

Dear Committee Secretary,

I would like to make the following submission to the Inquiry into *Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009*.

Without entering into discussion of the Bill's merits as a whole, this submission will focus on three particular aspects.

1. Capacity to utilise services and amenities not considered

Tertiary institutions have increased their efforts in distance education, both to reach students in remote locations, and to promote specialised degrees. There are now more "off-campus" students as a proportion of total enrolment, including many individuals who might never set foot on the campus of the institution they are "attending".

In the overwhelming majority of circumstances, these students simply have no capacity to utilise the services or amenities offered. This is quite different from local students who *choose* not to make use of facilities.

The Bill fails to distinguish between those who *cannot* utilise facilities and those who *choose* not to. It would be desirable to amend the Bill, either by specifically excluding off-campus students from compulsory fees, or more generally ensuring that the payer has the capacity to use the provided services to at least some degree.

2. Effect of the permitted fee in conjunction with 'user pays' fees not considered

In response to the loss of income from "compulsory" union fees, many amenities added or increased per-use fees. It is concerning that the compulsory fee may be added without an appropriate downward adjustment to the per-use fees.

For example, it would hardly seem right for students to be compelled to pay for the provision of a gym via the compulsory amenities fee, if the per-use fee is so high that it is uneconomical for less wealthy students to use it on a regular basis.

It would be desirable to amend the Bill to include a provision requiring access to services and amenities paid for via the compulsory fee at a reasonable cost to the payers of that fee.

3. Insufficient curbs on inappropriate use

The biggest concern raised in this submission deals with the inappropriate use of compulsory fees; it is perhaps also the most controversial.

While the Bill would prohibit funds collected by Universities from being used to "support" a political party, the meaning of "support" is extremely vague.

Does it cover pseudo-political entities that are not registered as parties? For example, would a "society" called "Friends of [candidate X]" be permitted to draw upon such compulsory fees? Is this considered to be "supporting" a political party?

Ideological causes are further removed from politics, but nonetheless are worthy of mention. This submission contends that it should be forbidden to use compulsory fees to pay for the advancement of “causes”, whichever side of the political aisle they fall on. Be they Marxism, capitalism, environmentalism or pacifism, the use of collective funds to advance such causes is unforgivable and works to the detriment of the stated objective, i.e. providing students with services and amenities.

Looking back twenty years, all a student organisation needed to do in order to access funds at some Universities was to create a “boilerplate” constitution and have the signatures of ten people. This led to some clubs of a totally absurd nature, serving no legitimate purpose other than to tap the University for funding, which was used to pay for parties and pizza. Clearly a return to this scenario is not the objective of the Bill.

Therefore, it is highly desirable for the Bill to be amended so that the scope of prohibited uses is expanded; and so that there is a “legitimate benefit” test for the use of compulsorily-raised funds.

It may be claimed that some of the above concerns could be addressed in the Student Services and Amenities Fee Guidelines. There are three problems with such a claim.

First, no draft Guidelines could be found at the time this submission was prepared, so the claim is somewhat nebulous.

Second, it moves scrutiny and control from the legislative to the executive branch, leading to an increased risk that the Guidelines will be politicised.

Third, it is suggested that the matters highlighted in this submission are no less important than others which *are* included in the Bill; therefore, to relegate the issues raised herein to the Guidelines is an arbitrary decision.

Even if the issues contained in this submission are judged too complex to describe in the Bill, the Bill could still be amended to state that the Guidelines must detail certain tests ensuring that specified objectives are met (e.g. a “legitimate benefits” test ensuring that funds are used to provide services and amenities of immediate benefit, accessible to a substantial portion of the student population).

In conclusion, while there are some laudable aspects of the Bill, it is hoped that amendments such as those advocated in this submission will help ensure that funds raised are used equitably and for legitimate purposes.

Yours sincerely,