

COPING TACTICS OR STRATEGIC REFORM?
INDUSTRIAL RELATIONS IN NSW STATE SCHOOLS AND THE CHALLENGE FOR EDUCATIVE
LEADERS.

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Abstract

The traditionally centralised system of industrial relations in NSW state education has a bitter history sustained by an adversarial culture (Mitchell, 1975; Spaul, 1977). The nature of this history, and the destructive effects of its associated industrial culture in schools, have led to a series of calls at state and national levels for holistic and fundamental reform (egs. Manfield, 1988; Scott, 1990; Ashenden, 1990). In early 1991, the New South Wales Department of School Education (NSW DSE) decided to sponsor the development of a School Leadership/Management Certificate (SL/MC). The Human Resources Directorate determined that one of the optional units of the SL/MC should be entitled 'Industrial Relations and the Principal'. The North West Region of the NSW DSE was asked to assemble a planning team and to 'develop the basis for the industrial relations unit'. The team comprised two regional officials, three principals, a cluster director and the authors of this paper.

The authors were asked by the planning team to review the political, policy and philosophical context of the SL/MC initiative, take account of current issues in the region, synthesise the findings of an exploratory workshop and a survey designed to elicit the perceived professional development needs of the region's principals, and to help elaborate human resource development (HRD) policies concerned with industrial relations (IR) at regional and central levels. This paper argues that both the policy context and an educative moral theory support two propositions. First, management education in industrial relations should help prepare principals, school executives, cluster and regional personnel to offer educative leadership in the industrial relations of their schools. Second, the key strategy should be devolutionary so that school, cluster and regional personnel can make industrial relations part and parcel of the day-to-day human resource management services they give to learning communities.

Three recommendations are offered

- the SL/MC unit on IR should offer training in conflict resolution skills;

- other post-graduate tertiary education courses might usefully attend to the history of IR, changing an industrial culture, and policies of governments and unions;
- the NSW DSE should sponsor the production of a integrated package of in-service/post-graduate education materials, including case studies, to support school-based HRD on IR.

Policy Context

The need for holistic and radical reform of IR in the education portfolio was articulated by the Scott Report (1990). He called for a new approach to industrial relations in the NSW DSE to improve working relationships in schools. Leaders at all levels were asked (p.119) to provide the industrial conditions needed to create and sustain the culture anticipated by the Schools Renewal Strategy:

The new approach should be broad, non-technical and cover all aspects of relationships in a school region. Its main processes would be informal; they would involve direct dealing between the parties involved, accept the legitimate role of elected representatives, and tolerate genuine disagreement and diversity.

Scott also identified the key operating principles of the new approach:

- third party assistance would be offered only when site processes were exhausted;
- a high priority should be given to protecting the public interest;
- mediation in the school (to bring about fundamental change to its structures and practices) is preferable to conciliation (which is advisory and concentrates on short-term agreements);
- in turn, conciliation is to be preferred over arbitration (which is binding); and
- voluntary arbitration is to be preferred to compulsory arbitration.

This radical and devolutionary strategy contrasted with the piecemeal tactics exemplified by the agreement between the NSW DSE and the Teachers' Federation, accepted by the NSW Industrial Commission on 17 July 1990, that "a formal mechanism be set up to resolve problems and exchange information at the school and cluster level" (Ebrill and Hennessey, 1991). This agreement was a condition of teachers receiving the Second 3%. To honour this agreement, the Hunter Region of the Department of School Education and the NSW Teachers' Federation held meetings (using the expertise of the Trades Union Training Authority) with a view to developing training courses in conflict resolution procedures.

This foray into skill training, however, fell well short of the recommendations of the Scott Report, and might have sufficed were it not

for events in educational and political domains. In January, the Education Minister's External Council of Review (1991:56) identified industrial relations as one of ten areas vital to the success of the Schools Renewal Strategy in 1991. The External Council monitors the implementation of the Scott reforms. In February, Minister Chadwick (1990) attempted to hasten the implementation of devolution by declaring:

I propose that, as far as possible, the resolution of industrial disputes involving individual teachers should be undertaken at the local level.

Where such a dispute arises initial resolution should, in the first instance, be the responsibility of the Principal. Should the dispute have consequences beyond the delegation of the Principal to resolve, the Principal should consult as necessary with the Cluster Director and Regional Director Human Resources and the ADG(R).

In essence we should seek to ensure that no matter proceeds beyond a region unless it can be clearly be seen to be of sector wide significance or impact.

Her Director-General of School Education (Sharpe, 1991) immediately provided direction to his Assistant Directors General, Region:

please take action to implement the spirit of the Minister's message ... now ... [and the] ... general principle is that matters should be dealt with in the school or as close to the school as possible.

In the wider context, state politics took a hand. Premier Greiner called a state election for 25 May. The 'trigger' for the election was that the Upper House had again turned back the industrial legislation prepared by his IR Minister, John Fahey. Fahey had long campaigned for devolutionary micro reform in industrial relations (after Niland, 1984; 1986; 1989a; 1989b; 1989c). It is also the case that Fahey had achieved major changes to industrial relations in some government agencies. The reforms achieved in the Water Board (Fisher, 1988), for example, were widely regarded as providing a blueprint for changes in many other portfolios.

In May 1991, almost simultaneously, the Federal Government and the Australian Council of Trades Unions refused to accept a judgement by the Federal Industrial Relations Commission on waterfront restructuring. Then, in late May, Greiner did not receive the overwhelming mandate expected from the NSW electorate, and barely gained control of the Upper House. By late June, it appeared that a period of industrial uncertainty could be expected as new Federal structures and IR processes evolved with some flow-on effects inevitable at state level. On one hand it seemed that the new NSW Government could pace industrial reforms in state education with evolutionary change at the Federal level. On the other hand, the July 1990 agreement in the NSW Industrial Relations Commission required the further development of conflict resolution mechanisms. Events have changed since May 1991. The NSW Industrial Relation Act was passed and the Commonwealth

Industrial Relation Commission has approved enterprise agreements, both in October 1991. These two events have significant implications for the education industry. The Greiner government has remained committed to industrial reform even in the face of a state wide strike on 23 October 1991. The reality of the need and commitment to industrial reform has seen a readiness by the NSW Labor Council to 'accept' the new Industrial Relation Act.

It was concluded by the NW Region's team that the devolution of responsibility for industrial relations in state education would, at the least, accelerate steadily. This appeared to have at least two implications for HRD policy concerned with IR:

- planning for an IR unit in the SL/MC should proceed within Scott's policy parameters and take account of the needs of school executive teams and elected officials; and
- such planning should reflect an educative philosophy of industrial relations.

Theoretical Context

We reviewed the moral assumptions of the Scott IR proposals. They proposed to replace an adversarial culture with a co-operative, problem-solving and educative culture. Such proposals assume that schools and systems are moral cultures. They also imply that moral cultures need moral leadership.

Moral leadership in education requires an internally coherent moral theory that links responsibility, moral knowledge, organisational learning, feedback on consequences and effective cultural agency (Evers et al., in Evers, 1987). Moral theory that promotes educative industrial relations would, therefore, place human resource management central to the process of creating, promoting and applying valuable knowledge about quality relationships in each school (Duignan and Macpherson, 1991). There appeared to be two general consequences. For leaders in education to claim accurately they are educative means that:

- they must be able to develop and maintain an industrial culture that promotes inquiry, values problem solving, welcomes criticism and encourages participation and learning about organisational relationships; and
- they must be able to show that openness to criticism and an ability to learn from mistakes has become the basis for more valuable leadership action and cycles of reflection and decision making concerned with human resource management.

Put another way, such moral theory implied five key performance criteria for local and regional managers of industrial relations in education (after Walker et al., in Walker, 1987):

- their ability to develop and maintain an effective inquiry and problem-solving culture in their industrial domain;
- their respect and tolerance of different points of view and their acceptance of criticism as the key ingredient in the growth of knowledge about human resource management;
- their ability to adapt to challenges and provide for change in policy or practices through participative feedback and reflection;
- their concern to ensure that people have the freedom to fully participate in this process of learning and growth; and
- their commitment to the holistic belief that the decisions reached and negotiated can be defended on the basis of their contribution to long-term learning within the organisation.

As an aside, we suggest that these criteria could easily be elaborated, through negotiations, into site-specific and individually appropriate performance indicators as part of a holistic approach to performance management. Having clarified the policy and philosophical context, our attention turned to the management education needs of North West Region's principals.

An IR Curriculum for Executive Teams and Elected Officials

The curricular challenge was how to help replace centralism and adversarialism in industrial relations with a co-operative, problem-solving and educative culture in schools, clusters and regions. The planning team decided that the first step was to build a better appreciation of the situation by synthesizing best available knowledge on industrial challenges and to commission regional research in perceived needs.

We drew on a number of sources. The findings of a needs survey conducted in metropolitan regions by Dan Brown for the Secondary Principals Association were available. They showed that a skills upgrading in IR was considered long overdue. Those involved in the Hunter Region initiative confirmed this view and that few practitioners appeared to understand the holistic nature of the HRD reforms envisaged by the Scott policy changes. Those delivering a short course from the Human Resources Directorate, the 'Industrial Relations Module' for principals, also noted that demand was, initially, informational and managerially technical in nature. Participants wanted to begin with potted knowledge of current awards, legal obligations and conflict resolution skills.

Given this background, the North West Region's primary, central and secondary principals were asked to articulate their needs in two ways. The first data collection device used was a two-part workshop conducted at their annual conference in mid June. The second device was a survey instrument. Outcomes are summarised in the next two sections.

The Workshop Data

About 140 principals were presented with a synopsis of the Scott, Chadwick and Sharpe policy statements cited above and asked to discuss the general implications for the management of schools. They were then asked to consider the implications of one of four areas; flexible resource management, school-site industrial agreements, conflict resolution through consultation rather than confrontation, and multi-skilling.

During general discussion, the Scott, Chadwick and Sharpe IR policy appeared to be supported in principle. Many groups claimed or implied that the policy was, in large part, already the general operational reality and that it was 'basically common sense'. Many principals reported that they were also active members of the NSW Teachers' Federation and that they saw themselves as key facilitators of the reforms. Where disputes arose, they claimed, it was where NSW Teachers' Federation 'Instructions' challenged conditions understood by the NSW DSE to be embodied in awards. Many groups, therefore, sought advisory support services (legal and union) that clarified powers and awards. They wanted this guidance formalised as soon as possible in an effective administrative handbook on human resource management (HRM).

With regard to general skills levels, groups instead identified a smorgasbord of areas for attention; IR and Occupational Health and Safety policy analysis, issue management (especially to separate local from state issues), win-win negotiations and conflict resolution, relating awards to School Renewal planning, communications and public relations, building the role of local elected officials in HRM and HRD (especially in grievance mediation and conciliation), site analysis of IR culture, corporate planning and decision making, and understanding how influential people and groups work. Teaching principals were particularly concerned about role overload.

Of the four areas offered for more detailed examination, four groups selected 'flexible resource management', two looked at 'school-site industrial agreements', none selected 'conflict resolution' and four considered 'multi-skilling'. The group's reports in the three areas are now discussed.

Flexible resource management

When asked how this issue presented itself as an industrial challenge, a wide range of contentious areas were reported. Foremost was the rationalisation of school and class organisation and the dilemmas of balancing financial, industrial and educational values when having to down-scale organisation. Less general were references to managing specialist and casual teachers and special programs, career path counselling, time and space management, executive services and the change from collegial to employer/employee relationships.

Five general strategies were considered appropriate to handle flexible resource management. First, for all groups, was the use of wide-ranging

consultations and negotiation processes to maximise agreement before making decisions. Second, some groups valued the empowerment of those responsible for implementation. Third, one group suggested that more democratic staff meetings helped clarify plural views and raised the level of flexibility. The fourth, fifth and sixth strategies recommended were systematic annual planning, targeted skills training and the use of effective change processes including building staff awareness, collaborative situational analysis and comprehensive needs analysis.

When asked what skills and knowledge should therefore be featured in HRD programs, the responses clustered about political, technical and moral matters. Most groups indicated that political understandings and competences were basic to the management of IR. Areas they saw as crucial included the distribution and nature of power in IR, IR structures and processes (overt and covert), issue management (such as controlling conversation and the relocation of problems) and micro-politics in schools. The technical matters raised straddled the need to develop interpersonal skills, generate consultative, negotiation and planning processes, clarify awards content, how to use formal meeting procedures, mediators, delegation, and, regional support for HRD. The moral knowledge and skills requested all grouped about the need to identify and justify fundamental changes to relationships in schools so that decisions were driven more by educational criteria rather than by political or technical considerations.

School-site Industrial Agreements

It was assumed that this issue would arise as an industrial challenge whenever principals and teachers indicated a desire to negotiate terms of service regarded by either party as fixed by awards, by Federation Instructions or by past local agreements. It was predicted that such flashpoints could occur over flexible staffing, leave, extras, equity, extra-curricular activities, rates of pay, class sizes, period loadings, hours of duty and boundaries of responsibility.

When asked how they would handle such flashpoints, the two groups recommended a limited range of complimentary and concurrent strategies; individual negotiations and contracts, public negotiations with school staff, grievance procedures exhibiting due process, and placing all agreements into the public domain. These strategies implied that particular understandings and skills should be emphasised during HRD programs; award content and advice, the legalities of contracting, the politics of negotiations, and formulating an educationally sound agreement.

Multi-skilling

The four groups that considered this issue saw many opportunities for it to become an industrial challenge for principals. The more common conditions appeared to be a claimed lack of expertise, demarcation problems, organisational rationalisation, the appointment of inappropriate persons, competition over tasks and professional development, identifying potential 'high fliers' and the impact of new technologies. Also mentioned as flashpoints were claims of sex stereotyping, racial discrimination, multi-

skilled people demanding extra pay, parental dissatisfaction, salary injustice, medical incapacities and the introduction of Key Learning Areas.

The strategies suggested to cope with such challenges were as equally diverse. Some groups advised the 'selling' of multi-skilling. Others suggested that forced transfers might be appropriate. Two groups suggested that the issue might be dealt with as part of a whole-school HRD plan and allocated professional development funds. Think tanks, rotating unpleasant jobs, consultations, a media campaign, use of the School Council and the Cluster Director in mediation roles and prayer were all suggested as strategies.

When asked what skills and understandings were required to deal with industrial challenges relating to multi-skilling, the diversity of answers broadened even further. Human relations education and skills were emphasised by two groups. All groups asked for knowledge of awards and IR procedural skills, especially those relating to issue management and negotiating contracts. One group called for mediation education while another recommended "patience, suspended judgement, hindsight and crystal ball gazing."

Survey Data

About 140 primary, central and secondary school principals were asked to complete and return a questionnaire in late June. 68 (49%) responses were returned and found usable. The comments, from 50% of all primary, 45% of all secondary and 25% of all central schools in the region, were analysed by type of school. Comments were elicited by the following five open-ended statements.

- List in priority order industrial issues that have been experienced by your school in the last twelve months.

Disputes concerned with salary conditions were ranked highest by all participants, followed by 'extra' periods in central and secondary schools and performance appraisal in primary schools. Next in frequency came the questions of transfers and promotion, flexible staffing and resources allocation. In primary schools the introduction of global budgeting was reported to have been the source of widespread and frequent difficulties encountered by principals, as were the problems generated by the reduction of hours for school cleaning.

- What do you see are the most important industrial issues to be addressed by Government schools in the next twelve months?

This was the only item that drew responses that varied, to a degree, by type of school. Primary principals predicted that performance appraisal, flexible resource management, salary conditions, staffing and conflict resolution at the school level would become major industrial issues. Secondary principals expected transfer rights, performance appraisal, salary conditions and flexible resource management to be the most

contentious industrial issues. Their central school colleagues, who have responsibility for both primary and secondary departments, identified a blend of issues - transfer and promotion, multi-skilling, flexible staffing and performance appraisal.

Taken together, it seems that most North West principals were acutely aware of current IR challenges and anticipated that others would emerge in 1992. Their strategic view of industrial relations was, however, bounded by one major concern; to anticipate and contain unrest. Salary conditions, transfers, performance and flexible staffing and reorganisation were seen not as conditions associated with reform but as likely sources of disturbance to industrial peace. There was little evidence of radical thinking about generative conditions of industrial relationships.

- Briefly describe the procedure adopted in your school to reduce conflict caused by industrial issues.

Almost all principals stressed the importance of knowing the professional needs of staff, of recognising that, while some issues were beyond the scope of the school to resolve, more often than not, disputes could be addressed and resolved at the school level. Most seemed to believe that by being aware of potential problems, by holding discussions with staff and by being open to alternatives, within the degree of latitude given to principals, industrial disputes could be mediated.

Respondents made frequent reference to principals needing to have a genuine interest in the professional well being of staff, of being confident in their own position and in knowing the conditions of employment. Frequent references were also made to the value of effective grievance procedures and developing the capacity of all staff to negotiate. While these principals highlighted the levels of professional maturity required for the negotiated resolution of industrial issues at schools, few related effective procedures to the quality of the school's professional culture or the part played by leaders to transform such an industrial culture.

- List the skills you see as important in reducing industrial conflict at the school level.

The responses by the principals made it clear that they believed that the possession of conflict resolution and negotiating skills would significantly reduce the level of industrial disputation in schools. The ability to listen to staff was considered essential as was a genuine commitment by principals to mediate disputes. There was no evidence that these respondents considered principals to be part of the problem.

Instead, this item triggered responses about associated concerns; the need for strategic knowledge to complement skills, especially knowledge about relevant awards and their practical implications for schools, legal responsibilities, and unions' interpretation of specific issues. Conversely, many principals argued that staff needed to understand better

principals' roles and responsibilities. They made the point that principals are sometimes unable to satisfy a staff member, no matter how genuine the request. This suggested that role ambiguity and role conflict in IR matters might be far more common than realised.

- What suggestions would you like to make concerning how to structure a proposed course on industrial relations?

Again, responses were not related to type of school. They clustered in four areas: conflict resolution skills, knowledge of industrial awards, knowledge of dispute resolution mechanisms and the history of industrial relations within NSW government education from both the employer and union perspective. Many principals, with an eye to the effectiveness of the course, suggested that case studies from actual government schools should be included, and also be made available to principals and school staff. Many respondents were emphatic that, in addition to skills training and in-service education on industrial relations, swift communications and a HRM handbook were needed to deliver both the substance and the major implications of current and proposed changes to awards.

Conclusions

The policies and preliminary data outlined above suggest that a distinction should be made between the immediate and longer-term HRM and HRD needs of educational administrators in the NSW DSE with respect to IR. Most appear to want skills training and information services so that they can cope better with tactical contingencies. However, given the more holistic, fundamental and strategic changes foreshadowed by Scott's School Renewal Strategy, most also appear to also need broader IR education to help prepare them for pro-active and educative leadership roles.

The quantum difference between the tactical and strategic imperatives respectively served by training and education is illustrated by the apocryphal story of a teacher who argued that, with the onset of the recession, there was less reason than ever to make the distinction. A colleague retorted "If you don't know the difference between sex training and sex education I don't want you teaching my children!"

Pragmatic considerations suggested to us that training courses of short duration and workshops could, at best, focus on the acquisition of techniques or bodies of distilled information to cope with tactical challenges faced by individuals or role incumbents. In contrast, we saw semester-length in-service education for executive teams and elected officials as an ideal means of focussing on the leadership services given to schools, clusters and regions, with a view to improving the more fundamental nature of industrial relationships in the NSW DSE. Since training workshops and team leadership education each have distinctive strengths as delivery modes, we decided to recommend curriculum content accordingly.

Recommended Content for IR Training

The list of skills and knowledge sources, in approximate priority order, includes:

- conflict resolution skills;
- grievance procedures;
- human resource management guidelines, including conditions of employment, awards and implications; and
- listening and negotiating skills.

Recommended Content for IR Education

It is our view that semester-length in-service education for executive teams and elected officials should focus on the quality of day-to-day leadership services given to schools, clusters and regions with a view to improving the professional nature of industrial relationships. The content list, in approximate priority order, includes:

- the history and development of knowledge about IR;
- identifying and changing an industrial culture;
- contemporary interest groups and perspectives in IR;
- contemporary policies of governments and unions at State and Federal levels;
- the moral imperatives of current structures and practices, and proposed reforms; and
- case studies of system and institutional reforms.

Recommended Content for the SL/MC Unit

It is expected that a person studying the SL/MC unit on industrial relations will have about 15 hours face-to-face teaching with another 15 hours study time. We conclude that:

- the face-to-face time be used to train participants in the basic IR skills, specifically in conflict resolution skills, grievance procedures, listening and negotiating skills. Such training would be reinforced by the provision of human resource management guidelines and the extensive use of case studies; and
- the study time available be used to reinforce understandings in the same areas.

To this end, the SL/MC unit might be assembled in three sections; the new policy context, key skills and knowledge sources, and practical options for practitioners.

Concluding Note

It is crucial that the NSW DSE also invest in the strategic reform of IR and target the development of each school's executive team and elected official. An appropriate avenue is to contract applied research that would both produce a sophisticated and integrated package of post-graduate education materials. Another is to offer semester-long inservice courses on HRD and IR for each school executive team and elected official that wish to boost IR as a HRD priority.

The materials would need to traverse specific areas; the history and development of knowledge about IR, how to identify and change an industrial culture, contemporary interest group's perspectives in IR; contemporary policies of governments and unions at state and Federal levels; and, help teams to review critically the morality of current practices and proposed reforms. The semester-long inservice courses could offer two action research cycles of term length to executive teams, each prefaced by situational analysis, planning and skilling workshops.

Notes

1. This paper was developed from a joint paper "Educative Leadership and Industrial Relations in Government Schools" given to the North West Principals' Conference, Tamworth, 18 June, 1991.

2. Dr R.J.S. Macpherson is about to move to the University of Tasmania at Launceston. Dr D. Riley teaches in the Department of Administrative, Higher and Adult Education Studies at the University of New England, Armidale, NSW.

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