

Recommendations

Recommendation 1: page 22

Important features of the nation's higher education system are being fundamentally reshaped and redefined by the Higher Education Support Bill. Such a radical assault of the fundamentals of the system was not foreshadowed nor discussed during the review process. The sector and the broader community do not support discarding university autonomy and academic freedom.

These bills will initiate a regime which will shift costs to students. It will stifle student choice and impose a heavy burden on families. These bills will deepen inequities in society, and undermine economic and social prosperity.

The bill is so badly flawed, at both a philosophical and technical level that it should not be given a second reading.

Recommendation 2: page 59

While the committee does not believe these bills deserve a second reading, should the Senate consent to give the bill a second reading, then substantial amendment would be required to meet even the stated policy objectives of the Government. The committee stage of the bill should be deferred until 2004, to allow sufficient time for appropriate consideration of an extensively redrafted bill.

Recommendation 3: page 78

Existing appropriations under the Higher Education Funding Act (HEFA) are sufficient to allow for the full functioning of Australia's universities in 2004. It is therefore recommended that the Senate not be rushed into determining a position on these bills before the end of 2003, as this would inhibit the full and detailed consideration that they demand.

Recommendation 4: page 78

The committee recommends that the Government release the full and final set of guidelines before the Senate debates the bills, given that incomplete draft guidelines were provided on 3 November 2003, four days before the inquiry reporting date.

Recommendation 5: page 32

It is recommended that the Wage Cost Index (Education) be used in the formula to index university grants in order to provide the funding required to maintain and improve educational quality without increasing the fee burden on students and their families. The Australian Greens and the Australian Democrats support an increase in indexation, equivalent to that in public schools.

Recommendation 6: page 35

That the Commonwealth Grants Scheme be rejected while universities, such as the University of Western Sydney, the Victoria University of Technology and the University of South Australia, receive less under it (excluding any potential increases conditional on meeting unreasonable industrial relations and governance provisions and any transitional funding) than under existing operating grants.

Recommendation 7: page 42

That the maximum HECS fee not be increased by 30 per cent and that ministerial discretion to increase HECS fees be removed from clause 93-10.

The committee notes that: the Democrats and Australian Greens support this recommendation but have added an additional recommendation that HECS fees should be abolished.

Recommendation 8: page 42

That the HECS repayment income threshold be increased to \$35,000 in 2004-05.

Recommendation 9: page 43

In order to meet current levels of unmet demand for a university place from qualified applicants, it is recommended that an additional 20,000 full and part time commencing university places be created.

The committee notes that: the Australian Greens call for 50,000 new places.

Recommendation 10: page 46

The phase out of overenrolled places should not result in a reduced number of places for Australians nationally or regionally.

Recommendation 11: page 50

That full fee paying domestic undergraduate places be abolished and accordingly, FEE-HELP loans be limited to postgraduate students.

Recommendation 12: page 51

That the real rate of interest on FEE-HELP loans be abolished by removing the 3.5 per cent interest rate in excess of CPI from clause 143-10.

Recommendation 13: page 68

The committee recommends that Part 3-1 of the bill dealing with learning entitlements be withdrawn on the grounds of hardship to students and its likely adverse effects on completion rates.

Recommendation 14: page 78*Clause 30-25 Funding agreements*

That clause 30-25 be amended to remove ministerial discretion over the funding of specific courses, in order to prevent intrusion into the autonomy of self-accrediting institutions.

Recommendation 15: page 93

That the industrial relations conditions as contained in the draft guidelines issued on 3 November be rejected because they would only serve to damage the quality of the core teaching and research functions of universities, would undermine staff conditions and unfairly target the valuable contribution of unions.

Recommendation 16: page 18

That the Governance Protocols be rejected as a simplistic ‘one size fits all’ approach to the complex and differentiated task of governing diverse universities serving different communities.

Recommendation 17: page 93*Clause 33-15 increases in assistance for higher education providers meeting certain requirements*

The link in clause 33–15 requiring compliance with the centrally determined National Governance Protocols and the Howard Government’s industrial

relations policies in order to gain funding, be rejected by the Senate because it is unfair, unworkable, and unnecessary.

Recommendation 18: page 65

That the regional loading be extended to include the University of Newcastle and universities serving outer metropolitan regions such as the University of Western Sydney and the Victoria University of Technology.

Recommendation 19: page 53

That the anomaly whereby students under 25 are eligible for Rent Assistance while those over 25 are ineligible be removed by extending Rent Assistance to AUSTUDY recipients.

Recommendation 20: page 58

That the unreasonable burden on families of supporting children well into adulthood be recognised and that the age of independence for students on Youth Allowance be reduced to 23.

The committee notes that: the Australian Greens and Democrats support the age of independence being 18.

Recommendation 21: page 78

Clause 16-25 Approval by the Minister

That clause 16-25 be amended to provide that where private entities seek Commonwealth funding, that application is subject to an open process, conducted by DEST, and that the process be subject to parliamentary approval, and in accord with the National Protocols.

Recommendation 22: page 62

The committee recommends the establishment of an Indigenous Higher Education Advisory committee to develop a strategy for increasing indigenous participation in higher education.

Recommendation 23: page 79

Defining financial benchmarks of viability

That clause 19–5 be amended to define the basic requirements of financial viability and to set financial performance measures against which an institution has to report, and to set benchmarks for acceptable performance.

Recommendation 24: page 79*Financial information that must be provided*

That clause 19–10 be amended to reflect the consistency between Commonwealth and state reporting requirements and the extent of Commonwealth recognition of reporting requirements of states, or the CAC Act, and the timeframes within which these annual financial statement must be provided.

Recommendation 25: page 79*Defining criteria for assessment of quality*

That clause 19–15 be amended to define ‘an appropriate level of quality’, as required by the act; and the authority or agency who will set the criteria against which this is to be assessed.

Recommendation 26: page 79*Requirement to comply with national protocols*

That clause 19–20 (c) be amended to provide for universities to contest the veracity of AUQA audits and provide appropriate review processes.

Recommendation 27: page 79*Right to challenge audit reports*

That clause 19–25 be amended to provide that a university may challenge the reasonableness of the audit body’s proposals.

Recommendation 28: page 79

That clauses 19-50 and 19-55 in relation to the appointment of review officers be withdrawn on the grounds that they present a serious intrusion into university autonomy, make universities liable to high compliance costs and duplicate a number of existing review processes. Both clauses must be amended to include the same standards of judicial review, as exist in the ESOS Act, namely a warrant granted by a magistrate must be obtained before search and seize missions can be launched on university premises.

Recommendation 29: page 80

Disclosure of personal information

That in order to protect students' personal information sub-clause 19–60 (3) be amended to specify the categories of information that universities may provide.

Recommendation 30: page 80

That sub-clause 19–70 (1) be amended to restrict the level of information required, because the provisions are too broad.

Recommendation 31: page 80

That clause 19–75, requiring universities to notify the Minister in writing about 'any event affecting the provider or a related body corporate of the provider' that may affect the provider's capacity to comply with the conditions of grant or the quality and accountability requirements, be amended to define the occasions where breaches have occurred, not when they may occur in the future.

Recommendation 32: page 80

Requiring a search warrant for DEST inspections

That clause 19–80 relating to search powers be amended to provide for the requirement of a search warrant issued by a magistrate in the event that departmental officers need to open the books of a provider against the providers wishes.

Recommendation 33: page 72

That all clauses in Division 22 of the bill be redrawn in recognition of the operations of universities as public institutions.

Recommendation 34: page 80

Process for national allocation of places

Amend 30-10 to establish a transparent process for the allocation of places on a national basis.

Recommendation 35: page 80*Discretion over Funding Clusters*

That clause 30-15 giving the Minister direct power to fund or not to fund specific curriculum areas in a particular institution be amended to require that the Minister consult universities, and reach agreement with them on the number and mix of government supported places, and make public the reasons for the decisions.

Recommendation 36: page 81*Exempting students from HECS*

That clause 169-20 be re-written, so that the Minister does not have discretion to exempt specific students from making HECS or other loans contributions.

Recommendation 37: page 81

That in order to recognise the status of universities, the phrase ‘higher education providers’ be deleted and replaced with ‘universities’ or ‘universities and other providers’ where necessary.

Recommendation 38: page 35

That to ensure that the Victorian College of the Arts retains its current level of funding, without the requirement that the University of Melbourne cross-subsidise its operations, and while retaining its affiliation with the University of Melbourne, consider transferring VCA funding to DCITA, in order to recognise its parity in terms of quality of education and training with the AFTRS and NIDA in NSW.

Other bills**Recommendation 39: page 116**

That the Higher Education Support Amendment (Abolition of Compulsory Up front Union Fees) Bill be rejected in its entirety.

Recommendation 40: page 89

That the Higher Education Support (Transitional Provisions and Consequential Amendments) Bill be amended to ensure that the ANU and AMC Acts do not prevent Members of parliament taking a seat on their governing bodies.

