



## Coalition members dissenting report

### **Overview**

1. The Coalition maintains a long standing commitment to protect the right of individual choice. Australians, as individuals, have a basic right to be free in making choices about things that affect them. This Bill, by its very nature, strikes at the heart of that right by eroding the rights of students to make choices about services and facilities that affect them.
2. Despite assertions to the contrary, this Bill represents a return to the days of compulsory student unionism. Whether described as a fee, payment or levee, it represents nothing more than a thinly veiled compulsory student union tax. It has, at its heart, the effect of forcing students to pay a compulsory union tax which will support organisations to which they do not belong, and for services which both the evidence and history shows that they do not want.
3. This Bill also represents a serious attack on the rights and choice of students. It will create an acceptance of the notion that people do not have the right of choice and can be forced to subsidise things they do not want. It is contrary to the notion of fostering in young people an ability to make choices about things

that affect them, manage their own affairs, and to generally think for themselves.

4. Therefore the Coalition Members of this committee are unanimous in not supporting this Bill. We reject all of the recommendations of the Government majority members in their entirety.

## **Process**

5. Coalition Members take this opportunity to express a number of reservations in relation to the process by which this Committee has undertaken this inquiry.
6. Firstly, we are concerned that the length of the inquiry is too short. Although 36 submissions from interested persons were received overall, only twenty nine submissions were received by the nominated closing date. The nature of the Bill and its potential for wide impact suggests that in the normal course of events many more submissions would be received had an appropriate consultative time frame been available.
7. Secondly, this short time frame has not allowed any time for face to face interviews. Coalition Members believe that hearing the views of interested parties first hand would have provided a more rounded evaluation of the evidence placed before it.
8. We note that the Coalition Members opposed the process of a “short inquiry” and hold concerns about the broader nature of the Committee process in circumstances where there has been little time and limited mechanisms to discharge the obligations associated with membership of such a Committee. In our view, the use of an effective “guillotine” in standing committees would seem to be outside the much proclaimed new paradigm in the Federal Parliament.

## Previous Inquiry 2009

9. Owing to the limited time Committee members have had to examine and consider the evidence, Coalition Members have drawn upon the dissenting report tabled by Coalition Senators (hereinafter the "Dissenting Senators Report 2009") arising from an inquiry into *Higher Education Legislation Amendment (Student Services and Amenities and Other Measures) Bill 2009*. Coalition Members of this committee endorse the remarks of our Coalition colleagues contained in that dissenting report.
10. The Dissenting Senators Report 2009 drew particular attention to the emphatically clear commitment of Labor prior to the 2007 election rejecting a compulsory amenities fee. This policy appears to have changed in the 2010 election and has occurred deliberately by stealth. We note that there was certainly no effort to make either the public or the student community aware of this fact.

## The Evidence

11. The submissions can broadly be divided into two groups: those who stand to benefit financially from a compulsory payment (generally University institutions and student/staff unions); and those who will have to pay the fee (the students.)
12. With only one exception, all of those in the first group (some twenty six submissions) support the imposition of this fee. This is unsurprising as the Bill will, if passed, provide significant financial support to them.
13. Of those in the second group who will be forced to pay the fee (six submissions) not one supports the imposition of this fee. We also note that there are two additional submissions from Liberal Student bodies and one from the University of Queensland Union which do not support the Bill. There is one additional submission from the Department of Education, Employment and Workplace Relations.

14. Coalition Members also note that most of the submissions from the University/Union sector are substantially the same as presented to the Senate inquiry and so have had the opportunity to present personally (giving evidence) to a Committee of the Parliament. In contrast, all of the individual contributions appear to be new submissions and so are significantly disadvantaged by the lack of public hearings.
15. Given that all of the submissions supporting the imposition of the fee are organisations that stand to gain either services or financially from someone else's contribution, and that the submissions from individuals who will have to pay the fee are opposed to the Bill, the Coalition Members are convinced there is sufficient reason to believe students generally do not support the legislation. After all, it is the students themselves that will bear the financial brunt of this fee should the Bill pass.
16. The individual submissions are largely from students who have no wish to use the services which are proposed to be supported by this fee. In effect, these submissions raise the question of what possible use can 'on campus' services be to those who study externally or who never visit the campus. The Coalition Members particularly refer to submission 8 from Dr Michael Ayling who states *"it is not my intention to ever visit the UNE campus in Armidale."*
17. The Coalition Members note submission 10 from the National Tertiary Education Union which predicts the compulsory fee will raise \$143m a year and along with a number of other submissions laments the loss of income, organisations and services as a result of the VSU legislation introduced in 2005. While not meaning to, these submissions graphically illustrate that when students were given the opportunity to evaluate the services they received for their union fees they clearly decided the \$178m raised in the last year of compulsory payment (Submission 9, NTEU) was not money well spent and elected to forgo the expense and instead individually choose to purchase whatever services they thought necessary. This represents individual choice of those students who, as we have indicated from the outset, ought to be rightly free to decide what services they want and have a say about matters that affect them.
18. The Coalition Members believe that the Bill as drafted sends a message to students that they are incapable of making their own purchasing decisions and are unable to determine what is in their own interest. Such a message is

retrograde, condescending and fundamentally insulting to students. In addition, the imposition of a compulsory fee to support the activities of an association, union or guild, firstly creates an impression that it is acceptable to compulsorily demand a fee for services or representation that will perhaps never be accessed and, secondly, makes the payment of such a fee conditional upon attendance at a particular facility. These impressions are inherently dangerous to the right of individual choice and risks establishing a mindset that may be applied in other future circumstances, such as a compulsory requirement to join a trade union as a condition of being at a particular workplace.

19. Coalition Members also draw attention to the submission from the University of Queensland Union which highlights the efforts the union has gone to in providing what the market demanded and staying strictly relevant to the student's requirements and hold this to be a model others should emulate. We endorse this submission and the model it advocates.
20. As to the further aspects of compulsory unionism, the Coalition Members endorse the *Dissenting Senators Report 2009* and particularly draw attention to Item 5.4 which noted that

*"Students might not actually be forced to formally join a student association in order to attend university, but they will still have to pay a compulsory fee, which a University then passes to a student association. It is farcical to argue that students are thus not forced to support a union regardless of their wishes."*

21. We also highlight Item 6.2 of the *Dissenting Senators Report 2009*

*"While both the Bill and the Student Services Amenities Guidelines, prohibit the spending of monies collected from the fee 'to provide support for a political party or to support a candidate for political office' this does nothing to limit the use of the fees for other political activities or the revenues gained for the services supported by the fees being used on activities that are partisan in nature."*

22. We emphatically endorse the above observations in the context of this Bill.

## **Conclusion**

23. The Coalition Members firstly decry the lack of appropriate time for this Inquiry.
24. We do not believe there is a compelling case to support the introduction of a compulsory amenities fee and are extremely concerned that the push from the beneficiaries (universities and unions) is clearly not in the best interests of the students (the contributors).
25. Furthermore we are not convinced that the funds, a substantial share of which will be handed to the student bodies, represents anything but a return to compulsory unionism and will be used to fund de facto political campaigns.

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## **Recommendation**

**For the reasons outlined above, Coalition Members of this Committee recommend that the Bill be rejected.**

**Rowan Ramsey MP**  
**Deputy Chair**

**Karen Andrews MP**

**Alan Tudge MP**