



Students' Representative Council
The University of Sydney

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Submission to the Senate Education, Employment and
Workplace Relations Committee Inquiry into

**Higher Education Legislation Amendment
(Student Services and Amenities,
and Other Measures Bill 2009)**

February 2009

Presented by Noah White, SRC President



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Executive Summary

- The most operationally successful provision of independent advocacy services is through student representative organisations. The SRC is disappointed that the Government has not specifically required HEPs, at the very least Universities, to ensure a student representative organisation can provide such services. The SRC believes that the Guidelines should be amended to ensure the existence of student representative organisations, at least at Universities.
- The SRC recommends that independent advocacy *and welfare services* are provided through a representative student organisation, and that this be necessary for HEPs to receive funding under the Commonwealth Grant Scheme.
- The SRC urges the Guidelines include specific reference to the fact that details of independent service provision be student, not HEP, led. This would best be done by a democratic student organisation.
- The SRC does not support the Student Services and Amenities Fee Guidelines. We believe that students, through representative student organisations, should be able to determine what the levied fee is used for.
- HEPs should not be able to use the fee to subsidise services and activities they are currently required to meet by law, for example the *National Code of Practice*. The SRC believes that the Government has the opportunity to ensure that service delivery to all students is high by requiring all services required under the *National Code* to be provided for domestic students as well as international students. These items should be placed under the National Access to Service Benchmarks.
- The SRC commends the National Student Representation and Advocacy Protocols and the need for Higher Education Providers (HEPs) that receive funding under the Commonwealth Grant Scheme to satisfy the Protocols. However, they should go further in requiring the presence of a student representative organisation as the necessary infrastructure to support student representatives and deliver independent advocacy and welfare services.
- It is vital that “off-campus” representation activities are covered by the National Representation and Advocacy Protocols.
- In the interests of students the SRC supports immediate passage of the Bill.



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Introduction

The Students' Representative Council (SRC) is the student organisation at The University of Sydney that ensures opportunities for undergraduate students to be involved in the decision making process at the University of Sydney, and provides a welfare and advocacy services for all undergraduate students.

Through a team of professional staff, SRC HELP (Independent Advice and Advocacy), the SRC provides all undergraduate students access to services *free of charge*, all year round. Below is a list of services that the SRC provides:

Advocacy and advice within the University regarding:

- Academic matters
including academic appeals, exclusions, special consideration & student misconduct allegations
- Course Fee Refunds and Re-crediting of Student Learning Entitlement
- Administrative matters
Incl. enrolment, transcripts, credit, progression, admission, graduation
- 'show good cause' and exclusion from university
- Harassment and Discrimination allegations
- Referral to and support with external bodies (eg. NSW Ombudsman)

Advocacy and advice with other matters affecting life as a student:

- Employment rights
- Centrelink eligibility and appeals
- Accommodation and Tenancy complaints and tribunal hearings
- Financial matters; including financial hardship, Insurance coverage, Superannuation and tax

Legal advice on all matters pertaining to life as a student.

The SRC is pleased to make a submission to this inquiry.

In the interests of students the SRC supports immediate passage of the Bill, with some recommended changes.



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Why a user-pays system will not work

SRC services have always been provided free of charge to all students at the point of delivery. Prior to the introduction of legislation in 2005, SRC services were funded by compulsory student contributions at the time of enrolment. Since passage of legislation the University of Sydney has provided sufficient funds to maintain the level of SRC service provision. Students at the University of Sydney are fortunate, compared to many of their peers at other Universities.

The University of Sydney values the services, representation and advocacy that the SRC provides. Further the University values the continual role that advocacy and advice services have in the ongoing improvement of higher education delivery and the student and university experience. I suggest the University acknowledges that these things cannot be maintained on a user-pays basis and has therefore filled in the gap.

I note that access to Ombudsman are not on a user-pays system because it is clear that this is inappropriate. More similar to the SRC services, I note that tenants' advocates on the floor of the NSW Consumer, Traders and Tenancy Tribunal (CTTT) are not provided on a user pays model. A user pays model would not work and hence tenants would not be so able to resolve their issues in a low level and effective manner.

Students are placed in positions of power imbalance when they are enrolled in large institutions, and they perceive such. Power imbalances further exists when dealing with Government departments such as Centrelink, and unscrupulous employers and landlords. If students had to pay for these services, access to these services would drop and students would be more disenfranchised as they would be less aware of their rights within the higher education system and as citizens.

Ultimately, if a user-pays system were to be introduced, such services would not be sustainable, disadvantaging students and the University as a whole.

It is worth remembering that there will always be students who are keen to assert their rights and, in the absence of SRC services, will have no option but to go to 'outside' lawyers. An increase in students going to 'outside' lawyers runs a real risk of escalating disputes between students and higher education providers. This would be regressive. University decision makers and students both favour low level resolution of problems and complaints. External lawyers are not as equipped, nor as interested, in seeking this as internal advocates.



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Services

The SRC notes that the services the SRC provides are covered in the National Access to Services Benchmarks (2b Welfare Services) and National Student Representation and Advocacy Protocols (4). I note that SRC trained and qualified staff are also included in these benchmarks (National Access to Services Benchmarks, 3). The SRC welcomes the recognition that students must have skilled staff to provide these vital services.

Independent Nature of Advocacy Services

The SRC notes that the protocols explicitly refer to 'independent' advocacy services. This requires an independent organisation/body, not the University, to employ such advocacy staff. In the context of a university environment we are committed to the belief that this is best provided through a student representative council.

Student representative organisations are comprised of democratically elected students who are accountable to the student body. These student representatives are to be involved in institutional decision making and hence have a foot in both worlds – student and university. No other constituents in the University are in this position, and it is this position that makes student direction of these services desirable and necessary.

The SRC is strongly opposed to tendering such services outside the University. An outside legal service, mediator or social worker is not employed with student interests as their primary concern or focus. An outside provider would not be guided by continual interaction with elected students and the wider student and university community. An outside provider could not provide such services to the same standard as staff employed by student representative organisations as they would lack the University-student-specific context. Furthermore, students may well perceive a conflict as a result of the contractual nature of this stand alone service.

The most operationally successful provision of independent advocacy services is through student representative organisations. An advocacy service must be perceived by students as independent of the HEP. This can only occur when there is a separate body that acts as an employer, and works best when this employer is student focused. The SRC is disappointed that the Government has not specifically required HEPs, at the very least Universities, to ensure a student representative body that can provide such services. The SRC believes that the Guidelines should be amended to ensure the existence of student representative organisations, at least at Universities.

Welfare services

It is not only internal university advocacy that is best provided by student associations, but also welfare services and advocacy. There is no conflict in staff of student associations advocating for students to the University, to Government Departments or to individuals. The University would be placed in an unenviable position if its staff were running appeals with the Centrelink for example.



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Furthermore it is vital to understand that much casework is not mutually “university” or “non-university”, but continually blurs this line that attempts to divide. Wholistic delivery of services by a student representative employer is the optimal operational solution.

The SRC therefore recommends that independent advocacy *and welfare services* are provided through a representative student organisation, and that this be necessary for HEPs to receive funding under the Commonwealth Grant Scheme.

Student determined services

The SRC is concerned, based on experience at other campuses, that HEPs may attempt to exert influence that limits the extent of advocacy on both individual and systemic problems. To protect against this, the SRC believes the most operationally sound way of delivering independent services is to ensure that the service provider works independently of the HEP. There must be clear guidelines about the relationship between the HEP and the service provider (preferably a representative student organisation). Further, independent services must not be determined or curtailed by the HEP. The legislative requirement to provide services stands, but the SRC believes that it should be students who lead the shape of what is required on their campus, as opposed to the University.

As such, the SRC urges the Guidelines include specific reference to the fact that details of independent service provision be student, not HEP, led. This would best be done by a democratic student organisation.

Student Services and Amenities Fee Guidelines

The SRC welcomes the ability to secure funds for vital services and amenities through a deferred scheme.

The SRC rejects the notion that the Minister and Parliament approve what the fee may be used for. We are surprised that the Government is imposing such directives on the provision of student services and believe this is regressive. The SRC believes that students, not Governments or Vice Chancellors, should be able to decide how their money is used. Nowhere else in the world is the government so preoccupied with student unions. The principle of student control of student affairs does not challenge other democracies as it has done Australia (and to a lesser extent New Zealand).

The SRC does not support the Student Services and Amenities Fee Guidelines. We believe that students, through representative student organisations, should be able to determine what the fee is used for.

The one thing that the SRC thinks should be in these guidelines is that HEPs cannot use the fee to subsidise services and activities they are currently required to meet by law, for example the *National Code of Practice*. The SRC believes that the Government has the opportunity to ensure that service delivery to all students is high by requiring all services required under the *National Code* to be provided for domestic students as well as international students. These items should be placed under the National Access to Service Benchmarks.



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Representation

I note that the National Student Representation and Advocacy Protocols set out a framework to ensure student involvement in university decision making by providing for democratic election of student representatives. Subsequently, Universities should consult with students and provide adequate and reasonable support resources and infrastructure for student representatives to be effective.

The SRC is identified as the representative organisation for undergraduate services at The University of Sydney. The SRC President, who is democratically elected by undergraduate students, is an ex-officio member on the University's Academic Board and relevant Committees (Learning and Teaching Committee, Undergraduate Studies Committee). The SRC also liaises with Senate via the Senate/Student Associations Liaison Committee and with University Management through the Management/Student Associations Liaison Committee. The SRC is also invited to participate in various other working parties.

This is similar to some other universities and the test of time has widely shown that such systems for consultation with the student organisation work well, both for universities and students. In order that students can best fulfil their representative duties, and in order for the HEP to reap the best reward, is important to have the infrastructure of a student representative organisation that can support students and serve as a place to develop and discuss student positions on policies and so forth. Without this student representatives are hindered in their duties.

Linking student representation directly to the provision of independent advice and advocacy services improves the quality of both; it enables higher quality strategic planning of service delivery and better informed student representation.

As such, the SRC commends the National Student Representation and Advocacy Protocols and the need for Higher Education Providers (HEPs) that receive funding under the Commonwealth Grant Scheme to satisfy the Protocols. However, they should go further in requiring the presence of a student representative organisation as the necessary infrastructure to support student representatives and deliver independent advocacy and welfare services.

However, student issues are not just confined to campus. The SRC also represents students to the media, all levels of government and the wider community. The SRC has made representations on behalf of students on a number of issues including, HEP compliance with the ESOS Act 2000 and National Code of Practice and HESA 2003, submissions to government inquiries such as the Inquiry into Temporary Residents' Superannuation Legislation Amendment Bill 2008 and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008. This representation is achieved through direct representation by the SRC as well as democratically elected state and national representatives.

It is vital that "off-campus" representation activities are covered by the National Representation and Advocacy Protocols.