and meet the needs of their disparate communities in unique ways. The Bill being considered potentially enables universities that are fundamentally different to be treated as if there were no differences – essentially assuming that apples and oranges are the same.

If regional universities are joined with metropolitan universities, or one regional university joined with another, or two vastly different metropolitan universities joined in a single interest multi-employer agreement making process, there is a genuine risk that universities will be exposed to industrial action on matters that are not relevant to them and will result in poorer outcomes for each party. This could fundamentally undermine the international standing of Australia's universities, and largest service export industry, and risk the impact that Australia's higher education sector makes to Australia's economic prosperity, not to mention the potential impact this could have on Australia's domestic students.

In considering whether regional universities and metropolitan universities might be covered by a single interest multi-employer agreement, we note that the Fair Work Commission (FWC) would be

² Department of Education, Higher Education Statistics, Section 16 - Institutional Student Equity Performance Data, 2009 to 2020, accessed from <https://www.education.gov.au/higher-education-statistics/student-data/selected-higher-education-statistics-2020-student-data-0> on 05 November 2022.

required to have regard for the geographical location of an enterprise, the regulatory regime applying to the enterprises, and the nature of the enterprises (see 216DC (2)). Nevertheless, RUN members are concerned that this issue does not remain a matter of interpretation, as currently proposed, and that universities due to their uniquely differing operating circumstances be exempt from this proposal.

There are other items in the proposed Bill that raise concerns such as the inability for universities to put an agreement to staff vote without Union agreement, and the ability to revisit the BOOT after the FWC has already ruled, but I expect those items will be highlighted in the upcoming hearings, or I could speak to them myself.

Thank you for the opportunity to provide input on this vitally important issue. Please do not hesitate to contact the RUN Secretariat on 0408 482 736 or via e-mail at execdir@run.edu.au to discuss any elements of the submission further, or to arrange a meeting with the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Nick Klomp". The signature is written in a cursive, slightly slanted style.

Professor Nick Klomp
Vice-Chancellor, CQUniversity