



EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

Members present:

Ms KE Richards MP—Chair
Mr MA Boothman MP (virtual)
Mr N Dametto MP (virtual)
Mr J Lister MP (virtual)
Mr JR Martin MP
Mr JA Sullivan MP

Staff present:

Mr R Hansen—Committee Secretary
Ms R Duncan—Assistant Committee Secretary

PUBLIC HEARING—QUEENSLAND UNIVERSITY OF TECHNOLOGY AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 30 SEPTEMBER 2021

Brisbane

THURSDAY, 30 SEPTEMBER 2021

The committee met at 10.59 am.

CHAIR: Good morning. I declare open this public hearing for the Education, Employment and Training Committee's inquiry into the Queensland University of Technology Amendment Bill 2021. I am Kim Richards, the member for Redlands and chair of the committee. I acknowledge today that we are sitting on the custodial land of the oldest living civilisation in the world and pay my respects to elders past, present and emerging of the Jagera and Turrbal people. With me today on the committee I have Jimmy Sullivan, the member for Stafford; and James Martin, the member for Stretton, who is substituting today for the member for Rockhampton, Barry O'Rourke. Via teleconference we have James Lister, the deputy chair and member for Southern Downs; Mark Boothman, the member for Theodore; and Nick Dametto, the member for Hinchinbrook.

On 1 September 2021, the Minister for Education, Minister for Industrial Relations and Minister for Racing, the Hon. Grace Grace, introduced the Queensland University of Technology Amendment Bill 2021 to the parliament. The parliament subsequently referred the bill to this committee for examination, with a reporting date of 15 October 2021. The bill proposes changes to the composition of the Queensland University of Technology Council. The purpose of the hearing today is to hear evidence from stakeholders who have made submissions as part of the committee's inquiry.

The committee's proceedings are proceedings of the Queensland parliament and are subject to its standing rules and orders. In this regard I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee. Only the committee and invited witnesses may participate in these proceedings. Witnesses are not required to give evidence under oath, but I remind everyone that intentionally misleading the committee is a serious offence.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Those present today should note that it is possible you may be filmed or photographed by the media and images of you may appear on the parliament's website or social media pages. The media rules endorsed by the committee are available from committee staff if required. I ask everyone present to please turn their mobile phones off or to silent mode.

HARVEY, Ms Leanne, Vice-President (Administration) and University Registrar, Queensland University of Technology

SHEIL, Professor Margaret AO, Vice-Chancellor and President, Queensland University of Technology

CHAIR: Welcome. Would you like to make a brief opening statement before we start our questions?

Prof. Sheil: I will. I too acknowledge the traditional owners, the Turrbal and Jagera, and pay my respects to their elders past, present and emerging. I thank the members of the Queensland parliament and this Education, Employment and Training Committee for the opportunity to appear today. Obviously we are in support of the Queensland University of Technology Amendment Bill, which will reduce the membership of the QUT Council from 22 members to 15 members.

The process to streamline the QUT Council began in 2017 when the then minister for education, Hon. Kate Jones, wrote to QUT noting the parameters set by the state government for governance reform at James Cook University and providing the option for other Queensland universities to consider implementation of a similar model. QUT then began a process of review and consultation to identify the appropriate size of council to reflect modern governance practices. Initially we consulted on a 13-member model and then, following the consultation, proposed a 15-member model.

The proposed model to reduce the size of the council from 22 to 15 members will enable, in our view, an appropriate balance between the number of members and the agility and experience required for effective governance of the university. It fully complies with the voluntary code of best practice for the governance of Australian universities, which requires that the majority of council

members must be external to the university and preferably there be no more than 15 members. Of the 15 members proposed, eight would be external, as per the tertiary education quality and standards Higher Education Standards Framework guidance on governance.

The proposed bill follows two rounds of consultation with the QUT community commissioned by the QUT Council and further consultation with all key stakeholders following release of the draft bill. This included direct contact via email with 65,000 members of the university community, including current and former students and staff. I wish to briefly acknowledge the submission from the National Tertiary Education Union opposing the bill, partially on the grounds that there is no evidence that the current council is ineffective. That is largely true and we have been well served by current and previous councils. However, we can do better and the proposed changes strike a balance of ensuring a plurality of views and reducing the overall workload and time for conducting and managing the council.

QUT believes it has provided sufficient representation for staff and students—a reduction of five to two and three to two—in line with the overall reduction of 22 to 15 members of the QUT Council. This maintains elected representation of 30 per cent, compared with 31 per cent in the current council, and meets the minimum requirement of 25 per cent, as set out in on the original advice from the then education minister. The bill does, however, stipulate that one student representative should represent postgraduate students. This is a change which we believe will ensure this important and growing sector of the student body is represented adequately and not adversely impacted by having lower voting numbers than undergraduate students. The postgraduate students also have very different needs and perspectives.

I thank the committee for inviting us here to speak today at a very important stage in the future governance of Queensland's second largest university. At the time of these reforms we are committed to streamlining our underlying committees, strengthening our academic and elected voice, alongside these reforms which will also be important features of that governance. Thank you for your time. We are very happy to answer questions.

Mr SULLIVAN: Thank you for your opening submission. I want to talk about whether you are confident that there is broad support amongst the university students, staff and broader community—I think you even referenced the 65,000 people in the QUT community—with, I guess it is fair to say, a relatively low level of engagement in this process. Can you speak to whether you are confident that there is broad support?

Prof. Sheil: As you may be aware, generally in universities if there is not broad support we tend to have a much higher level of engagement rather than the other way around. There has been a long process involved in this. We had more submissions in response to the initial proposal for 13 members, and we responded to that.

Mr SULLIVAN: How many submissions did you have at that round?

Prof. Sheil: I do not know whether I have that number here, but it was a larger number. It was still less than 200.

Mr SULLIVAN: This is back in 2019?

Prof. Sheil: Yes. The original model that went out for consultation was 13 members. After receiving the feedback in relation to that, we then proposed the 15-member model, which we have also consulted on.

Mr SULLIVAN: That is the one you had 11 submissions to?

Prof. Sheil: Yes, that is right. I have had extensive staff forums. There are plenty of opportunities for students, staff or other members of the community. If there were a groundswell of opposition, we would know about it.

Mr BOOTHMAN: You spoke about the postgraduates having different needs and perspectives from undergraduates. Can you talk about that in respect of the representation on the board to make sure that each perspective is properly given a voice, so to speak? You spoke about the different needs and perspectives. I am just curious about what you feel those different needs and perspectives are, to ensure postgraduates and undergraduates have a good voice on this council.

Prof. Sheil: There are two types of postgraduate students who would be eligible: those undertaking coursework such as a Masters or those undertaking a research degree such as a PhD. They each have slightly different needs, but some of their different needs are that they are often an older student cohort so the kind of support we might provide for them is different. In the case of research students, they may have different requirements or perspectives about the adequacy of

supervision policies or facilities available for research, and they typically would not be as involved, obviously, in the undergraduate student matters. Their concerns are quite diverse but, again, are typically around areas of support, coursework provision and so on.

CHAIR: Can you talk a bit about how this new structure will provide the combination of membership and diversity to make sure it is the very best governance?

Prof. Sheil: Through the combination of the Governor in Council nominations, the additional members and the elected representatives, we have the opportunity to engage our staff and our students and, with the additional flexibility around the additional members, have the opportunity to bring in the kind of expertise that we may not have achieved through the elected representatives. We might be looking for legal experience, commercial experience or experience in research and development. We seek to balance that with the additional members but also ensure with the representation that there is a sufficient voice and confidence in that voice in that there is more than one staff member or more than one student so you are not getting a lone voice in that perspective. I have had experience in other places of no elected representatives, one of each category and more than one. My experience is that when you have at least two staff members and at least two students you get a better representation and input.

Mr LISTER: Thank you, Vice-Chancellor, and representatives from QUT for being here today. You might be aware that the Department of Education provided us with a written briefing, which is now on our website. It counted the position of the chancellor as being an internal member of the council, yet your submission puts it down as being an external member. Can you clarify that for us, please?

Prof. Sheil: Chancellors are always considered external members in my experience, because typically they are not drawn from the employed staff or students of the university. They are appointed, as the other Governor in Council and additional members are, and considered external.

Mr LISTER: The chancellor in that sense is an external one, in your view?

Prof. Sheil: Absolutely, yes.

CHAIR: I think you have covered the two key things that we were most interested to hear. Thank you for your time in presenting. There were no questions taken on notice, so thank you very much for your time today. I really appreciate it. I am sure it will be a good piece of legislation for QUT.

DAWSON, Mr Graham, QUT Branch Committee Member and QUT Councillor Elect, National Tertiary Education Union, Queensland Division

McNALLY, Mr Michael, Secretary, National Tertiary Education Union, Queensland Division

NIELSEN, Mr David, QUT Branch President and QUT Councillor, National Tertiary Education Union, Queensland Division

CHAIR: Mr McNally, would you like to make a brief opening statement?

Mr McNally: Yes, I would. I would also like to begin by acknowledging that we are meeting on the lands of the traditional custodians, which are the Turrbal and Jagera peoples, and pay my respects to elders past, present and emerging. I note that this country has never been ceded and therefore remains Aboriginal land. I take the opportunity to note that there is not an Aboriginal and Torres Strait Islander person currently sitting on QUT Council and urge QUT to rectify that.

I will begin by responding first of all to some of the comments of Professor Sheil. She talked about consultation. Sending 65,000 people an email is not consultation. I do appreciate her acknowledgement that the current council has served its purpose very well and that she has not had any difficulties with that, particularly given one of the councillors is sitting next to me. I also do acknowledge that QUT has proposed some improvements to the democratic processes that are part and parcel of having a university—the academic council academic board, for example—and hopefully those will proceed. I also acknowledge that the 15-member model that they have come back with in this round is better than the 13-member model that they proposed in their initial consultation.

Before commenting on the NTEU's view of the bill, I think it would be remiss of me not to note that we are in a crisis in higher education at the moment. The LNP has demonstrated its antipathy towards higher education over the past 18 months. At the very beginning of the pandemic, international students were told to 'make their way home now' and universities have been excluded from JobKeeper via regulation on three separate occasions. This has led to a crisis in the sector which has led to thousands of jobs being lost, and we have had no support package from the federal government. There have been further cuts to domestic funding made through the Job-ready Graduates Package and there has been a massive impact on what has been a largely precariously employed workforce.

In the midst of this crisis we are now dealing with an ALP state government that is set on continuing the work of the Newman government in undermining industrial democracy. Industrial democracy is the concept that workers who work somewhere have a knowledge of, a direct interest in and a right to contribute to the direction of their employer. The NTEU and its members have objected to this bill and its predecessors on several occasions and request that the committee recommend that the bill not proceed. Proceeding with these changes certainly undermines the rhetoric that the ALP is the mouthpiece for unions, but it is not clear to our members what the ALP stands for if it is not for workers and industrial democracy.

Our submission demonstrates that there is no evidence—that is, empirical evidence as opposed to statements by the vice-chancellor—that smaller governing bodies work better for universities. We have made these statements to this committee before. QUT's submission relies on notions of corporate governance and a statement made by Universities Australia, which is a peak body for university managements; it is not some independent body that represents universities. The board is made up completely of university vice-chancellors. University vice-chancellors have a vested interest in reducing the level of oversight of their actions.

With us today is one of the staff elected to council in the most recent elections, Graham, who is going to lose his voice if this bill is passed. He has been working for QUT for 41 years. He might have something to say about the direction of QUT, its strategic importance and how the university should be run. The other elected member who is going to lose their role as a result of this bill is Eric Waclawik and I draw your attention to something he wrote and sent to me. He said—

If this governance reform of QUT was submitted to all staff for consideration, I can state with confidence that such a motion would be unambiguously repudiated by QUT academics and professional staff in any free and democratic poll. Why might staff have a mind to vote down such a change if it was clear and pressing that there was a need for reform? I submit that there is no need for this reform. It appears that interests obsessed with a corporate model mindset cannot let this topic go and have used their influence to deliver a workplace reform that is neither desirable or necessary. In reducing the council's size from 22 to 15 members, the reform effectively reduces the QUT Council diversity and number of voices.

Eric has been at QUT for 18 years, so he might have a little bit of experience as well as an academic. That is two of over 50 people—29 professional staff and 22 academic staff—nominated to be on QUT Council. They clearly see it as an important role for them to be involved in the governance of their institution. Both Eric and Graham have reported that staff who congratulate them on their election are subsequently shocked that the Queensland government is then proposing that they be removed.

I turn to universities themselves. Universities are very complex organisations. They conduct teaching and they undertake research. They are the institutions that create vaccines, they train new engineers who build important infrastructure and they further the knowledge of society and community. The functions of the university are listed in the act, and these are not changed by the bill. I will not read them all but I will read some of them. They are: to provide education at a university standard—and the professional and academic staff of the university might have some idea of what that means; to provide facilities for and encourage study and research—again, you would think that staff voices would be able to contribute to the a debate about that; to encourage the advancement and development of knowledge and its application to government, industry, commerce and community; to provide courses of study or instruction at the levels of achievement the council considers appropriate to meet the needs of the community; to disseminate knowledge and promote scholarship; and to provide facilities and resources for the wellbeing of the university's staff, students and other people undertaking courses at the university. Again, the staff of the university have a vested interest in having a good workplace environment. They are the people who understand what it is that staff need and what it is that students need. Again, the NTEU requests that you recommend that the bill not proceed.

There is one other matter that I would like to draw the committee's attention to. I believe that the person from the department will also speak to this. There is a technical issue as we see it in the drafting of the bill. I have spoken to QUT management and to the department about this and there is acknowledgement that there might be—I stress 'might be'—a perverse outcome from the transitional arrangements for the professional staff member who came second, which is Graham, and the academic staff member who came third, which is Eric, in the elections just held, because they are in one sense elected to council. They are subsequently removed via the transitional provisions of sections 77 and 78. If, however, a casual vacancy arises subsequently under section 20A of the bill, the person who fills that position is the person with the highest number of votes at the election who was not elected. This would seem on one reading to exclude the two people who were originally elected but then subsequently removed via the transitional arrangements. Therefore, even if you do not recommend that the bill not proceed, we would ask that you recommend that the bill be amended to prevent the transitional arrangements from disadvantaging the two people who will be removed from office and allow them to be the first persons appointed to any casual vacancies. I thank the committee for its time.

Mr SULLIVAN: I have a few questions but will start with a more general one. Mr McNally, would you put on the record the breadth of membership of the NTEU in terms of the different types of professionals who work at university and you represent?

Mr McNally: Certainly. The NTEU is an industry union, which means that we can represent, and do represent, anyone and everyone who works at a university—someone who is a gardener, someone like Graham who works in the library, an architect academic like David, admin staff, technical staff, lab staff. Anybody who is employed by a university in Queensland we are able to represent.

Mr SULLIVAN: In your opening remarks you said words to the effect that some of your members, when congratulating Graham and Eric on their election, were shocked to hear that they were being removed. Does that suggest that they did not know that this reform was coming or that consultation did not occur?

Mr McNally: As I said in my opening statement, sending an email to 65,000 people—and the staff of universities are incredibly busy and get hundreds of emails from their employer over the course of a year—is not genuine consultation. My view is that if they wanted to have genuine consultation they needed to do it organisational unit by organisational unit, which is how they would consult on other matters. I would say that the vast majority of staff probably still do not know that this bill is proceeding.

Mr SULLIVAN: It is a bit surprising, isn't it, for people who are engaged enough to vote and to support one of the candidates to not be engaged enough to know that this was happening?

Mr McNally: I would not necessarily draw that conclusion. The number of votes, per se, was not terribly high. I do not have the election figures, but candidates are elected on around 150 to 200 votes. Would that be accurate, Graham?

Mr Dawson: In my case it was 159, I believe.

Mr McNally: Yes. I do not think casual staff are eligible to vote, because I do not think there are casual staff candidates eligible to sit on council. That is another possibly problematic thing with the way in which the acts are set up, because there is a vast number of casual staff employed who have a vested interest in their employer who are not able to be represented on council. Of the possibly 2½ thousand to 3,000 professional staff who are full-time or part-time, probably only 600 or 700 would have voted.

CHAIR: Why would that be the case?

Mr McNally: Because the elections are not compulsory, because the university does not promote matters to do with council terribly highly. They might get a mention—I am not trying to verbal the university—in a general bulletin that is going out with five or six other news items. Governance matters are not treated as a high priority in terms of university communications.

Mr SULLIVAN: What about communications from the union?

Mr McNally: All five positions in the present set of elections were filled with NTEU members. We turned our members out to vote. We got good engagement from our members about the process. It is hard to get people engaged in something to do with governance when you have a COVID pandemic, when they are losing colleagues left, right and centre. Getting traction on an issue like this at this time has been very difficult, because they are all incredibly overworked and stressed. Universities are not fantastic workplaces at the moment because of the stresses they are under.

Mr SULLIVAN: I am not disagreeing with you on that. I can understand the huge pressure that that particular sector has been forced to go through. My point is that the level of interest in this bill and the level of interest in, by your own submission, even voting for these positions for which they are entitled to vote probably reflects the interest or otherwise of your members and the staff more broadly.

Mr McNally: I would have to disagree with that. Interest does not just generate from inside an individual. If something is talked about frequently, promoted by the university as being something of great importance and something that people need to engage in on a more direct and systemic basis, people would see it as a more important issue. I do not think that is right.

CHAIR: I find it interesting that you said that your members have been shocked, yet, in addition to the consultation processes of QUT and the department over two-and-a-bit years and our inquiry into the legislation, the three submissions the committee received were from Griffith University, QUT and yourselves. We did not receive any submissions from members to suggest that they were shocked by what is being proposed in this legislation.

Mr McNally: We did not encourage members to make individual submissions as we are a collective organisation and we represent the voice of our members. There was a petition in 2018 which had 400 signatories against the proposed amendments.

CHAIR: Is that when it was originally proposed as being 13?

Mr McNally: That is right.

CHAIR: So there was an awareness. If you had 400 people sign a petition, it would be fair to suggest that there was an awareness by the staff at the time of the changes being proposed.

Mr McNally: Yes.

CHAIR: You obviously represent staff at James Cook University as well. Can you provide us with some feedback on the experience of James Cook University and your members up there under a similar model?

Mr McNally: James Cook University has not been as adversely impacted by COVID as other universities such as QUT because of its lesser exposure to international students. In terms of governance, we have not had any major scandals or problems. Do staff feel like they have a voice at JCU? No, I would say they do not. Is that directly related to the number of members on council? No, I cannot make that connection.

CHAIR: There are no observations you can make from your membership at James Cook University under a similar model that has been proposed in terms of experience?

Mr McNally: Not in terms of direct governance outcomes, no.

CHAIR: Can you provide some commentary on the code of conduct that makes these recommendations in terms of governance and structures from your perspective?

Mr McNally: You are talking about the statement from Universities Australia, the voluntary code of conduct?

CHAIR: The voluntary code of conduct, yes.

Mr McNally: As I said in my statement, that is a group that is representative of the vice-chancellors. Its board is all university vice-chancellors. It is a code that they came up with themselves and decided on their best practice based on their views of corporate governance which we disagree with. We think that, in terms of a plurality of voices, a diversity of voices, and certainly a critical mass of staff being able to actually work together to speak up—it is quite difficult for individual staff or small numbers of staff to speak up in a council environment because it is quite intimidating for staff who do not have an experience of being on corporate bodies. Having more of them on a council gives them a greater sense of security and ability to stand up and say, 'Well, sorry, Vice-Chancellor, that is not exactly how it works in my neck of the woods,' or whatever it might be.

CHAIR: The member for Stafford touched on it, but there are roughly 12,000 staff at QUT? Approximately how many members would you represent?

Mr McNally: The 12,000 number would include any casual who has worked one hour there over the past 12 months or whatever it is that the university bases its figures on. Our current membership is about 760.

Mr BOOTHMAN: I want to ask about the consultation you have had with the university apart from the emails. Has there been any other consultation—any face-to-face meetings or any discussions to air your concerns?

Mr McNally: We have met directly with the vice-chancellor to talk about our concerns and expressed our view that we think the current arrangements are not broken and there is no motivation to fix them. If you are talking about the consultation that was undertaken with staff in terms of meetings et cetera, there were in the first round I think two meetings advertised at which something like 16 people turned up. I cannot recall the numbers from the current round of consultation, but, as I said, they were not having meetings in organisational units, encouraging staff to come and undertaking consultation in that sort of meaningful and direct way.

Mr BOOTHMAN: Going forward, though, with the email process of sending out information, how would you prefer these changes be undertaken? If you were in charge, what would you do to get this information out there to create a greater interest from potential students and staff?

Mr McNally: It is a good question which I have not given much thought to. If universities were genuine about initiating significant change, generally they would talk to their senior leaders, the heads of school, the heads of discipline and leaders of organisational units and require them to have meetings with their individual organisational units and schools to put proposals to them and to have discussion with them and provide feedback in a comprehensive way that emphasised the importance of whatever it was that was the subject of discussion and also to get genuine feedback. They would not send out an email advertising a meeting to all staff at Gardens Point campus saying, 'If you are interested in this, come to this' and leave it at that. They would undertake a much more thorough, organic, consultative mode in order to undertake some sort of change on that basis.

CHAIR: I am curious to take a deeper dive into the consultation process following the initial suggestion of a 13-member council. You said that there was a petition with over 400 signatures. I assume that, given there has been further amendment, back at that time there was some significant consultation. If you had a petition with 400 signatures, I assume there was dialogue and communication between the university and those interested. Did you say you had 400 signatures to the petition back at the time?

Mr McNally: Yes, back in 2018.

CHAIR: What was the consultation process? I would have thought, given there were changes to the initial draft piece put forward, there was a process of consultation.

Mr McNally: Yes. As I acknowledged in my opening remarks, change does indicate that the university did listen to the initial feedback that was provided. The membership drove that petition. It was not done in consultation with the university; it was something that the union made happen.

CHAIR: Thank you. Thank you very much, Mr McNally, Mr Nielsen and Mr Dawson, for appearing before the committee today and for the information you have provided. That concludes this hearing. A transcript of these proceedings will be available on the committee's inquiry webpage in due course. There were no questions taken on notice, so I declare this public hearing for the committee's inquiry into the Queensland University of Technology Amendment Bill 2021 closed.

The committee adjourned at 11.38 am.