

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

## **Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005**

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**Submission no:** 8

**Received:** 3/06/2005

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## Executive Summary



- *The proposed legislation will have a devastating impact on the ability of the Central Queensland University Student Association (CQUSA) to continue to exist as an organisation.*
- *The Western Australian experience (Edith Cowan University and Murdoch University) has revealed that student membership and subsequent payment of a voluntary services and amenities fee declines markedly to an extent where the organisations capacity to survive is questionable.*

*As a direct result of the dramatic decline in student membership, Federal Government support funding from 1995 until 1997 was provided to the Western Australian student organisations to assist in maintaining some of its vital student services. After the Federal Government support funding ceased, so did the continuation of various vital student services.*

- *The Senate Committee should understand that the introduction of the proposed legislation to prevent universal membership and the collection of a universal fee from students will result in insolvency of regional student organisations and immediate staff redundancy activities.*
- *The insolvency of regional student organisations will in turn have a range of impacts including:-*
  1. *Loss of services to regional students resulting in increased hardships being placed on students or the ability for a student to attend a regional University due to lack of necessary facilities and conveniences on a regional campus*
  2. *Loss of dedicated student support services to international students on Central Queensland University's Australian International Campuses across Brisbane, Gold Coast, Sydney and Melbourne.*
  3. *Loss of vital advocacy support services to the students of Central Queensland University, with approximately 3,000 support cases handled on an annual basis*
  4. *The loss of capital funding to build campus facilities and the maintenance of existing student campus facilities at regional University campuses*
  5. *Negative economic impacts in regional communities themselves.*
  6. *A dramatic reduction in a student's overall University learning experience, quality of tertiary teaching, growth and character development*
- ***CQUSA urges the Senate Committee to reject the proposed legislation and retain the status-quo whereby all enrolled students are obliged to become members of a student organisation and to pay a universal fee towards services and facilities delivered by that organisation.***



## CQU Student Association Overview

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- 1.1 The Central Queensland University Student Association (CQUSA) is a student organisation established to provide services and facilities for the students of Central Queensland University. The Association is established under the Central Queensland University (CQU) Act 1998.
- 1.2 The CQUSA is established as the only student organisation for Central Queensland University students. The CQUSA represents students and provides an array of services and facilities for students across 9 campuses of CQU in three states of Australia.
- 1.3 CQUSA exists to provide a range of services and facilities for students. The Mission Statement of the CQUSA clearly proclaims the purpose of the organisation.

***Our Mission is to ensure that every student member receives the highest quality of student life regardless of geographical location by providing:***

***Services,  
Academic Support***

***Activities  
Welfare Support***

***Information  
Representation***

- 1.4 CQUSA aligns itself against “**Best Business Practices**” with the awarding of 22 recognised Industry awards on a national, state, regional and local platform in service provision.
- 1.5 CQUSA is recognised (*internally / externally*) as a professional and responsible service organisation for students of Central Queensland University.
- 1.6 The CQUSA is governed by a Constitution that is approved by University Council. The Constitution provides the platform from which the Association gains its powers and responsibilities. It is a document that is continually undergoing revision and change according to Constitutional provisions. <http://association.cqu.edu.au/constitution.pdf>

It is important to explain to the Senate Committee that the Constitution of the CQUSA is clear on a number of points that appear to have been contentious in the recent debate concerning freedom of association and party political allegiance.

*(Extracts Herewith)*

### ***\*2.1 Objects***

*2.1. The objects of this Association shall be:*

***2.1.12 to be independent of religious or political organisations and affiliations to those organisations;***

### ***\*4.2 Conscientious objection***

***4.2.1 Provision is made within the University Statutes for conscientious objection to membership of the Association.***

*4.2.2 The Board may make Regulations providing for the use of Association facilities by persons exempted from membership of the Association under the Statutes.*

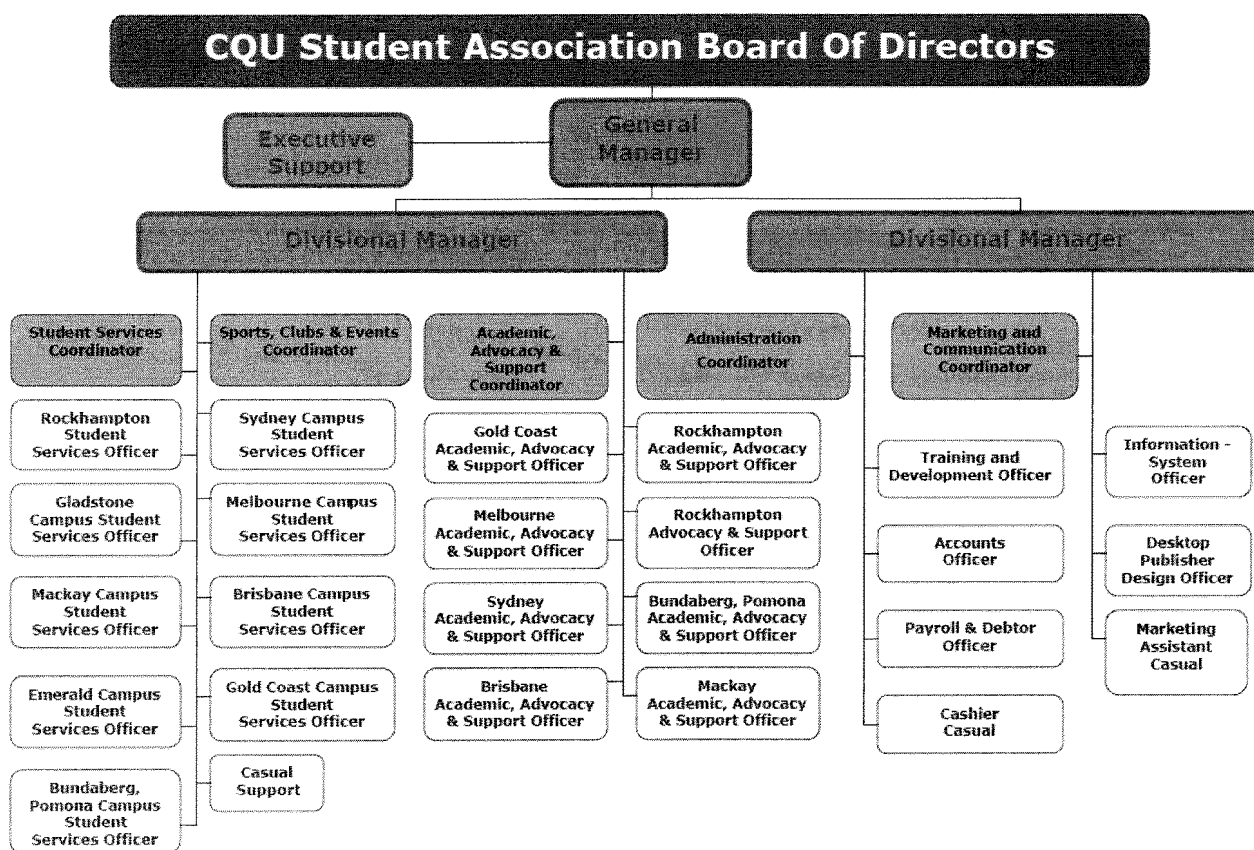
*4.2.3 A Register of these persons shall be kept by the General Manager.*

1.7 The governance of the Student Association is clearly prescribed in the Constitution of the Student Association.

The Board has appointed a number of Committees to allow for student input in governance matters. The Committees all have clear terms of reference and specific functions. Committees are generally aligned with the functional responsibilities of the CQUSA. Senior staff are also members of these Committees. Student representative Committees exist on all campuses of CQU.

*The CQU Student Association follows the 'Australian Standards on Corporate Governance AS 8000 – 8004'*

1.8 The Management structure of the CQUSA is a typical hierarchical structure which is similar to that which exists in many contemporary service organisations. The General Manager is responsible to the Board of Directors. Divisional Managers report to the General Manager.



Staff, are employed across a range of geographical locations with duties and responsibilities detailed in specific position descriptions. Management staff sit on the Board Committees and play a key role in advising elected student representatives. Board Directors have no staffing responsibilities. The General Manager has responsibility for all staffing matters however matters to do with staff performance and associated human resource matters are dealt with at the Executive Committee level. All staff are subject to an annual performance appraisal program.



## Assessment of likely effect of the Legislation

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2.1 The *Central Queensland University Student Association* believes the status-quo concerning the collection of fees and passing on those fees to the student organisation and those fees being applied to membership of the Student Association is in the public interest and appropriate in the Australian higher education context.

Should these fees not be required to be paid by students upon enrolment there would be an inevitable drastic reduction in the services and facilities provided to regional centers. Evidence exists of a dramatic decline in services provided where a fee was not compulsory – *Edith Cowan University Student Guild and Murdoch University*


2.2 It is possibly the case where **larger student organisations** (*large membership base*) from larger Universities may be able to survive utilising their commercial revenues to support limited service provision.

However because of limited student numbers and little organisational reserves, insolvency of the CQUSA is imminent upon the proclamation of the legislation. We anticipate that the proposed legislation will force **our organisation to become insolvent**.

Services provided by the CQUSA and like many other regional student organisations that are not commercially driven (*due to a smaller membership base*) are funded by membership fees and would **not exist if fees** were not collected from student members.

### A VSU environment will result in the following:-

- 2.2.1 Force our organisation to become insolvent
- 2.2.2 Result in immediate staff redundancy activities – (*50 positions*)
- 2.2.3 Force the collapse of student services provided by the Student Association within all Central Queensland University's regional centers
- 2.2.4 As experience has demonstrated, by the ceasing of student support services such as Welfare Counseling, Medical Care, Child Care, Accommodation Services, Student Employment Services and Academic Support Services where non universal membership is in place causes hardships for students.
- 2.2.5 With the loss of regional student services, it may make it difficult for some students to attend Central Queensland University or take up a course of study because of lack of necessary facilities and convenience on a regional campus.
- 2.2.6 Reliance on general legal advisors to advocate student interests would not only create financial barriers **to access** for lower socio-economic segments of the student body, but would also be less successful than Student Association run bodies as they would be commercially driven.
- 2.2.7 Under a VSU environment the loss of sporting, cultural and socially based programs would be detrimental to individual student development and to youth and the community in general. In CQUSA's view, compulsory Student Association membership ensures that young people are given a broad learning experience and the opportunities of choice.

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- 2.2.8 The CQUSA works in partnership with the Central Queensland University in supporting students whilst completing their studies through various Academic Support Services (*approx 3,000 cases per year*) subsequently contributing to maintaining student retention numbers at Central Queensland University.

Without the support provided by the CQUSA through its Academic Support Services the affects on student retention numbers will be affected.

- 2.2.9 Under a VSU environment the pivotal role played by the Student Association in supporting international students through the provision of high quality cultural, social activities, independent student representation and advocacy support services would cease - *possibly contributing to an impact on future overseas enrolments on the Central Queensland University's Australian International Campuses across Brisbane, Gold Coast, Sydney and Melbourne.*
- 2.2.10 Available capital funding to either build future student campus facilities or maintain student campus facilities at a regional University campuses would cease
- 2.2.11 CQUSA provides students with support to conduct complex appeals about assessment, charges of plagiarism and admission issues. The loss of automatic membership may mean that students who do not take out voluntary membership to the Student Association face an educational disadvantage.
- 2.2.12 Contracts / agreements with regional / local business suppliers in the supply of goods and services to assist in the daily operations of the Student Association across 9 campuses will be terminated.
- 2.2.13 The absence of compulsory membership would result in an immediate reduction in its operations and would impact directly on the ability of the Student Association to effectively represent students – *compromising in the quality of the tertiary teaching and student learning experience.*

3.1 Again, experience has shown that Universities themselves are unable to provide these services. Coupled with this, the increased financial constraints on many regional Universities also place questions on the University's ability to fund or provide these services to the professional extent to that of the Student Association.

3.2 The ability of private commercial operators to provide student services that meet the student body's needs is significantly inhibited by a number of factors including:-

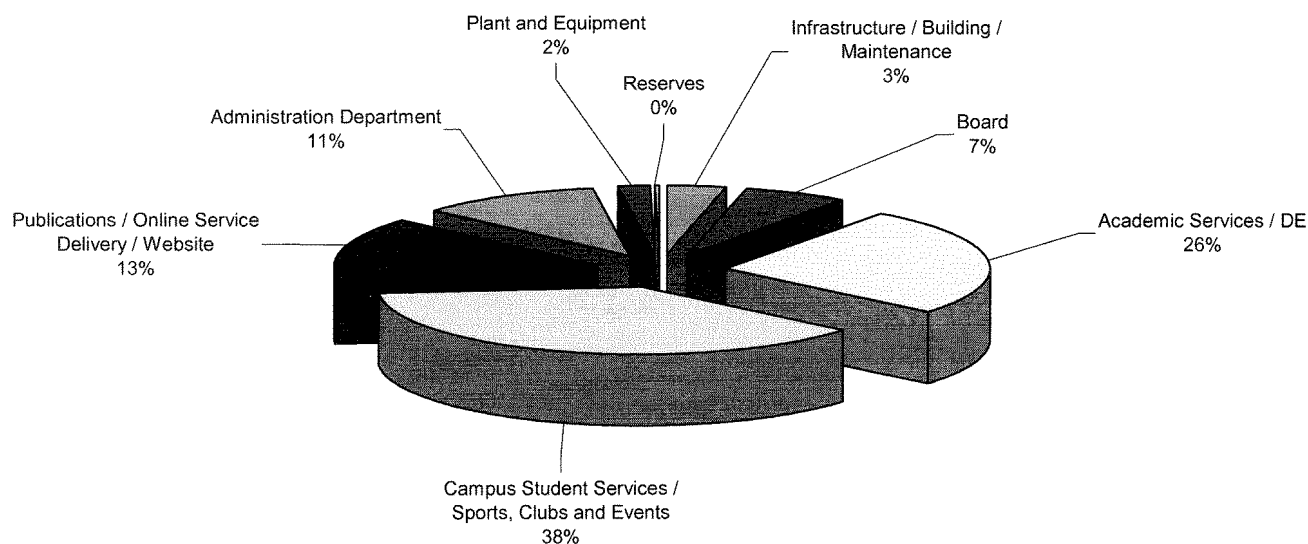
- 3.2.1 *Students demand highly flexible, low cost services*
- 3.2.2 *Attendance on campus fluctuates through exam and holidays periods*
- 3.2.3 *Private operators are not as capable or responding to changes in student demand*
- 3.2.4 *Private operators lack feedback mechanisms that provide insight into students' needs and preferences*
- 3.2.5 *There is little incentive for private operators to set up on small and regional campuses due to inadequate market support*
- 3.2.6 *Private operators are likely to sacrifice overall student welfare and flexibility in favour of a more profitable and commercial approach*

3.2.7 Universities only operate across 36 weeks of the year, forcing private commercial operators to drive up profit margins to cover the 16 weeks of non operation.

3.2.8 Marginal profits from student organisational run commercial facilities are injected directly back into improving service delivery areas / facilities that benefit the students – while private commercial operators' profits would leave the campus.

4.1 The graph below, clearly demonstrates the administration of fees collected for the calendar year of 2003 and 2004. Fees collected, are directly focused towards student service provision.

### 2003 & 2004 Total Expenditure Based on Income of \$4,239,497.00



As clearly demonstrated by the above graph, the legislation will have a detrimental impact on the capacity of the organisation to provide future student services under VSU, as the CQUSA will **not have the reserves or the ability to fund** (lack of membership revenue as demonstrated by the Western Australian experience) services post VSU.

4.2 Regional students have come to expect access to a range of social, cultural, sporting and academic support services on campus.

Students consider these services to be an integral part of University life, contributing to students' overall learning experience, growth and character development.

Under a VSU environment, these services would not be able to be funded in a regional centre by the Student Association. This again, is clearly demonstrated based on the Western Australia experience in the inability of a regional student organisation to continue to fund existing services under a VSU environment.

## Regional Student Services Compromised Under VSU - CQUSA

- Academic Advocacy Services for all Students (appeals against exclusions etc);
- Academic Support for all Students;
- Advisory Centres for Students;
- Advocacy / Negotiation on behalf of Students on University;
- Australasian Campus Union Managers Association (ACUMA) Membership;
- Australian University Sport ("AUS") Membership;
- Bars and Liquor Outlets;
- Building Services / Repairs & Maintenance;
- Bus Services for Student Excursions, Sporting Events & Conferences;
- Cafeterias;
- Capital Works for Campus Services Infrastructure;
- Centrelink Entitlements Referral Advice to Students covering Youth Allowance, ABSTUDY etc;
- Clubs and Societies;
- Commercial Tenancies in Campus Services Buildings – Management Of;
- Community Engagement Programs (campus integration with local community);
- Conferences and Special Events for Students;
- Construction and Development of Campus Services Assets / Infrastructure;
- Cooking Facilities / Microwaves for Students to heat their own Lunches and Dinners;
- Council of Australian Postgraduate Associations ("CAPA") Membership;
- Counseling Referrals for Students;
- Cultural Activities for Students;
- Debating Societies;
- Discount Ticketing Services (e.g. for entertainment events not on campus);
- Distance Education Student Support Services and Online Support Services;
- Drug and Alcohol Dependency Advisory and Referral Units for Students;
- Emergency Financial Loans to Students - Interest Free;
- Excursions for Students;
- Fire and other Emergency Evacuation Planning for Campus Services Buildings;
- Food and Beverages Outlets on Campus;
- Games Rooms for Students;
- Graduation Dinners;
- Honorariums & other Remuneration for Elected Student Representatives;
- Immigration / DIMIA Advice to International Students;
- Information Services and Inquiry Counters for Students;
- Insurance Services for Students;
- International Students' Rooms;
- Investments and Reserves designated for future funding of items on this list;
- Leadership Programs for Students;
- Legal Advice to Students;
- Lounge Areas for Students;
- Mature Age Student Support Services;
- Musicians / Music Groups (Funding of) for Student Entertainment;
- Needle / Sharps Disposal Programs (e.g. in toilets);
- Northern University Sport ("NUS") Membership;
- Online Accommodation Referral Service and On Campus Accommodation Boards for Students;
- Online Employment Referral Service and On Campus Jobs Boards for Students;
- Online Secondhand Textbook Service;
- Online Student Discounts with Off-Campus Retailers;
- Orientation Week Activities;
- Outsourcing of Campus Services to Private Operators – Negotiation & Management of;
- Personal Development Courses (e.g. 'active listening') courses for Students;
- Planning and Acquisition of Campus Services Assets;
- Plant and Equipment (for Campus Services Infrastructure);
- Postgraduate Student Support Services;
- Printing, Binding and Facsimile Services for Students;
- Public Liability Insurance for Campus Services Organisations;
- Recreational Facilities for Students;
- Renovation and Rehabilitation of Campus Services Assets / Infrastructure;
- Resource Centres for Students;
- Security Services for Students' Social Events / Union Nights etc;
- Shower, Change and Locker Facilities for Students;
- Social Activities for Students;
- Sporting Facilities for Students;
- Sports Clubs for Students;
- Sports Scholarships / Subsidies for Attendance at Intersarsity Games etc;
- Student Elections (administration and funding thereof);
- Student Newspapers - Free;
- Student Publications and Online Campus News / Events for Students - Free;
- Student Representation and Advocacy;
- Student Scholarships;
- Student Volunteer Programs;
- Taxation Advice to Students;
- Tenancy Referral Advice to Students;
- Training Courses for Student Services Employees;
- University Diary for Students - Free;
- Vending Machine Operators in Campus Services Locations – Management of;
- Welfare Services for Students;

*\*Without funding from compulsory membership fees, CQUSA would be unable to raise sufficient income to cross-subsidise and support the same range of services listed above.*



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

**The Western Australia Experience – VSU**

It has been clearly documented with the introduction of the VSU Legislation in Western Australia (1994) across Murdoch, Curtin, UWA and Edith Cowan Universities, that VSU has had a dramatic and negative impact upon the student organisations and the ability to provide essential services and representation to the students of Western Australia.

**Effects included:-**

- 1.1 Student organisations could not meet costs / wages
- 1.2 Massive staff redundancies
- 1.3 Student organisations capital funding of student facilities and maintenance of existing student facilities ceased
- 1.4 Consideration given to the administration of some student organisations moving to voluntary positions
- 1.5 Student services such as Academic, Advocacy and Welfare services **decimated and support services slashed**
- 1.6 The Western Australian VSU model resulted in some student organisations ceasing any sport or recreational services, resulting in a dramatic fall in participation in inter-university sport and particularly in national inter-university sport
- 1.7 Summary of student organisational services lost or significantly reduced under the Western Australian VSU Legislation


<b>Service</b>	<b>Curtin</b>	<b>ECU</b>	<b>Murdoch</b>	<b>UWA</b>
Education and Welfare Advisers ( <b>Ressos</b> )	<i>Reduced</i>	<b>Lost, one adviser employed by Uni</b>	<i>Reduced</i>	<i>Reduced</i>
Advocacy for appealing Uni decisions ( <b>Ressos</b> )	<i>Reduced</i>	<b>Lost</b>	<b>Lost</b>	<i>Reduced</i>
Guild Service Centres		<b>Lost</b>	<b>Lost</b>	<b>Lost</b>
Affiliation to peak Uni sport bodies		<b>Lost</b>	<b>Lost</b>	<b>Lost</b>
Full program of cultural events	<b>Lost</b>	<b>Lost</b>	<b>Lost</b>	
Women's Room	<b>Lost</b>	<b>Lost</b>		
Parenting Room		<b>Lost</b>	<i>Reduced</i>	
Weekly campus newsletter	<b>Lost</b>	<b>Lost</b>		
Policy research support for student reps	<b>Lost</b>	<b>Lost</b>	<b>Lost</b>	<b>Lost</b>
Women's Department	<b>Lost</b>	<b>Lost</b>		<i>Partly integrated into Uni equity Office</i>

Environment Department	<i>Lost</i>	<i>Lost</i>		
Orientation Camps	<i>Lost</i>	<i>Lost</i>	<i>Lost</i>	
Funding for Clubs and Societies	<i>Reduced</i>	<i>Lost</i>	<i>Reduced, staff assistance lost</i>	<i>Reduced</i>
Student Emergency Loans	<i>Lost</i>	<i>Lost</i>	<i>Lost</i>	
Disabled Students Department	<i>Lost</i>			
Sexuality Department	<i>Lost</i>	<i>Lost</i>		
Sports Library	<i>Lost</i>		<i>Lost</i>	
Subsidised catering on campus	<i>Lost</i>		<i>Lost</i>	<i>lost</i>
Personal Accident Insurance		<i>Lost</i>		
Sexual Assault Referral Service			<i>Lost</i>	<i>Reduced</i>
Off Campus Housing Advice		<i>Lost</i>	<i>Lost</i>	
Student conference Funding	<i>Lost</i>	<i>Lost</i>	<i>Lost</i>	<i>Lost</i>
Student Publications	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>
Funding to Student Faculty Societies			<i>Reduced</i>	<i>Reduced</i>
Funding for international student campaigns and projects	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>
Activities	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>
Postgraduate support and advisers	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	
Women's campaigns and projects	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>
Regional Campus Funding	<i>Reduced</i>	<i>Reduced</i>	<i>Reduced</i>	
NUS affiliation	<i>Unable to pay, NUS fee waiver</i>	<i>Unable to pay, NUS fee waiver</i>	<i>Unable to pay, NUS fee waiver</i>	<i>Unable to pay, NUS fee waiver</i>

1.8 Membership take up of student organisations in Western Australia dropped dramatically, forcing some Universities to provide some of the social, cultural and sporting facilities that students wanted without any additional funding.

**Membership take-up rates**

<b>1.8.1</b>	<b>Curtin</b>	<b>10%</b>
<b>1.8.2</b>	<b>Edith Cowan</b>	<b>13%</b>
<b>1.8.3</b>	<b>Uni of WA</b>	<b>28%</b>
<b>1.8.4</b>	<b>Murdoch</b>	<b>38%</b>



*"As a direct result, of the drop in membership take up of the Edith Cowan Student Guild, the acting Vice Chancellor advised the Senate Inquiry that in 1998 the university had provided \$100,000.00 to the Guild to support a limited range of representational, social and cultural activities and the orientation program.*

*Whilst this put pressure on funding for its academic program, the university saw no alternative to this expenditure if the University was to **remain competitive locally, nationally, and internationally.** The university made significant financial commitments to the student newspaper, an education and welfare research officer, postgraduate support staff, international student council, sport facilities, personal accident insurance, off campus housing advice and student amenities."*

## **Victorian VSU Model**

It is our understanding that the Government considers that the Victorian State VSU Legislation has not been successful while the Western Australian Legislation has been.

***This is not our view and is not supported by the Universities that have been affected.***

We accept the view that the Victorian Legislation appears not to have achieved all of the Government's desired outcomes but note that Student Associations are more effective and efficient and serve their communities better as a result of the legislation (*Victorian VSU Model*)

Apparently elections to student Boards are now contested by more moderate candidates and there is a greater emphasis on professional planning in management.

The apparent failure of the Victorian Legislation can be accounted for by two (possibly associated) reasons. The first is the fact that student organisations are separate legal entities from the University who carefully guard that independence.

The second is the predominance of students on the governing bodies of those groups. These facts and particularly the latter have no doubt encouraged those groups to seek to find "ways around" the legislation.

This could be overcome in a number of ways including:

- 1.1 **Altering conditions imposed on Universities** (*which currently requires Universities to ensure that compulsory funds are not expended in certain ways*)
- 1.2 **Tighten up the conditions relating to whether funds available to groups are included within compulsory funds** (*most Victorian organisations keep records of compulsory funds and non-compulsory funds and use the latter for excluded services*)
- 1.3 **Requiring Universities to maintain a greater control over making funds available** (*for example by the governance and management bodies having stronger University representation*)

**We believe that there are opportunities for applying legislation similar to that in Victoria which would meet the objectives of the Government while ensuring the best outcomes of the existing arrangement are maintained.**

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**June 2005**

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