

**Senate Employment, Workplace Relations and Education  
Legislation Committee**

**Inquiry into the provisions of the Higher Education Support Amendment  
(Abolition of Compulsory Up-front Union Fees) Bill 2005**

**Personal Submission**

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## Introduction

The *Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005*, if the Western Australian experience illustrates anything, may have a devastating impact on students, universities, the community and the employees of student organisations.

This submission will address the two terms of reference for the inquiry. Specifically, the submission will address the likely affect of the legislation:

- On the provision of student services;
- On students (domestic and international), a significant key stakeholder of this legislation;
- On universities as learning communities;
- On the immediate communities in which student organisations operate; and
- On the employees of student organisations.

The submission will also briefly explore the experience of universities and students, in Victoria where legislation has been adopted to regulate student unions. Ultimately, this legislation will have the very real impact of crippling students' ability to successfully complete their studies. It will cripple students emotionally, academically and politically.

I write this submission from the perspective of having been a student organisation leader as well as having been a student advocate and support coordinator in student organisations. I have nearly a decade of experience working in and around student organisations and with elected student leaders. My involvement in student organisations has included providing advice and information on constitutional, by-law and policies issues in other student organisations. I have worked with the National Union of Students and the Council of Australian Postgraduate Associations.

### **Assessment of the likely effect of the legislation on the provision of student services, and related consequences.**

This response will focus on assessing the likely effect of the legislation on:

- The provision of student services,
- Students (Australian and international),
- Universities as learning communities, and
- The immediate communities in which student organisations operate (including the employees of student organisations).

#### ***The likely effect of the legislation on the provision of student services:***

For regional student organisations in particular, the provision of services will be significantly diminished and impaired. There is also the likely impact that some services will be cut or under constant threat of being cut. Student organisations as a whole will have to diminish the number of services. The reality of the legislation, as written, is that it will cripple the financial base of student organisations and punishes universities if they attempt to assist student organisations. For student organisations to remain in operation they will need to shed some social, welfare, academic, recreational, sporting, cultural and advocacy services.

The regional student organisations may have to close entire services in order to remain operational. One of the core reasons for the existence of student organisations is to provide advocacy, welfare and representation for students of a campus or entire university. On the

whole student organisations are charitable institutions that subsidise various social, welfare, recreational, cultural, sporting and advocacy services, which are available to all students as they need it. These services are provided either for free or at a greatly subsidised price. Unfortunately, the services that are subsidised and generate little revenue are generally welfare, cultural and advocacy services. And as these services do not generate revenue like, sporting, recreational, social and entrepreneurial activities and services, they will most likely be cut back.

The Australian Vice-Chancellors' Committee (AVCC) has developed a policy on student organisations. The policy broadly supports the existence of student organisations and the services that they provide. The policy also identifies the importance of universal student membership for the provision of essential student services. Specifically, the policy highlights:

*“Where student organisations provide an extensive range of services which the universities recognise as essential, their financial viability is fundamental. Services include the provision of food outlets, buildings, meeting rooms, toilets, stationery and second-hand book services, child care, legal services, health and employment services, assistance with accommodation and welfare services. As the student body changes, services directed to part-time and external students have become more important.”<sup>1</sup>*

Most student organisations have had to pursue entrepreneurial activities in order to maintain existing welfare, academic and advocacy services. These entrepreneurial activities are used to off-set the cost of non-profitable activities and events. The increase in entrepreneurial activity is evident in the audited accounts student organisations prepare for annual general meetings. Furthermore, these activities contribute to producing alternative means of generating revenue so that service/amenity fees do not have to be increased. Unfortunately, the legislation as written will lead to a reduction in the number of services offered as it will cripple the revenue base of student organisations.

### ***The likely effect of the legislation on students:***

Learning is more than just attending classes, preparing assignments and sitting exams, it also includes the social, cultural and sporting opportunities while at university. University is an extremely challenging time for students whether Australian or international or school-leaver age or mature-age. It can be an emotional and financial roller coaster ride that puts a lot of strain on relationships and marriages as well as on personal finances.

Students do struggle through university, which has been highlighted in a number of newspaper articles over the last few months. Students often live below the poverty line. Research conducted by Judith Bessant<sup>2</sup>, formerly of the Australian Catholic University, identified that student poverty was a significant social issue. The research identified that students were living up to 37% below the poverty line. According to Bessant, the introduction of the Common Youth Allowance with more stringent eligibility criteria has contributed to students receiving reduced levels of income support. The Australian Council of Social Services (ACOSS)<sup>3</sup> noted that those students in receipt of Youth Allowance and Austudy were living well below the poverty line. A single adult student receiving Austudy was 39% below the poverty line and those on Youth Allowance were 20% below the poverty line.

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<sup>1</sup> Australian Vice-Chancellors' Committee, *Student Organisation Policy*, December 2004, [http://www.avcc.edu.au/content.asp?page=/policies\\_programs/student\\_organisations/index.htm](http://www.avcc.edu.au/content.asp?page=/policies_programs/student_organisations/index.htm) - last accessed 06/06/05.

<sup>2</sup> Bessant, Judith, 'Student Poverty in the Enterprise University', Australian Catholic University, 2001

<sup>3</sup> *Below Poverty line Social Security Payments*, ACOSS, 2001 <http://www.acoss.org.au/info/2001/304.htm>

Living in poverty does have a negative impact on student health, well being and their studies, which is a significant factor for why students withdraw from university. Students will forgo luxuries to afford basic living costs and sky-rocketing university and study costs. Study materials including textbooks and writing materials as well as access to a computer, a printer email and the internet also put great financial strain on students. Students will forgo new clothes, recreational and social activities to afford housing, food and transport.

The increasing costs associated with studying and increasing living costs forces students to have 2 to 3 part time jobs. This can result in students having to skip classes in order to work shifts. Students are also generally employed in low paid and casual positions. It is not only this but students also struggle having to deal with university officials, landlords, Centrelink and employers. The Australian Vice-Chancellors' Committee (AVCC)<sup>4</sup> paper *Paying their Way* highlights that students do struggle financially while at university. It identified that students are forced to miss classes, which can negatively impact their ability to pass university. Research commissioned by the Department of Education, Science and Training indicated that students were willing to miss lectures as they were able to get materials via other sources. The work also recognised that 41% of surveyed students indicated that paid work gets in the way of study.

University can be an extremely emotional roller coaster ride for many students as they try to deal with often conflicting life and study commitments and requirements. This emotional roller coaster ride can make succeeding at university very difficult. The strain of studying and maintaining basic living standards can lead to students postponing studies or to students withdrawing from university. It can be quite difficult for students to deal with the academic processes like changing subjects, appealing assignment / exam grades, plagiarism allegations, cheating allegations, and 'show cause' processes. Attending university can also put extraordinary strain on relationships and marriages due to the time commitment required to succeed at university and the increasing costs of attending university.

Unfortunately, existing Government student income support is not adequate to allow students to focus on study without needing to supplement this with 2 to 3 part time jobs. Furthermore, the existing support mechanisms actually punish students for finding work. There is no recognition of the fact that students are often employed in low paid positions.

Another core reason for the existence of student organisations is to try to relieve as much of the financial, academic and emotional stress as possible. In my opinion, student organisations exist to protect, maintain and promote student welfare and rights. To relieve these stresses, student organisations provide:

- Emergency loans,
- Student accident insurance,
- Food stamps and/or vouchers,
- Canned food drives,
- Scholarships,
- Councillors
- Computer laboratories,
- Photocopying services
- Childcare and/or crèche services,
- Second-hand book stores,
- Financial counselling and advice,
- Health advice and information,

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<sup>4</sup> Long and Hayden, *Paying their way: A survey of Australian undergraduate university student finances, AVCC 2001*

- Careers advice and employment services,
- Housing and tenancy assistance and advice,
- Study skills training and assistance, and
- Advocacy and student advocates.

*A more detailed list of services is provided in Appendix One.*

These services, among many others, are geared specifically to meet the unique needs and requirements of students. Student organisations also run (and/or subsidise) a range of additional services like:

- On campus food outlets,
- Second-hand bookstores, and
- On campus retail outlets with subsidised stock, stationery and consumables like prepaid phone cards, printer cartridges, film development and printing paper.

Student organisations actively seek to obtain student discounts in local stores for things like milk, bread, take-away food, clothing, computers, internet packages, mobile phone packages, newspapers, magazines and academic publications. They are also active in securing scholarship and awards funding from local and national businesses and companies. However, it will be the essential services like welfare and advocacy that will be either cut or significantly cut back. Yet it is these services that provide students with the necessary support (or crutch) to survive the university experience. Students will also lose access to important employment opportunities as student organisations employ thousands of students for casual and part time work.

Student organisations are best placed to deliver these services as they are student oriented, which address the specific and unique needs of students. Services offered by student organisations are also developed to meet the changing welfare, social and academic needs of students. Students will struggle more without the social, welfare, academic and advocacy services run by student organisations. More students may be forced to give up studying due to the increased pressure in trying to make ends meet and meet competing work and study demands. Universal student membership ensures that all students have access to specialist and professional services as they need it.

### ***The likely effect of the legislation on universities as learning communities:***

Nearly every vice-chancellor across Australia has publicly condemned the Government's legislation as written. The vice-chancellors' peak body, the AVCC has also publicly condemned the legislation, along with the Group of Eight (Go8) research intensive universities. The legislation will force universities to find funding to maintain services once run by student organisations. It will be necessary for universities to maintain some of the essential services in order to maintain a competitive edge to attract Australian and international students.

Despite the implications of this legislation on university funding and revenue, the legislation will damage the learning environment of universities. Vice-chancellors, the AVCC and the Go8 have made repeated warnings about the legislations implications on the studying conditions and the overall learning experience. The AVCC's student organisations policy<sup>5</sup> identifies the contribution they make to the learning environment and experience. In particular, the policy highlights:

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<sup>5</sup> Australian Vice-Chancellors' Committee, *Student Organisation Policy*, December 2004, [http://www.avcc.edu.au/content.asp?page=/policies\\_programs/student\\_organisations/index.htm](http://www.avcc.edu.au/content.asp?page=/policies_programs/student_organisations/index.htm) - last accessed 06/06/05.

*“In every university there are essential services and facilities that are provided for students which are both an important element in the social and cultural life of universities and a part of the education process. Such services are often provided by student organisations, some of which have existed for many years, and are considered to be an integral part of university life.”<sup>6</sup>*

The policy also identifies that:

*“Student organisations also encourage a broad range of activities by funding diverse groups reflecting student interests. Participation in these activities is educational in the broadest of senses, encouraging students to develop their social skills. Provision of these services is traditionally undertaken and funded by the student body, which is the direct beneficiary.”<sup>7</sup>*

The important social and professional interaction at university will be damaged and may make succeeding at university more difficult. Universities have proven that they are not always best placed to deliver essential student services in an efficient or effective manner. Universities are also not always able to make services flexible to meet changing student needs and demands.

***The likely effect of the legislation on the immediate communities in which student organisations operate:***

The local communities in which student organisations operate will feel negative impacts as a result of this legislation. In some regional areas it is the student organisation that runs gyms, taxi services, cinemas, cafes, sporting competitions, childcare and sporting facilities, which are available to the general community to access. Student organisations generally make cash or in-kind donations to local sporting and community groups and local charities.

Student organisations, as has been reported since the Government’s introduction of the legislation, support a diverse range of sporting, social and professional student clubs and societies. These clubs and societies interact and participate in local events, activities, fairs and competitions. Student clubs and societies maintain facilities and amenities that are also used by the community as well as encourage membership from the local community.

Student organisations also make a significant contribution to local economies. They trade with local businesses for goods, services and labour. This is particularly the case in regional and rural areas where local community businesses and traders are the main sources of goods, services and labour (as opposed to the greater selection of alternative sources of goods, services and labour available in metropolitan regions). The Australasian Campus Union Management Association (ACUMA) reported that the student industry contributed approximately \$1 billion to Australian domestic markets. The likely effect of this legislation will be to slash this industry by at least half and damage the economies in areas in which student organisations operate, particularly in regional and rural communities.

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<sup>6</sup> Australian Vice-Chancellors’ Committee, *Student Organisation Policy*, December 2004, [http://www.avcc.edu.au/content.asp?page=/policies\\_programs/student\\_organisations/index.htm](http://www.avcc.edu.au/content.asp?page=/policies_programs/student_organisations/index.htm) - last accessed 06/06/05.

<sup>7</sup> Australian Vice-Chancellors’ Committee, *Student Organisation Policy*, December 2004, [http://www.avcc.edu.au/content.asp?page=/policies\\_programs/student\\_organisations/index.htm](http://www.avcc.edu.au/content.asp?page=/policies_programs/student_organisations/index.htm) - last accessed 06/06/05

The legislation will also cause significant job losses, contributing to unemployment, which will be particularly felt in regional and rural communities. According to ACUMA, there are approximately 7,000 employees of student organisations. The flow-on indirect effect of the legislation could lead to up to 21,000 job losses. This will have a significant financial and emotional impact on people employed by student organisations. It will unnecessarily contribute to unemployment and increase the financial and emotional strain on employees, their families, and their relationships or marriages. The Australian Consumer and Competition Commission investigated allegations of James Cook University breaching the Trade Practices Act. The Commission found, in handing down its decision that student organisations were of a public benefit to students<sup>8</sup>.

The legislation has direct and in-direct flow-on effects for students, universities and communities that have not been fully explored by the Government. The Government has failed to consider or acknowledge the likely effects of the legislation. The debate about the virtues of voluntary student unionism over universal student membership has ignored the potential welfare and academic impacts or the financial flow-on effects on communities or the employees of student organisations.

Students are not forced to be members of any student organisation. The reality is that the university charges a service fee and failure to pay results in enrolment being cancelled by the authority of the university. Universal student membership ensures that all students are able to access a diverse range of welfare, academic, recreational, social, sporting, cultural and advocacy services. Students feel a social responsibility to make a contribution for the provision of services available to all students that are least able to access them on a user-pays basis.

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

This section will briefly outline the experience of universities and students where voluntary student unionism legislation has been adopted to regulate student unions.

The Victorian government, led by Jeff Kennett, introduced voluntary student unionism legislation in 1994. The legislation outlined an *'approved list'* of services and ensured that student organisations reported budgets and audited accounts to university governing bodies. The legislation prohibited the use of the collected compulsory fees for political purposes. Universities were required to recover any funds, and associated proceeds and surpluses, deemed to have been used for political purposes. However, the legislation did not specify or define the meaning of *political purposes*. The legislation threatened student services like publications, radio and representation on issues like transport concessions and student income support provisions. It also increased the bureaucratic interference of the State government into the affairs of universities. The additional reporting requirements of universities added additional strain on limited university human and financial resources.

While the legislation restricted student organisations in certain activities, it did not restrict student organisations providing recreational, academic, welfare, sporting, cultural and advocacy services. The legislation currently before the House of Representatives will cripple the revenue base of student organisations and will not allow for the provision of essential

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<sup>8</sup> ACCC, JCU third line forcing, notification, <http://www.accc.gov.au/content/trimFile.phtml?trimFileName=D03+17017.pdf&trimFileTitle=D03+17017.pdf&trimFileFromVersionId=607300>, last accessed 15/06/2005.

student services. This will force student organisations to cut services to remain operational, while at the same time attempting to recruit members. If student organisations have to recruit members it will result in students being denied access to services because they are not members.

## **Conclusion**

The legislation overall is an assault on the welfare of students and may ultimately contribute to the growing financial strain on students, and their families. Furthermore, it may further contribute to fewer Australian students taking up university, as well as greater difficulty in enrolling international students. The legislation will have a negative impact on universities and the communities in which student organisations operate.

The legislation will not ensure that students are able to protect, maintain and promote student rights and welfare. It will have the likely effect of contributing to unemployment and damaging a market worth \$1 billion. The legislation does not give consideration to the direct and indirect flow-on effects of its implementation. The legislation does not appear to be driven by anything other than an ideological cause. It does not enshrine freedom of association or freedom of choice but rather seeks to harm students emotionally, academically, financially and politically. Unfortunately, the legislation may also have the likely effect of damaging the relative bargaining position between students and universities.

The legislation must be withdrawn as no legislation should be allowed to erode student rights. The only real option to ensure the ongoing protection, maintenance and promotion of student welfare and rights is through universal student membership. Students and student organisations must not be punished to suit the ideological arguments of the Australian Government.



# Appendix One

## A Listing of Student Services

The following is as complete a list of student services as possible. They are not presented in any particular order of importance.

- Student employment services and job search skills workshops
- Careers advice and counselling
- Academic, financial and personal counselling
- Campus doctor and dentist
- Health information and referral
- Drugs and alcohol use / mis-use information and referral
- Tax assistance
- Legal advice and referral
- Accident insurance
- Study skills workshops
- AUSTUDY, ABSTUDY, Youth Allowance information, assistance and advice
- Short courses
- Time management skills workshops
- Scholarships
- Emergency loans
- Food vouchers / stamps / canned food drives
- Personal safety information, advice and training courses
- Shuttle / courtesy buses
- Welfare advice, information and referral
- VISA information and referral
- Immigration information and referral
- Housing advice, information and referral
- Accommodation notices and databases
- Childcare and crèche facilities
- Second-hand textbook stores
- Discounted stationery
- Discounted study materials, computers, mobile phones, phone credit, internet packages, printers and consumables
- Discounted books
- Discounted bar, food outlets and facilities
- Discounted photo development
- Discounted newspapers, magazine and academic journal subscriptions
- Carpooling initiatives
- Campus safety initiatives
- Student rights workshops and advocates
- Student-focussed and driven research projects
- O'week and transition programmes
- Shelter and emergency accommodation referral
- Social, sporting, recreational, religious and special-interest clubs and societies
- Gym, sporting ovals, sporting equipment, amenities and facilities
- Student discount booklets for off-campus traders and stores
- General university information
- Campus tour guide programmes

- Student mentor initiatives and programmes
- Student leadership programmes
- Lounge facilities
- Taxi services
- Cinemas
- Computer labs
- Photocopiers
- Fax facilities
- Printing and binding facilities and services
- Sporting competitions
- Music / Band / DJ / Story writing / Stand up competitions
- Community donations
- Budgeting skills workshops
- Cooking skills (and other life skills) workshops
- Student representation on school, faculty, university committees, governing bodies and working parties
- Entertainment events and facilities
- Student newspaper or magazine
- Student radio and electronic media
- Off campus student information and orientation sessions
- Off campus student telephone counselling, support and information 1800 free call telephone lines
- Discounted hotel / motel accommodation packages and accommodation information for off campus students
- Off campus student support and study networks
- Student diary and wall planner
- Grievances and appeals assistance, advice and information
- Women's rooms
- Queer spaces
- Quiet study spaces
- Public forums, lectures and speeches
- Meeting spaces and facilities
- Live music events
- Discounted sporting, recreational, social and cultural trips, events, excursions and tour packages
- Student art displays and competitions
- Career fairs and expos
- Consumer rights information and referral
- Some campus toilet facilities
- Various social and cultural awareness and information campaigns
- Feminine hygiene products
- Condom vending machines and give-aways
- Snack and beverage vending machines
- ATM and banking facilities and outlets
- Campus retail and trader outlets and leases
- Public transport information and ticketing outlets
- Prayer spaces
- Cultural shows, demonstrations, events, festivals and expos
- Electoral enrolment and participation information and awareness campaigns

Not all student organisations provide all of these services but they do provide a significant cross-section of these services.