



**Tertiary Institutes Allied Staff  
Association Te Hononga (TIASA) Inc.**

**Submission to the Education and  
Workforce Committee  
on the  
Education Amendment Bill**

13 April 2018

## Introduction

Mr Chair and Committee Members, Tena koe.

TIASA Te Hononga appreciates the opportunity to make a submission on the Education Amendment Bill. We are the largest single representative voice and union for the majority of the tertiary education sector's allied (also known as non-teaching staff; support staff; in the University sector, general staff; and in some TEI's, professional staff). Our membership is located primarily in the ITP and wananga part of the tertiary education sector; however, we also represent significant numbers of allied staff in the University sector.

Our members stand to be directly affected by the changes proposed in this Bill. We welcome the opportunity to submit on their behalf.

## Background - TIASA Te Hononga

For almost half a century, TIASA Te Hononga has been a key, respected, active stakeholder in the sector. We will celebrate our 50th anniversary in 2019. We have operated under many different statutory frameworks, including much widely differing education sector legislation over that period. We have been a key player in the many changes throughout that period and a key actor throughout those many changes. As such, we have detailed first-hand knowledge of and expertise in how those changes did, or do, impact on the sector, its constituents and the wider community it serves.

We represent a wide and diverse range of occupations performing vital functions at every level. Our members hold a wide range of professional and technical qualifications, from doctoral level advanced degrees through to vocationally specific certificates and/or recognition. They are drawn from a diverse range of backgrounds and expertise across the private and State sectors. Together, TEI allied staff howsoever titled embody a depth of institutional, governance, managerial and discipline-specific and administrative expertise and experience that is unmatched.

## Submission

1. We support the Bill's aims of strengthening governance requirements that more closely align to the role and purpose of tertiary education institutions (TEI's) of all types.. *“by reinstating the important role of staff and students in institutional decision making, to provide guaranteed staff and student representation on the councils of all tertiary education institutions..”*<sup>1</sup>
2. However we do not believe the proposed staff representation set out in Clauses 11 to 14 of the Bill will enable democratic and effective staff representation, as only one voice will be heard if those Clauses are enacted as they currently stand. We support the general thrust of the submissions made by the NZ Council of Trade Unions, to which we are affiliated, in seeking reinstatement of effective stakeholder representation by students, staff and iwi. However, we differ somewhat in that we seek specific, designated staff representation by allied (general) staff and academic staff i.e., two staff representatives (one for each distinct occupational group – i.e., one allied staff representative and one academic staff representative) - to be elected to the governing Councils of each tertiary institution (ITP, polytechnic, wananga, university).

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<sup>1</sup> Explanatory Note to the Education Amendment Bill

3. This will require some amendment to the current wording of the above Clauses and clarification specifying who precisely are to be the designated allied staff and who are to be the designated academic staff. Without this there is real risk under the current framework that staff categories can be incorrectly mixed in together, thereby diluting any genuinely independent allied staff voice or representation and eliminate or significantly reduce their input. This may be either intentional or accidental.
4. Under previous legislation (now repealed) a TEI's Chief Executive had the sole power to determine which staff constituted that TEI's allied staff component and which staff constituted that institution's academic staff. The potential for mis-classification and confusion was quite wide. TIASA believes that a robust methodology for determining much more exactly which staff should correctly be classed as 'allied' and which should correctly be classed as 'academic' is necessary, requiring specific definitions and wording clearly stating this.
5. Unless there is clearly targeted representation from these two different occupational groups, our experience and that of our members throughout the previous period when staff were entitled to be represented on such Councils, is that the voice, expertise and knowledge of the allied staff was subsumed or ignored altogether. Instead academic staff representatives applied a solely academic lens to the institution's governance.
6. As experience and much research has shown, partial representation is not representation. In the case of the NZ tertiary education sector it has too often resulted in skewed decision making and lack of understanding of key factors of which allied staff have first-hand knowledge and expertise. The absence of allied staff voice has led to poor decisions and outcomes for many stakeholders including the sector's main funder, government.
7. The current Bill's clauses 11-12 and 14, only provide for one staff representative for both allied and academic staff. Academic staff considerably outnumber allied staff in all TEI's. The reality (based on our decades of experience throughout the sector) is that this numeric preponderance will, if enacted, result in the sole representative being an academic staff member as the sole "staff" voice on Councils. While many such academic representatives may well do their best to also represent the allied staff perspective, the reality and much experience shows this will not be the case. Instead the need to represent their larger constituency – the academic staff only - will dominate.
8. The result will be that the TEI council will only receive an academic staff view. It will not benefit from the real knowledge and experience of an allied staff voice, despite the fact that it will be allied staff who most often will have to implement whatever strategic or other measures a Council may set. Allied staff are often those best placed to provide informed input to proposed Council decisions as to their feasibility, appropriateness, costs and benefits. Allied staff voice should not be excluded in this way.
9. Well-established models of good governance, worldwide, exist and demonstrate why such governance diversity and participation is not just desirable, it is essential for good outcomes. Today, fully effective governance bodies require wider stakeholder participation. There are countless real-life case studies in the organisational management literature and experience of the gains that such representative participation brings. The dynamic tension and healthy debate engendered by this type of stakeholder involvement creates better outcomes in every respect for the organisation, whether these be financial or other quantitative measures, or qualitative outputs.

10. Staff representative positions on current Councils bring first-hand knowledge and expertise and, add immeasurably to the quality and calibre of the institutional governance and managerial operations that result, and this is widely acknowledged. But no such truly representative governance has existed in NZ's tertiary education sector for many years now. Examples of some of the consequences for many stakeholders abound, from the closure of key regional structures; to curtailment or closure of needed educational and other courses and initiatives; to changed managerial and operational actions deriving from governance directions that later proved counterproductive when implemented. Many such derive from governance decisions made without key allied staff stakeholder input and are too often centred around only one success dimension - that of cost saving and/or economies of scale. The cost, financially and otherwise, has been very high. TIASA can relate many instances when the absence of any effective allied staff voice resulted in institutions making poor decisions that in some cases did not fit with the tertiary education sector's strategy or goals. The later legislative removal altogether of any staff voice from TEI Councils in our experience further exacerbated these difficulties.
11. Exclusion of a distinct allied staff representative from TEI Councils is analogous to today's Parliament intentionally not including women, Maori or other key constituencies. A further consideration is that allied staff are predominantly women. Yet despite EEO and equity obligations pertaining to the sector, there is a noticeable gender imbalance on the majority of TEI Councils. Providing for specifically allied staff representation will go some way toward remedying this deficit.
12. The Councils of New Zealand's tertiary education institutions have been dominated by a quite narrow voice and perspective. Council representation at present is drawn from a very narrow pool of potential candidates. Too often those so appointed are from a relatively narrow group of mainly small to medium employers and other organisations with a commercial orientation. Many of those representatives have little if any real experience of or commitment to genuinely participative arrangement of any type, as has been well identified by much research - some, covering the past 40 years<sup>2</sup>.
13. NZ's TEI's are public entities and their role, stakeholder relationships and governance cannot be simply translated or copied from the private corporate sector. Their role is not the same as a corporate entity seeking to maximise profits, shareholder return is not the sole determinant of the activities, the relationship between the responsible Minister and a TEI's governing body, Chief Executives, students, staff, and the wider community is not the same as a business whose objectives are to maximise long term profits and returns to its shareholders, and customers. As has been said many times, TEI's do not exist for purely financial imperatives, important though these clearly are and must be. Instead, they serve a range of needs and goals.
14. The predominant managerial rhetoric of recent times is reflected in key current governance structures, style and attitudes under the present framework. We believe it is highly unlikely that given their current focus and composition, many TEI Councils will suddenly undergo an attitudinal and behavioural change and embrace truly representative governance, unless this is mandated by legislation. The inclusion of appropriate stakeholder representatives, including designated allied staff representation will help to reduce or eliminate poor decision making, adverse financial outcomes, and ineffective

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<sup>2</sup> For example, Rasmussen and Tedestedt (2017). *Waves of Interest in Employee Participation I New Zealand*. In Anderson G et al (2017) *Transforming Workplace Relations I New Zealand, 1976-2016*. Wellington: Victoria University Press.

institutional performance. A change is well overdue and we welcome the proposed legislation amendments that will begin to create a better framework.

15. However we do not believe that one staff representative chosen from a group that is always going to be dominated by the larger numbers of academic staff is either democratic or effective representation. The perspective, knowledge and views of these two different occupational groupings will overlap in some respects but in other key aspects they do not. We submit that genuinely independent, elected, designated allied staff representation be mandatory for all TEI Councils, to their benefit and that of the wider community, so as to achieve the Bill's aims.
16. We submit that the Bill's proposed changes to the governance representation on the Councils of all tertiary education institutions from polytechnics, institute of technology, community colleges, wananga and universities, must provide for two staff representatives. One, specifically designed to come from, be elected by, and represent the allied (general) staff of that organisation. The other to be the designated elected academic staff representative, elected by that institution's academic staff only.
17. We support the NZCTU's submissions arguing for designated iwi and student representation and the rationale for these advanced therein.

## **Conclusions**

The tertiary education sector is a core component of building our nation's skills base and human capability. It is the key to our economic survival and sustainable prosperity and these institutions are the core mechanism for delivering the educational 'products' and services that will meet those needs. Not only should the sector itself provide a model of forward thinking, effective and sustainable governance and management operations, to be truly effective in the short and longer term, it must reflect the diversity of the communities it serves - its key stakeholders.

The sector can become a model of genuinely participatory governance and management. It can also become an exemplar of best practice both in terms of what it does and what it can become by some fundamental changes in how it currently operates and is governed. At present it reflects a 19<sup>th</sup> century governance and management model. That time is past and new forms are needed.

Mr Chair and honourable Committee Members, we appreciate and thank you for the opportunity to submit on the proposed Education Amendment Bill. TIASA seeks leave to appear before the Committee, to speak to, and provide first hand evidence from the workers we represent on the matters contained in this Submission. We hope that this request will be granted.

Sincerely

Shelley J Weir  
National President

Peter L Joseph  
Chief Executive

## Reference List

- Analytica 1992. *Board Directors and Corporate Governance: Trends in the G7 Countries Over the Next Ten Years*. Oxford Analytica Ltd: England
- Australian Employee Ownership Association (1992) *Equity Report*. Sydney: Australia.
- Baums, T. (1994) *Corporate Governance in Germany – System and Recent Developments*. In *Aspects of Corporate Governance*, Eds. Isaksson, M. & Skog, R., Juristoförlaget: Stockholm.
- Boston J (1996) *The Ownership Accountability and Governance of Tertiary Institutions in New Zealand*. In *New Zealand Annual Review of Education* (6) pp 5-28
- Centre on Governance (nd) *About Governance*,  
<http://www.gouvernance.uottawa.ca/background-e.asp>Chait,
- Brontas, Paul P (2004) *Boardroom Excellence: A Commonsense Perspective on Corporate Governance*. San Francisco: Jossey-Bass.
- Dearing Committee: *The National Committee of Inquiry into Higher Education* (1997)  
Higher Education in the Learning Society, London, The Stationery Office;
- DeGroof J, Neve G and Svek (1998) *Democracy and Governance in Higher Education*. The Hague: Kluwer Law International.
- Dewing, I. And Russell, P. (2003). *Post-Enron Developments in UK Audit and Corporate Governance Regulation*. In *Journal of Financial Regulation and Compliance*, November, Vol. 11, Iss. 4, p.309. Bradford: Emerald Group Publishing, Limited.
- Downes, M. And Russ, G. (2005). *Antecedents and Consequences of Failed Governance: The Enron Example*. In *Corporate Governance*, Vol. 5, Iss. 5, pp.84–99. Bradford: Emerald Group Publishing, Limited.
- Economist (1996). *Shareholder Values*, pp. 13-14, & *Stakeholder Capitalism*, pp. 21-25, February 10<sup>th</sup>.
- Freeman, R.E. 1984, *Strategic Management: A Stakeholder Approach*, Pitman/Ballinger (Harper Collins): Boston.
- Givens, B. 1991, *Citizens' Utility Boards: Because Utilities Bear Watching*. Center for Public Interest Law, University of San Diego School of Law: San Diego.
- Grossman, R.L. & Adams, F.T., 1993, *Taking Care of Business: Citizenship and the Charter of Incorporation*. Charter Ink: Cambridge.
- Heath, J. And Norman, W. (2004). *Stakeholder Theory, Corporate Governance and Public Management: What Can the History of State-Run Enterprises Teach Us in The Post-Enron Era?* In *Journal of Business Ethics*, September, Vol. 53, Iss. 3, p.247. Dordrecht: Springer Science & Business Media.
- Kester, W.C. (1991). *Japanese Corporate Governance and The Conservation of Value in Financial Distress*. In *Journal of Applied Corporate Finance*, Continental Bank, 4:2, pp. 98-104, Chicago.
- Ray, D. (2005). *Corporate Boards and Corporate Democracy*. In *The Journal of Corporate Citizenship*, Winter, Iss. 20, pp.93–106. Sheffield: Greenleaf Publishing.
- Rasmussen and Tedestedt (2017). *Waves of Interest in Employee Participation I New Zealand*. In Anderson G et al (2017) *Transforming Workplace Relations I New Zealand, 1976-2016*. Wellington: Victoria University Press
- Regan, V. (1993). *The Will to Act: Report of The Subcouncil On Corporate Governance and Financial Markets to The Competitiveness Policy Council*. Competitiveness Policy Council: Washington, D.C.
- Richard P, Holland, Thomas P and Taylor Barbara E (1993) *The Executive Board of Trustees*. American Council on Education, Phoenix AZ, Oryx Press
- Sachs, S. and Rühli, E. (2005). *Changing Managers' Values Towards A Broader Stakeholder Orientation*. In *Corporate Governance*, Vol. 5, Iss. 2, pp.89–99. Bradford: Emerald Group Publishing, Limited.
- Sridharan, U., Dickes, L. and Caines, W. (2003). *The Social Impact of Business Failure: Enron*. In *Mid-American Journal of Business*, Fall, Vol. 17, Iss. 2, pp.11–22. Muncie: Ball State University.
- Turnbull, S. (1994). *Competitiveness and Corporate Governance: An International Review*. 2:2, April, pp. 90-96.
- Turnbull, S. (1995). *Corporate Governance: What is World Best Practice?* In *Australian Company Secretary*, Chartered Institute of Company Secretaries in Australia Limited, December, pp. 495-491.
- Turnbull, S (1996) *Stakeholder Governance: A Cybernetic & Property Rights Analysis*. Paper presented to 14th International Conference, International Association of Management, Toronto, Canada, and to 25th Conference of Economists, Australian National University.
- White, A (2006). *The Stakeholder Fiduciary: CSR, Governance and the Future of Boards*. Occasional paper. Business for Social Responsibility. San Francisco: North America
- Wymeersch, E. (1994). *Elements of Comparative Corporate Governance in Western Europe*. In *Aspects of Corporate Governance*, Eds. Isaksson, M. & Skog, R., Juristoförlaget, Stockholm.