

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the provisions of the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005

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2005**

A submission by the
Council of Australian
Postgraduate Associations
June 2005

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The Council of Australian Postgraduate Associations (CAPA) is the national peak body representing Australia's 257,000 postgraduate students. These students are engaged in both coursework and research programs and include 84,600 international students.¹

The Annual Council Meeting, comprising delegates from 36 postgraduate organisations and covering 34 Australian public universities, sets CAPA policy and direction. CAPA has been the national voice for postgraduate students for 26 years, and as such is the oldest national student organisation in Australia.

This submission will address the terms of reference from a broad perspective, linking the impact at the individual postgraduate student and university level to the consequences at the higher education sector and international levels.

1. Assessment of the likely effect of the legislation on the provision of student services, and related consequences

1.1 Services provided

There is much variation in the structure of postgraduate organisations. Some are independent and totally separate from the generic student organisation, while others exist within the committee structure of one overall student organisation. A minority of organisations consist of one undifferentiated student body. Some organisations incorporate sports and service provision; others focus solely on representation and advocacy.

Student representatives, facing annual democratic elections, govern student organisations. These representatives meet regularly, and such meetings are open to the general student body. Student organisations are mainly funded through a student fee, usually termed a general services or amenities fee, levied by the university. These fees are distributed among the student bodies and the university. In the majority of cases, postgraduate organisations receive a small proportion of these funds collected from postgraduate students.

The services provided by all student organisations, and in particular by postgraduate student organisations, have evolved in response to the needs of students. Postgraduate organisations are at the forefront of providing for the needs of today's students in an environment dramatically changed and changing. The services postgraduate organisations provide vary depending

¹ Department of Education Science and Training, *Students 2004 [full year]: selected higher education statistics*, available online at:
http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/students_2004_selected_higher_education_statistics.htm

on the pattern of enrolment, the relationship to the undergraduate-dominated student organisation, whether service provision is centralised in one body or distributed amongst several, and also on the level and security of funding.

Total 2004 figures for postgraduate enrolment indicate that enrolments are continuing to increase. Within the diverse postgraduate community, despite a growth slowdown, the greatest increases have been in international coursework enrolments. At some universities, international students comprise over 40% of postgraduate enrolments. Due to visa restrictions, these students study full-time and most are also working up to 20 hours per week. Local coursework students, by contrast, often study part-time while working full-time. Research students who are in receipt of a scholarship generally study full-time, but those not in receipt of scholarship stipends are forced to study part-time in order to support themselves and their families. Online and distance study is becoming more common in postgraduate coursework, and includes many students studying from overseas.

Much of the recent debate regarding the legislation has centred on the financial benefits of student organisation membership and certainly many students receive significant savings through their membership. However it is the increased quality of their education that is the main advantage and one that all students receive. Some of the services provided by postgraduate student organisations are outlined below.

1.1.1 The role of CAPA as a peak national body

Through their postgraduate organisation, postgraduate students are given the benefits of being part of CAPA, the national postgraduate student organisation. One of the roles of CAPA involves lobbying at the national level on all issues of relevance to postgraduate students. There is also regular liaison with other higher education sector bodies such as the National Tertiary Education Union, Australian Council of Deans and Directors of Graduate Studies (DDoGS) and the Australian Vice-Chancellors' Committee on issues pertinent to postgraduate students. CAPA contributes submissions to all relevant government and parliamentary inquiries and reviews. In the past 12 months CAPA has contributed to:

- Building Better Foundations for Higher Education in Australia - A discussion about re-aligning Commonwealth-State responsibilities (May 2005)
- A National Quality Strategy for Australian Transnational Education and Training (May 2005)
- Research Quality Framework: Response to the Issues Paper (May 2005)
- Building University Diversity - Future approval and accreditation processes for Australian higher education (April 2005)
- Options for Regulating Migration Agents Overseas and the Immigration Related Activities of Education Agents (November 2004)
- Inquiry into Higher Education Legislation Amendment Bill (No. 3)

- (October 2004)
- Evaluation of the Education Services for Overseas Students Act 2000 (October 2004)
- Senate Inquiry into Life-long Learning (July 2004)
- Senate Inquiry into Student Income Support (June 2004)²

As the sole national peak organisation representing postgraduate perspectives, CAPA's submissions play a vital role in informing national higher education debate and direction. Recently, CAPA was the sole student organisation contributing a submission to the Research Quality Framework (RQF) issues paper. This contribution has been followed up by invitations to participate in the RQF consultation on April 22nd in Melbourne and the National Stakeholders Forum on June 2nd in Canberra. Additionally, many other sector bodies liaised with CAPA, and sought the opinion of CAPA, on the role of postgraduate researchers within the RQF.

CAPA also provides research on a number of postgraduate issues. Some of this research has covered issues such as:

- Minimum resources for postgraduate students
- Equity of conditions for international postgraduate students
- Improving access and equity for postgraduates from rural and isolated areas
- Strategies for supporting external postgraduate students
- The social and economic impact of student debt
- Disability, higher education, and postgraduate study

Many higher education sector groups, including the AVCC and DDoGS as well as the postgraduate organisations affiliated to CAPA, often refer to the research papers CAPA produces when determining policy at their own institutions. This research has been instrumental in shaping and directing university policy and procedures involving postgraduate students enrolled at Australian universities. As such, much of CAPA's activity is based on achieving quality and equity within postgraduate education.

It is questionable whether CAPA would be able to participate to the degree it currently does in higher education issues should the current Bill be passed due to the financial effects on CAPA's affiliate organisations. Should this be the case, the provision of a cohesive postgraduate voice at a national level would diminish and policy debate on postgraduate issues would no longer be informed as it is currently.

1.1.2 Advocacy

One of the roles of postgraduate organisations is the provision of advice and advocacy for students who are experiencing problems that can affect their

² Submissions available online at <http://www.capa.edu.au>

studies or disputes with their university. Largely overlooked in the current debate, this service is one of the most crucial provided by postgraduate student organisations.

While many students go through their university life without difficulty, many others encounter problems during their time as a student. Universities can be daunting places, especially for students who experience a culture change by moving to another country (such as international students), or another town or city (such as students from rural backgrounds). It is the support provided by student organisations that eases the transition to university, and often allows students to overcome difficulties that would otherwise lead them to abandon their studies.

For an individual student caught up in administrative or academic disputes, the experience can be confronting. Some issues that students might have to confront include accusations of academic misconduct, academic progress reviews, enrolment disputes, problems with supervision, intellectual property disputes, academic appeals, credit transfer disputes and harassment.

Hearings and appeals can be extremely intimidating, often putting the student at a disadvantage. This is particularly the case for international students who are not familiar with the university system and whose English language skills may not be sufficient to enable them to present their case effectively. It is also pertinent for students who have had no experience with dealing with such panels. Student organisations are able to provide advocacy and advice to these students to assist in navigating the university procedures, as they have specialist knowledge of the university and its processes and appeal mechanisms.

The advocacy role is recognised in university procedures and is appreciated by those university staff sitting on academic assessment and appeal committees. Advocates minimise confusion by exploring concerns in depth and identifying issues and needs. While this service initially assists one student, generally the outcomes have wider implications as it often leads to changes in university policy and procedures. Using an advocate is an efficient means of sorting out a problem. For example, students needing to explain their poor academic progress can spend time with an advocate talking through and identifying the issues, making the subsequent task faced by the review committee much easier. The advocate role also contributes to university accountability.

Crucially, advice and advocacy provided by the student organisation is independent of the university. This ensures a fair hearing for students and also contributes to the university's quality processes. If the advocates were university, rather than student association, employees there would be a potential conflict of interest when representing students in disputes with the university.

In cases where the interests of students differ from the interests of the university, such as when a student has an academic or procedural

grievance, or wishes to lodge a complaint against a university staff member, it is important that there is no potential for the sort of conflict of interest that may arise in a university administered advocacy service. Students need to be confident about the independence of their academic and welfare services. CAPA strongly believes that student interests are better represented by support and advocacy services that are provided by the student association than by the university itself.³

Without the advocacy support provided by student organisations, the only recourse for independent advocacy representation for students would be through a lawyer. This would be a costly affair both for the student and the university, and would make these disputes more adversarial than they need to be. In many cases, it is the provision of advocacy to students by student organisations that result in positive outcomes for all parties involved in the dispute. This is a benefit not only to the students directly involved in a dispute, but to all students and the university itself. The current Bill threatens the continued provision of such services, and leaves open the risk of legal litigation actions becoming commonplace in disputes between students and universities.

1.1.3 Representation

In public discussion of the legislation, representation is often conflated with advocacy and political activity: representation is in fact very different and is a crucial service provided by student organisations.

Representation is a service from which every student benefits. Most university policy and procedures have been developed with student representative input. Current students might not realise that the policies that provide them with rights of appeal and natural justice would not exist were it not for student representation on university boards and committees.⁴

Student representatives sit on faculty committees, academic boards, postgraduate committees, university councils, and student assessment and appeal committees. Most committees involve a substantial time commitment from the student representative. Representatives are either appointed by the student organisation or chosen through direct elections.

All student representatives on these committees are able to utilise the assistance of the student organisation to provide background information, training and briefings for each meeting. The student organisation also maintains collections of papers and research material and prepares submissions to internal university reviews. Without this support,

³ CAPA, *Submission to the Australian Competition and Consumer Commission*, December 2002, available online at: <http://www.capa.edu.au/frameset.html?./papers/index.html>

⁴ AUQA, *Report of an Audit of Deakin University*, 2005, available online at: http://www.auqa.edu.au/qualityaudit/sai_reports/index.shtml

representation might not be very effective as student representatives would not necessarily be familiar with the background of the issues under consideration or with the workings of the committees.

Representation is a key quality assurance mechanism. Representatives can identify issues that improve quality: for example, as a result of student organisation lobbying most universities now have policies on minimum resources for research students. When their representation is informed by advocacy, representatives can identify practice weaknesses and the potential impact of university-proposed changes on particular groups of students. University management has recognised this fundamental representative role, which has accordingly been built into policies and procedures.

Over the last decade, students have been increasingly viewed as consumers of education. Given the cost of higher education to the individual student, at both the undergraduate and postgraduate level, it is imperative that these “consumers” are given adequate protection. In this sense, one of the roles played by student organisations and student representation is equivalent to that of a consumer advocate group.

1.1.4 Community

Student organisations provide spaces and funding for student clubs. Far from reflecting one minority viewpoint, these clubs reflect and foster student diversity and include religious, political, environmental, and discipline-based clubs. Extra-curricula activities are important to mental and physical health and to achieving balance in life. Clubs also foster skills development such as leadership, organisational, and financial management skills. Clubs are a means for isolated students to meet others with common interests. Isolation and loneliness affect up to two thirds of international students but can be eased if the students can find support.⁵

Student organisations foster a sense of community through ongoing involvement in community organisations, and through support of their Alumni association. This sense of community is something that graduates can take into the broader community through involvement with community groups. This has a direct benefit to society, as fostering a sense of involvement in community at the university level assists in developing a wider sense of community once the student graduates. One of the roles of a university education is to build leadership skills that benefit all of society, and a large component of this is developed through participation in clubs and societies supported by student organisations, as well as direct involvement in student organisations themselves.

⁵ Rood, David and Green, Shane, ‘Half of foreign students report racism’, *The Age*, 15 June 2005, available online at: <http://www.theage.com.au/news/National/Half-of-foreign-students-report-racism/2005/06/14/1118645806611.html>

Student organisations also hold activities to enhance the university experience and bring students together. Postgraduate organisations run activities to suit the diverse student population, such as out of hours activities for part-time coursework students, seminars, student-initiated conferences, multi-cultural events, debates and exhibitions.

Student organisations are extensively involved in university orientation programs. This involvement may consist of presentations to lecture groups, social events, the distribution of information, campus tours, and running relevant training sessions. Student organisations also produce newspapers and information sheets, maintain websites and email lists and support student run radio and television. Student organisations provide free legal and financial advice, subsidised childcare, emergency loans, health services, and sporting facilities and classes.

As universities use up every available space for offices and lecture rooms, the student spaces where students can relax, interact with other students and hold meetings become increasingly important. Spaces provided by student organisations include meeting rooms, lounges, prayer rooms, womens rooms and queer spaces.

Most student organisations offer subsidised catering in cafeterias and bars that are open on campus at appropriate times. Concern for student safety has led many organisations to initiate a night bus service to transport students safely to public transport and nearby accommodation, as well as to lobby the university to improve security measures such as lighting for walkways. Some of the other services that student organisations provide include tool libraries, computer labs, photocopying and fax facilities, and locker hire. Some student organisations run the on-campus bookshops, often also selling second-hand textbooks.

1.2 Effect on services

While there will be some variation due to the diverse nature of postgraduate student organisations, the impact of the legislation on the services provided by all postgraduate organisations will be universally devastating.

If payment of the general services fee is voluntary, the majority of students are not likely to pay, as the experience in Western Australia has demonstrated. There are many factors behind this. One is due to the fact that many new students will not be aware of the contribution of student organisations, nor will they be able to anticipate their future needs for services such as advocacy. Unfortunately, by the time they need these services, the services might no longer exist due to the financial cutbacks that this legislation will necessitate. Another is that given the financial situation of many students, even though they may see the benefit of services provided by student organisations, not all will contribute to what is currently a general services and amenities fee. This situation is particularly likely given that students will have

to pay full market rates for services that are currently subsidised by the general services and amenities fee. The same situation could be applied to income tax or local government rates, where many citizens would opt out of paying these if they were made voluntary contributions. A corollary is the 'voluntary parent contribution' in the schools sector that is generally not paid by low income families who are already hard pressed to pay for their children's textbooks, uniforms and computer requirements.⁶

While postgraduate organisations may generate some external income from sponsorship and commercial dealings, they are dependent for the majority of their income on the general services fee. If income from this fee ceases or is severely reduced, the services provided by student organisations will diminish or in some cases cease altogether. Certainly the diversity of provision of services will come to an end, as it will no longer be possible to cater for all needs. Many staff and casual student employees of student organisations and subsidiary services will lose their jobs should the current Bill be implemented.

At some postgraduate organisations these effects will be felt immediately; at others reserve funding may allow them to continue to provide some services in the short term. Student organisations at the older universities are more likely to survive because they have existing facilities and service arms that can generate some income. It is the student organisations at newer and smaller regional universities that are likely to suffer the most. This occurred in Western Australia under VSU where the student organisation at Edith Cowan University completely collapsed.⁷

1.3 Consequences for current students

The legislation displays a complete lack of understanding about the ways universities have changed over the last two decades. As a result of reduced public funding, the university environment in 2005 is a very different place to what it was 10 or 20 years ago. The student cohort has changed and so has the university itself. It is precisely because of these changes that student organisations are needed more than ever. The loss or significant scaling down of student organisations will affect all students.

Should the current Bill become legislation, postgraduate research students risk losing their access to specialist advocates with a sound understanding of research specific issues and experience in advising on supervision problems. The academic and social events that contribute to the vibrant research culture on many campuses will decline, and in many cases cease altogether. Student representation on university boards and committees, which has led universities to adopt minimum resources policies, supervision accreditation and training programs, transparent scholarship selection processes and fairer intellectual property policies, will lack the resources necessary for their

⁶ Weaving, Marian, et al, *The rising cost of 'free' education*, Emergency Relief Victoria, 2004, p.15

⁷ Judith Ireland, 'Degrees of freedom', *Sydney Morning Herald*, 13 May 2005, available online at: <http://www.smh.com.au/news/National/Members-only/2005/05/12/1115843315648.html>

representation to be effective. As mentioned earlier, the only option for independent advocacy representation at hearings and appeals without a student organisation will be through outside lawyers, increasing both the cost and the adversarial nature of the process for all parties involved.

International students are significant users of student organisation services. This is partly a result of their being on campus full-time, but is also because they are in greater need of services.⁸ At universities with a relatively high international postgraduate student enrolment (over 30%) they comprise approximately 90% of the advocacy load. These students would lose assistance in applying for special consideration and in the progress review process. They would become more isolated due to the loss of the support networks, including clubs that are established or facilitated by the student organisation.

One of the most pressing issues for international student welfare, Professor Davis says, is the impact of the new Federal Government legislation making student union fees voluntary. He says the majority of fees go to support services, such as overseas student organisations, that are under threat from the new laws.⁹

1.4 Consequences for individual universities

The immediate effect for individual universities should not be underestimated. If minimal general services fees are received, the university services and facilities that are funded from these fees will be affected. These might include infrastructure, welfare and health programs.

The future impact on university finances of the new Commonwealth funding arrangements will depend on the extent to which universities can maintain services on a fee-for-service basis. The abolition of compulsory student union fees will pose a risk that universities will need to address.¹⁰

The flow-on effect of cuts to university and student organisation funding and services is most concerning. As the bleak realities of an isolating and uncaring study environment start to take their toll, enrolments, particularly for

⁸ Burke, Kelly and Jopson, Debra, 'Stressed-out students queue up for sick notes at exam time', *The Sydney Morning Herald*, 16 May 2005, available online at: <http://www.smh.com.au/news/National/Stressedout-students-queue-up-for-sick-notes-at-exam-time/2005/05/15/1116095857419.html>

⁹ Green, Shane and Rood, David, 'Slipping through the safety net', *The Age*, 23 May 2005, available online at: <http://www.theage.com.au/news/Education-News/Slipping-through-the-safety-net/2005/05/21/1116533578743.html>

¹⁰ Auditor General, Victoria, *Results of financial statement audits for agencies with other than 30 June 2004 balance dates, and other audits*, May 2005, p. 31

international students, may fall, jeopardising the viability of the university itself.¹¹

The progress review process relies heavily on the participation of student organisation staff and representatives. Without their assistance, more students will fail to negotiate this academic hurdle. Still more will remain isolated and suffer the subsequent health and emotional issues that loneliness and stress can induce. Failure and dropout rates will inevitably increase. The current pressures on university staff will be amplified, as they find themselves in the front-line dealing with student problems, because the student organisation intermediary no longer exists.

Universities heavily promote the services of the student organisations during their marketing campaigns. Postgraduate organisations are often invited to participate in university open days when the vibrancy of campus life is a key selling point. University marketers no more will be able to reassure families that support services are available.

Democratic student representation on university governing bodies will decrease without the active involvement of the student organisation in recruiting students for university committees. Even if representatives can still be found, the process will be less democratic because it will not be informed by a widely representative student voice and the representatives themselves may not have the background knowledge to make informed decisions. They will also no longer be answerable to the general student populace and, as such, the composition of committees will be less reflective of the student body.

Student organisations maintain expertise on a wide range of student issues and university policies and procedures. There is really no other equivalent in terms of this expertise within the university. As such, student organisations provide a central quality control mechanism and an alerting function when issues arise. As this role is lost, much more serious problems are likely to develop. Combined with the increase in the numbers of full-fee paying students, the loss of student organisations will make litigation a more likely proposition. If students have no recourse to independent advocacy within the university, they are likely to go outside, particularly when the costs of their course are so great. This will not bode well for the recruitment of both domestic and international students at Australian universities should such litigations become common.

Without postgraduate organisations, the university research culture will suffer. There will be less opportunity for research students to mix in a cross disciplinary environment with academics and other students. Over time there will be a significant deterioration of quality at all universities, at a time when Minister Nelson argues that Australia needs to be guaranteeing the quality of university teaching, learning and research. The timing of the current Bill could

¹¹ Jopson, Debra and Burke, Kelly, 'Unis depend on foreign students to stay afloat', *The Age*, May 7 2005, available online at: <http://www.theage.com.au/news/National/Unis-depend-on-foreign-students-to-stay-afloat/2005/05/06/1115092687582.html>

not have come at a worse time, given the push from the Minister for improved quality measures in Australian higher education.

1.5 Consequences for regional universities and their communities

With the demise of student organisations, rural and regional communities will lose much of the infrastructure and services that are used by the whole community. This has already occurred at the Townsville campus of James Cook University this year, where plans to build a sport and recreation centre by the Student Association for the needs of students, staff and the community, have been abandoned due to the threat of the current Bill becoming legislation.

Perhaps those who will suffer most severely from the impact of the loss of services and facilities are students at regional campuses. Minister Nelson can argue that a student at the University of Sydney can purchase a sausage roll down the road on King Street. However, it is not so convenient for a student at a regional campus to access services and facilities elsewhere that are currently provided by student organisations. The loss of these amenities and services in many cases simply cannot be replaced by outside agencies. This will ultimately mean that regional students will no longer have any access to many services and facilities to which students have access in metropolitan areas.

With the loss of services and facilities at regional campuses, regional universities will find it difficult to compete for students against the larger metropolitan universities. The total loss of facilities and services that are already limited in regional areas will make enrolment at regional campuses far less attractive. International students are also less likely to be attracted to regional campuses and regional centres where fewer facilities exist compared to larger metropolitan universities. Some rural universities are heavily reliant on international student income:

This aggressive growth has brought warnings about dependence on such a volatile source of income. Those most reliant on the foreign market are the least wealthy universities in regional areas and metropolitan fringes.¹²

Wherever campuses are located, a loss of services and facilities will lead to local businesses losing income. A drop in enrolment will mean fewer students using local services and student organisations no longer buying local products. This will have a flow-on effect on the local economies of these regional centres, with resultant job losses throughout the community.

¹² Jopson, Debra, 'Rescued by foreign fees', *The Sydney Morning Herald*, 7 May 2005, available at: <http://www.smh.com.au/news/National/Rescued-by-foreign-fees/2005/05/06/1115092690375.html>

1.6 Consequences for the Higher Education sector

International student enrolments are at risk with the current Bill. Already there is much adverse publicity about the treatment of international students, both in the Australian media and overseas, and students have their own networks through which they gain information about potential universities. The Australian higher education sector is in danger of no longer being internationally competitive.

The Australian industry cannot afford to mark time if it is to retain its competitive edge. Indeed, there is mounting evidence that this edge is beginning to fray. The evaluation team argues that the next stage of the evolution of the Australian education export industry must maintain the concentration on quality as its distinguishing mark, even if that is at the expense of quantity. This means quality in the educational outcomes a bona fide student can obtain and quality in the student's experience while in our country.¹³

Growth in the international student market is slowing, with competition from new players but also from the countries that previously sent many of their students overseas to study.¹⁴ At a time when 'the countries that provided students for Australia [are] ... now maturing, developing better university facilities and becoming competitors,'¹⁵ the sector will lose the marketing angle that differentiates Australia from some competitors in the region.

The Government is concerned about quality assurance and evidence of quality, yet the legislation will remove an important and proven quality control mechanism. A perusal of AUQA reports on individual universities demonstrates just how integral student organisations are to university quality processes. The roles in addressing grievances, providing venues for social and academic interaction, conducting induction programs for representatives on university committees and communicating student concerns and perspectives are some of the significant contributions cited in many AUQA reports.¹⁶

¹³ PhillipsKPA and Life long Learning, *Evaluation of the Education Services for Overseas Students Act 2000*, DEST, Commonwealth of Australia, May 2005, p. xxxiv, available online at: http://www.dest.gov.au/sectors/international_education/publications_resources/profiles/evaluation_report.htm

¹⁴ Rood, David, 'Foreign student growth slows', *The Age*, 30 May 2005, available online at: <http://www.theage.com.au/news/National/Foreign-student-growth-slows/2005/05/29/1117305497831.html>

¹⁵ Green, Shane and Rood, David, 'Unis worried on future funding, says Kosky', *The Age*, 13 June 2005, available online at: <http://www.theage.com.au/news/National/Unis-worried-on-future-funding-says-Kosky/2005/06/12/1118514926399.html>

¹⁶ Australian University Quality Agency reports are available online at: http://www.auqa.edu.au/qualityaudit/sai_reports/index.shtml

CAPA is dependent on an affiliation fee from its members, thus national representation is dependent on financially viable affiliate organisations. If affiliates cannot provide funding, CAPA's role will be seriously diminished. This will eliminate a key player from national higher education debates and deny valuable student input into the decision making of other sector bodies such as the AVCC. Other national student organisations will be similarly affected, thus silencing the national student voice.

1.7 Consequences for Australia

Australia's relationship with countries from which international students come may be damaged by the legislation if students increasingly return home without their qualifications and with stories of isolation and lack of duty of care.¹⁷

If international student numbers fall, the economy also suffers. According to the Minister for Education, the economic benefits of the international student market represent an annual national income of \$7.5 billion and 50 000 jobs.¹⁸

Australia's skilled migration program relies heavily on the onshore skilled migration of international postgraduate students.¹⁹ If fewer students are studying in Australia, and even fewer are inclined to stay after an unsatisfactory educational experience, the economy may be hit by skills shortages.

Australia's educated population will be less diverse because members of equity groups will be hardest hit by cutbacks to student organisation services, and may be less likely to complete or commence their studies.

The quality and depth of public debate will be noticeably diminished. This does not just affect higher education issues. University students, graduates and student organisations contribute to public debate across the spectrum of issues and politics.

The Minister for Education has spoken repeatedly over several years of his desire to increase the quality of universities and to situate Australian universities in the top 100 in the world. Regardless of the worth of this aim, it cannot be achieved in an environment that denies students access to basic services and representation, and stifles their independent voice.

¹⁷ Green, Shane and Rood, David, 'Slipping through the safety net', *The Age*, 23 May 2005, available online at: <http://www.theage.com.au/news/Education-News/Slipping-through-the-safety-net/2005/05/21/1116533578743.html>

¹⁸ Nelson, Brendan, 'Building and enhancing quality in Australia's international education sector', 10 June 2005, MIN 1128/05, available online at: <http://www.dest.gov.au/Ministers/Media/Nelson/2005/06/n1128100605.asp>

¹⁹ Department of Immigration and Multicultural and Indigenous Affairs, Fact Sheets, available online at: http://www.immi.gov.au/facts/20planning_a.htm

2. Consideration of the experience of universities and students where legislation has been adopted to regulate student unions, such as in Victoria and Western Australia

While a consideration of the effects of anti-student organisation legislation in Western Australia and Victoria certainly demonstrates the disastrous effects of such legislation, it will fail to paint the truly devastating picture which will emerge if the legislation is implemented nationally.

Student organisations in some Western Australian universities managed to survive, if barely, under similar legislation. This was largely because they received assistance from their universities and from national student bodies. If the legislation is applied nationally, there will not be any assistance available from anywhere. For all the talk of choice, the legislation eliminates choice for students because all Australian universities will have similarly lifeless campuses with no opportunity for students to engage in community and no choice to go to another university where crucial services are available.

2.1 Western Australia

In Western Australia, the initial effects of the legislation were ameliorated by Commonwealth subsidisation. This assistance ceased in 1997 but the legislation remained in place until the end of 2003. Throughout this time student organisations in other states, through their national student bodies such as CAPA and NUS, were able to assist Western Australian student organisations to participate at the national level. Western Australian universities picked up some of the services the student organisations could not afford to maintain, but this impacted on the capacity of the universities to fund other services.

The combined structure of the student organisations prior to the legislation was also a factor in their survival. They were able to subsidise their operations to a small extent from commercial profits. Under the proposed legislation, this option would not be available to many student organisations because they have a split structure that would not enable cross-subsidisation.

Equity groups in Western Australian universities were hard hit, losing all of their support services. Student media was silenced and most advocacy and representational support was lost. We refer the Committee to the submission of the National Union of Students (NUS) for a comprehensive listing of the impact of the legislation on student services in Western Australia.

With the imposition of the legislation, all student organisations suffered a significant drop in membership, which led to a reduction in services and the concomitant loss of choice. Students, who discovered that they needed

certain services, could not exercise a choice to utilise these services because they no longer existed. For those services that continued, the organisations faced a 'free rider' problem. All students benefited from the services provided by the student organisation, yet only a few were contributing financially.

Building and maintaining membership levels was extremely challenging. Student organisations found it difficult to follow private enterprise strategies to build up 'customer loyalty' because students do not remain at university for many years. This is particularly so for the majority of postgraduate students undertaking coursework qualifications who may only study for two or three semesters.

2.2 Victoria

By contrast, the Victorian legislation did not prevent universities from collecting the student general services fee but it did place restrictions on the services to which student organisations could direct funds. The prescribed list included catering, childcare, academic support, legal assistance and student representation. Although students were required to pay a general services fee they could opt out of membership of the student organisation.

The legislation made the universities responsible for enforcing compliance with the restrictions. Student organisations that had a commercial arm were able to use any profits to subsidise their services that were excluded from the list. The legislation was in place from 1995 to 2000, and although it has been subsequently amended, it has never been repealed.

While most of the services could be maintained under the legislation, the impact was to take away the student voice, by denying funding to student media, clubs, women's support, and the national student organisation affiliations.

3. Discussion

The Government purports that the legislation is aimed at ensuring that membership of student organisations is voluntary and that the general services fee cannot be used for funding campaigns external to student academic concerns. The legislation is unnecessary and has consequences that will reverberate well beyond the students and universities directly affected.

No student is currently compelled to join a student organisation. Membership of student organisations is voluntary across Australia and members are not required to agree with the activities or policies of their organisation.

The general services fee is a compulsory charge, separate from membership of the student organisation. It is levied on all students to ensure that everyone has access to essential services such as academic advocacy, representation, welfare, and social interaction. Most universities charge a reduced rate for part-time and off-campus students. Students who are economically disadvantaged can apply for fee assistance.

The university collects the general services fee and applies strict auditing requirements to its distribution. Most student organisation expenditure is already approved and committed to ongoing services and staff wages. The proportion of funds available for discretionary allocation by the elected representatives is actually very small and is allocated through democratic and accountable processes.

The legislation reflects a failure of joined-up government. While the Government is emphasising quality in a range of areas including research, the application of processes, and educational services for international students, it is at the same time proposing to remove a vital quality control and assurance mechanism.

The Government has claimed that poor voter turnout at student organisation elections is a reflection of lack of interest by students and leads to undemocratic decision-making. It seems incongruous that some members of the same Government are advocating removing the compulsory voting requirement in federal elections.²⁰ Voter turnout is not an indication of support levels; students participate in their student organisations through many channels including clubs, activities, media, accessing websites, advocacy, and volunteering for representational roles on committees.

In today's university, staff have less and less time to devote to individual student issues. Staff-student ratios are increasing, administrative tasks are occupying more time, and academic casualisation means that staff are often not readily available when students need assistance. Seen in combination with these other changes affecting the sector, the need for student organisations is clearly increasing.²¹ Student organisations fill the gap; they provide care and support in a social and safe environment. It is often the staff and representatives of student organisations who recognise and support students who are facing difficulties.

Provision of similar services by the university or an external organisation would be ineffective. Student organisations are able to operate during hours and months when a commercial operation would not realise a profit. Student organisations also consider and cater for the needs of all members of the diverse student population. Student organisations provide an independent,

²⁰ Koutsoukis, Jason, 'Coalition set to change the way we vote', *The Age*, 11 June 2005, available online at: <http://www.theage.com.au/text/articles/2005/06/10/1118347597185.html>

²¹ Rood, David, 'Uni head warns of rise in class sizes' *The Age*, 17 May 2005, available online at: <http://www.theage.com.au/news/National/Uni-head-warns-of-rise-in-class-sizes/2005/05/16/1116095908445.html>

informed and collective voice for students. As Minister Nelson has stated previously:

...since various student unions do have a positive contribution to offer to student welfare and student education they should be supported by all those who profit from them. It seems reasonable that all those who do profit should make some contribution in return. The funding and therefore the provision of various student services would be impossible unless there was some requirements to pay a contribution towards them. The fact that some people object to the way in which some public funds are spent does not mean that they are therefore exempted from paying taxes.²²

The destruction of student organisations and the collapse of campus and student life that this legislation portends is a tragedy for which this government is truly culpable. Political activism requires little in the way of resources. It is ironic that the legislation will destroy the central services provision of student organisations while the political activism will be the only thing to remain.

Recommendation:

That the current Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 be rejected.

²² Costello, Peter, in *Lot's Wife*, Student newspaper of the Monash University Clayton Campus, March 1978

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