

Tim Chapman

Submission to the 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

June 2005

## **Executive Summary**

This submission is made on my own behalf, presently a full time student at the University of Technology, Sydney, a past member of the executive of the National Union of Students, an officer of NUS for several years, and a past member of the Student Representative Council of the University of Technology, Sydney.

I make my submission to join with others in apprising the committee of the erroneous nature of the bill and the devastating impact the bill will have on university culture, student welfare, and democracy. I also submit to address the concerns raised by some students and government members in the debate and point out that these can be addressed with far more subtle reforms than abolishing universal membership.

Student organisations with provisions for universal membership have contributed positively to academic and social experience of students in Australia for over 130 years. My major concern is that this legislation will significantly damage the quality of learning students have historically benefited from, because it will de-fund the on campus social and sporting activities that help students form vital peer networks.

The government's prima facie reason for introducing the bill - freedom of association - is fraudulent because many student organisations currently offer conscientious objection to students, and in any case, a simple piece of legislation could address this concern without decimating the membership or income of student organisations.

The provisions in the bill are arranged to make it not simply voluntary, but also very difficult, for students to join a student organisation. The bill would make it difficult for students to be aware of the benefits that student organisations provide, and therefore make it difficult for student organisations to continue providing the current level of services because of the difficulty of maintaining near-universal contributions.

A significant drop in contributions would effectively close or downsize all student organisations – representative, sporting, welfare, service and cultural. This arrangement goes against the principle of choice that is central to the government's case for proposing the bill.

The government's bill has been formulated with the deliberate purpose of shutting down representative student organisations because they have often been a notable voice of opposition to government policies relating to higher education, and also to broader social issues. This is a highly inappropriate motive for a government to have.

Student Unions with universal membership are not an Australian anomaly but rather a global norm. North American, Scandinavian, European and South American universities all have student unions based on universal membership or contributions. Varied though they are, the world's top 100 universities invariably include student organisations with universal contributions. Australia would be departing from the global norm if the government were to make universal contributions to student organisations impossible.

There are strong arguments for simply maintaining the current arrangements, yet there are significant issues that students and government members have raised that suggest

some reform of the current arrangements may be desirable. These include issues dealing with the governance and financial management of student unions, and also the haphazard structure of student organisations from university to university around the country.

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## **Preface**

As a student since at UTS since 2001 I have always enjoyed the benefits of universal student unionism. In my first year I moved to the city to study and was assisted in finding housing through by the UTS Students Association. The first time I was helped I did not know what the Students' Association was, or that I had paid a fee to it, but I was glad I had. As a journalism student, the Student Association's newspaper *Vertigo* was a motivating factor in choosing the university.

In first year I joined up with several of the Union supported clubs including the basketball club, the surfing club and the Labor club. Trivia nights and band competitions run at the Union bar were a great opportunity to be able to meet other students in our crowded inner-city campus. The chance to meet students outside the classroom, and from different years, helped me to form peer networks that greatly assisted me in my studies.

When the rent was increased at the university housing I was living in, the Students Association was able to help represent the student residents to the university and ameliorate some of the proposed changes. The Students Association also helped several of my flatmates get access to Centrelink benefits that they were not aware they were entitled to.

In my second year I began volunteering my time at the Students Association, and successfully ran for election to the Students Representative Council later that year. I was also elected to represent UTS at the National Union of Students in 2002.

In 2003 I was elected to be Education Officer for the NSW Branch of NUS, and in 2004 I was elected President of the NSW Branch and also sat on the national executive of NUS.

In 2005 I have returned to full-time study, but my involvement in student organisations has prompted me to argue against the legislation because it will take the benefits and experiences that I have had away from all future students.

I have continued to volunteer in community projects and recently attended a forum for high-school students to meet and talk to university students. The major issue raised by these year 10 students was a fear that much of the university culture that I have enjoyed and they were looking forward to would be gone by the time they reached university. If this bill passes it is a well-grounded fear.

As a student who has been involved in student organisations across all levels for several years I acknowledge that there is much that could be made better in the structure and governance of student organisations. There is also much good that would be lost by legislated destruction, rather than helpful reform, of student organisations.

With this in mind I have made a submission that I hope will adequately illustrate the flawed nature of the bill, and point out ways of improving student organisations so that a future generation of students will gain as much from their time at university as I have.

## **1. Introduction – The Benefits of Universal Contributions**

Student organisations with provisions for universal membership have contributed positively to academic, social and cultural experience of students in Australia for over 130 years. Since the formation of the University of Sydney Union in 1874, and the gradual formation of student organisations at every other university thereafter, students have enjoyed a learning experience that continued outside the classroom in clubs, societies and sporting teams. These formative experiences are often celebrated in popular culture, and have been recognised as a rite of passage in a student's life. They contribute much to a student's academic experience as well.

Student organisations have always relied on universal contributions as a way of ensuring that all members of the university were included and made a reasonable contribution. Yearly democratic elections have always ensured that the vast majority of students can have a say in how their organisations are run. The tendency has been for proportional representation rather than majority rule, which has further added to the diverse nature of student organisations. That is why, in a history of 130 years, student organisations have undergone dozens of facelifts, and maintained an incredible amount of diversity in the activities that are run on campus. Were universal membership to be taken away from students, the grand tradition of a diverse and vibrant university community would be significantly damaged.

## **2. The Four Vital Roles of Student Organisations**

There are four main functions that modern student organisations serve: representative, welfare support, services and sporting/cultural.

### **i. The Representative Role**

The representative role of student organisations on campus has made a significant contribution to the historical development of universities in Australia. Students have long shared a role in the governance and operation of a university, and all governing bodies of Australian public universities have representatives of the undergraduate and post-graduate cohorts on them. The student population at most universities is larger than many local government areas. Having a structure that can represent students on issues ranging from assessment and curriculum development, library services, borrowing conditions and fines to night-time security on campus is vital when such a large body of people exists. Representation is an important area, but not the major role of student organisations. Most of these activities are filled by volunteers, but facilitated and resourced by student organisations.

Representation by the National Union of Students on policy at federal and state government levels is already voluntary, although the decision to take part of is made by the campus bodies that collect compulsory fees. At this level, representation has also been proportional rather than majority rule. Every other group in the university community from staff, academics and Vice-Chancellors are represented at the national level through unions and groups such as the Australian Vice-Chancellors Committee (AVCC), the Australian Technology Network (ATN) and the Group of Eight (Go8). Having drawn this

comparison, it is worth noting that the role played by the National Union of Students is far more like the AVCC rather than the industrial unions that represent the staff. Currently students who are at affiliated campuses of NUS pay an extraordinarily low \$5 per year to have a national voice. Legislation that interfered with students' ability to elect national representatives would take away a voice where it exists for every other higher education sector group.

The minister has a clear disdain for the National Union of Students. In the 2002 'crossroads review' he largely ignored NUS and preferred the opinion of the Young Australian of the Year as a point of consultation with students. The 2003 young Australian of the Year was Lleyton Hewitt. Lleyton would probably oppose this legislation because he would understand the impact it will have on sport. But can it be plausibly suggested that Australia's 700 000 students should leave it to sports stars and celebrities to argue complex higher education policy with the government on their behalf?

## **ii. The Welfare Role**

The size and range of government schemes that apply to Australian universities today mean that students are confronted with a high level of university bureaucracy and red tape when entering and studying at university. The very real situation of poverty that many students live in can affect a student's ability to study, work and get help at university when they need it. Students are a group that require a high level of support and student organisations provide this. Accessing government payments through Centrelink, finding housing when moving, finding a job, renting a house for the first time and getting in trouble with a landlord, or facing university disciplinary procedures are the common situations that student organisation-employed caseworkers help students with everyday. Welfare caseworkers regularly protect the most vulnerable members of the university community, but most students will need some help at one time or another during their years at university. Welfare caseworkers are quite expensive for student organisations, and would likely be amongst the first services that income deprived organisations would be forced to cease offering.

### **Advocacy at University Disciplinary Committees**

A particularly worrying result of a loss of campus welfare caseworkers would be the lack of independent representation at University disciplinary committees. Without this professional representation, students who face discipline could be forced to represent themselves without understanding the charges or procedures they are up against, or pay for costly representation from legal professionals, which it is unlikely they could afford.

## **iii. Services**

### **Food Services**

Universities contain tens of thousands of students, as well as general staff, academics and administrators. On campus services managed by student organisations cater for a range of services that would not be available without

the controlled environment that student organisations create in running these services. As the minister has pointed out, the market can cater for many of these required services, particularly food and drink outlets. The minister has suggested that his legislation will enable this to happen which must mean that he does not realise that in many cases it already does.

### **Health and Childcare Services**

Apart from food services that are already often run by private companies, and at a profit that goes back to students, there are many services that would not continue without student control through student organisations. Bulk-billing doctors are scarce in the major cities and regional areas where many universities are located, but student organisations have maintained them so that students, who often have limited resources, can see a doctor without having to pay upfront. The University of New England's Student Association runs a dental health centre for its students.

Childcare services are operated as not-for profit centres at many campuses across Australia. In other cases, private companies are contracted to provide childcare services to students. Student organisations often provide subsidies in addition to government allowances for childcare, greatly assisting single parents or mothers returning to study after pregnancy. The minister has made reference to a fictitious mother of two subsidising the abseiling club at the University of Sydney. Such a person is indeed fictitious. The minister should be advised that a mother of two would be entitled to a subsidy greater than her total union fee at the Union's childcare centre if she had them in care only one day per week during semester, let alone all the other benefits she would be entitled to. Western Australia is the only state where organisations do not provide subsidies for childcare. Significantly WA is also the only state that has previously been subjected to the type of legislation presently before the committee. It is only two years into recovery from the repeal of this legislation and WA organisations still provide significantly less services than students enjoy in other parts of Australia.

## **iv. Sporting and Cultural Activities**

### **Sports**

A great part of the Australian university tradition has been its contribution to the success of elite sports and athletes. University student organisations own and operate massive sporting infrastructures to the great benefit of their students. These facilities are often used by groups from outside the university, including schools and the general public, and also by elite athletes and Olympians because they are the best facilities in the country. A collection of such sporting greats have published a statement calling for the preservation of this aspect of university culture currently provided by the universal membership of student organisations. Listing the many great names here would be gratuitous and not indicative of the larger number of students who are also involved either as participants, supporters or spectators in this part of university life. Each year, hundreds of students participate in the Australian University Games competition. Each week thousands of students enjoy teamwork and physical exercise through their campus sports club.



### **Cultural and Peer Support Activities**

Equally significant is the cultural life provided by the social, academic, and recreational societies supported by organisations. There is a society for almost every intellectual, artistic or recreational cause at university. These clubs facilitate out of class academic learning, creative release and entertainment, and fitness for students, and provide all students with the chance to meet, work, play and learn together with other like-minded students. Student newspapers also play a significant role on campus. Not only have many of their elected editors gone on to become famous Australian writers and journalists, they also contribute greatly to the student community by providing a source of information and entertainment, and learning for students.

### **The End of Volunteerism and Peer Support**

All of these activities are based on students volunteering to run an activity, but they need the resources and co-ordination that student organisations provide. Without universal membership it is unlikely that these resources would be as available, nor would the process for forming and running an activity be as attached to a university, or a group of universities across the country. Students will still play sport, and many will still have hobbies, but they will be less likely to do this at a university level or with other students. This will mean that all of the associated benefits of meeting and working with other students will disappear. Flexible learning delivery already means that it is common for some students to spend entire semesters in a classroom of strangers who they never really meet. Many academics note the detrimental impact this has on classroom discussion and the natural peer support that arises from strong social networks between students. The loss or severe diminution of every campus based club and society could have very real affects on the levels of academic achievement at Australian Universities.

### 3. Freedom of Association

The government's prima facie reason for introducing the bill - freedom of association - is fraudulent because many student organisations currently offer conscientious objection to students, and in any case, a simple piece of legislation could address this concern without banning universal contributions and decimating the income of student organisations.

The deceptive nature of the government's use of 'freedom of association' was exposed in *The Australian's Higher Education Supplement* recently by a senior lecturer in law at Macquarie, Simon Rice.

As this article demonstrates, the government's use of the term refers more to a negative right - a freedom a *not* to associate – rather than straightforward freedom of association. As Rice points out, this freedom sits uncomfortably alongside the notion of a local community to which everyone automatically belongs. Universities are such communities, and whether or not we continue to pay a common fee, students will continue to be members of the university community, albeit poorly represented members.

The minister seems concerned that student representatives occasionally express their views. He seems to think that when they do, every student in the country is compelled to agree. What nonsense. It is quite obvious that whenever the Young Australian of the Year speaks, he or she will not be speaking for every young person in Australia, nor will every young Australian be compelled to agree with what is said. Equally, when the Prime Minister speaks, it is not assumed that all Australians will agree, even though we are all imposed upon to pay his salary, and to fund whatever projects he envisages. Having a democratically elected representative body for students hardly forces students to adopt causes that they do not wish to be associated with. In fact, the proportional representative style of most student organisations makes it far more likely to find myriad views represented by one body or another.

As I have previously stated, the vast majority of student resources are directed at non-political services that are essential to ensuring a good university experience for students. The five dollars that NUS collects provides students with a voice. Disappointed though the minister may be when students oppose higher fees or ask for more Youth Allowance, students have a right to express this opinion. Denying students national representation, when the Vice-Chancellors are allowed to have it - and have it funded out of their university budgets - is unfair. Not surprisingly, the minister's assertion that a lack of representation will be good for students is being met with some cynicism. His attempt to portray the political function of organisations as costing individual students hundreds of dollars is totally dishonest.

Concerns about student participation in the political functions are valid but do warrant their disbanding. It is true that most students do not vote but there is no compulsory voting at university. That the minister has raised this concern is surprising given his argument that students should not be compelled to do what they do not wish to. Many students do not vote, and many would also not pay fees if they were not compelled to. But equally, there is no mass movement of students who are vocal in opposition to the current arrangements. In fact, many students, who usually prefer to stay out of campus

politics (and Australian politics for that matter) have become informed of the likely affects of the legislation and have become quite vocal in their opposition to the plan and this bill. The Coalition does not even have the support of half of its own campus Liberal clubs. The UTS Union president, Felicity McMahon, an active young member of the Liberal Party, is ardently opposed to this bill. That a Liberal Party member is President of my Union further exposes the lie that student organisations are always radical, left wing, or unrepresentative.

The only effect of the legislation on freedom of association will be to make it difficult to associate with organisations that substantially benefit all students.

#### **4. Anti-Student Organisation Provisions in the Bill**

The crux of the government's arguments for voluntary membership is that students should be able to decide whether or not they use a service and whether or not they want to pay for it.

The provisions of the legislation go much further however. Currently students are automatically invoiced for their fee by the university as part of the enrolment process. The government legislation may mean that this process is made illegal. This would greatly reduce the ability of student organisations to administer the invoicing of fees. It would also greatly increase the expense of collecting fees.

Even optimistic and well-prepared student organisations must expect a slight reduction in income if this legislation were to pass. Increasing administration costs will compound this loss of income and lead to a reduction of the services able to be provided. A reduction in services will likely lead to less students paying a fee. And so the cycle will continue.

In this way the legislation will actively encourage students not to join a student organisation.

Unfortunately, very few student organisations are prepared for this legislation, and therefore massive income reductions are likely. Student organisations in regional and newer universities are likely to have their incomes reduced to inoperable levels very quickly. Sandstone student organisations are likely to have assets that they can use to sustain them while they restructure into profit-making enterprises, but services will still be significantly reduced. This is the scenario that occurred in Western Australia following the introduction of similar legislation there.

The government has made no provision to assist student organisations to survive under the new legislation. Were this any other industry this would be remarkably negligent behaviour. However, there is nothing remarkable about the intentions of the government in this case. The government has an interest in seeing the demise of student organisations because their democratic nature has meant that they have been used to criticise government policy.

## **5. Anti-Choice Operations of the Legislation**

The rhetoric of choice could not be more erroneously applied to this legislation. The minister has tried to imply that private enterprise is illegal on campus, and that students have no choice but to put up with services of poor quality. Nothing could be more misleading.

Far from being denied a choice of services provided by private enterprise, many student organisations currently contract out the services that students ask for to private enterprise. For example, the students at the University of Sydney enjoy a Donut King on campus, while students at UTS have rejected a proposed 'Hungry Jacks at UTS' for several elections in a row. This point demonstrates the very real level of choice that democratic organisations currently provide to students: the ability to determine what they want on campus. At my campus students have recently elected members to the Union Board on a platform of keeping the main café open at night for the large group of part-time and nighttime students who study here. This kind of choice – to keep a café open late at night when it is needed but not profitable – is not likely to be a choice offered by privately run businesses not controlled by a student organisation.

The introduction of this bill will remove the choice that students have over what services are provided, and when and how they are provided. Student will lose the ability to choose to have a bulk-billing doctor on campus or to keep their café open at nighttime. Students will lose their choice over what entertainment and activities are available on campus. And students will not get the opportunity to choose whether or not the tradition and history of university sports is taken away.

Students also have no choice over whether or not this legislation is introduced. Apart from some (and only some) Liberal Party student groups, students have not asked for this legislation. Students have also not been offered a choice to keep the current arrangements. This is the most disappointing aspect of the legislation. It is needless, ideologically driven and it is unwanted.

When the New Zealand government introduced similar legislation, it at least gave students the opportunity to decide, via campus referenda, whether or not it should apply to their campus. All but one rejected the legislation, and the one stand out quickly reversed its decision after experiencing the loss of its services.

## **6. The Government Agenda to Silence Criticism**

It should come as no surprise to the government that students do not like paying increased fees. When the government introduced legislation in 2003 to increase HECS and increase full-fee paying places, many students decided to take political action and to use their representative organisations to put their perspective. The legislation ultimately passed, but after a good debate had been had and wide public consultation was held through a ministerial review and inquiries like this one. The legislation not only passed, but it passed virtually unamended. The government then won the next election. The government is not in any danger from student organisations existing and expressing the views of students. Rather, some Liberal student groups and several members of the government who were active as students have old scores to settle. Students have generally, but not always, shied away from supporting Liberal or conservative students in elections. Surely this is to be expected. That the government is wilfully removing the main avenue of students to be able to opine and criticise government policy is deeply concerning.

What is unfortunate for both the government and for students is that student protests and the political groups that exist on campus are likely to be amongst the few areas that survive this bill relatively unscathed. Students will continue to associate with political parties of the left and the right, and these groups will continue to hold demonstrations and forums. The sporting, cultural, welfare and intra-university representation will likely suffer. Informal peer-support networks will disappear as campus based social activities lose their funding. But protests, which currently cost students about \$20 in photocopying, a tin of paint and some recycled cardboard will continue.

## **7. Student Organisations Around the World**

The international experience of student organisations overwhelmingly recognises the importance and usefulness of maintaining student organisations, and the need for universal contributions to do so.

Student organisations vary from country to country and differ in their structure due to historical and cultural situations in which they were developed.

Not surprisingly, the situation in the United Kingdom is the most similar to Australia's. Universal membership is an underlying principle, and all campuses have unions, as well as a national body called the National Union of Students (UK).

The situation is similar throughout Scandinavia, Europe and South America. The United States organisations are not called unions or guilds, but student government associations. They also have student 'agencies' (like service organisations), which were originally formed by students and run in an entrepreneurial fashion, but have since to become campus staples.

I must apologise to the committee as exams and the timing of this inquiry have prevented further research in this area.

## **8. Concerns with Current Arrangements for Universal Contributions**

Sports fees have been a soft spot for many in this debate. Australians like to see sports stars do well, and any move to undermine their ability to do so is generally not popular. But as Australian University Sports and the Australian Olympic Committee have pointed out by omission, student union fees contribute significantly to sports facilities that have little to do with the everyday needs of most students. The government is right to point out that students should not be singled out to fund our Olympic success, but this historical anomaly should not be corrected without measures to maintain sports at universities, and university facilities used by the general community. Students do gain some benefit from having these facilities on their campuses, but at least in some cases the contribution far outweighs the benefit.

As the minister has laboured to point out, some students pay upwards of \$500 per year to all of the organisations on their campus. Some of this is because of high sports association fees, but not all of it is. Fees at this level can be prohibitive for students who often have very limited disposable income. Australian student organisations are varied across the country, in their structure, the services they provide, their management, the way they are elected, and the fees that they charge. Many of these differences are based on historical anomalies, as student organisations were formed at different times and for different aims. One model is not necessarily the answer, and student consultation should be an obvious pre-requisite for any reform. But reforms are needed to ensure that all students have the opportunity to receive the benefits of student organisations described in this submission. It would be dishonest to suggest that students at different universities benefit equally from the current arrangements.

Part-time and external students have often complained about having to pay the same fee as full time or internal students, and while some student organisations have made allowance for this, some have not. While these groups may use less of the services on campus, it should also be noted that the welfare and representative organisations usually provide equal or greater assistance to these groups. A positive reform would be one that regulated the level of fees for service for obvious student groups.

The possibilities are too numerous to list or detail here, but the opportunity for a government to greatly improve the situation of students through reforms clearly exists. From what I know, many student organisations would be willing to participate in such a process. The proposed legislation does nothing but ignore this responsibility and throws a very big baby out with very little bathwater.



## **9. Conclusion**

If the legislation is passed, student organisations around the country will soon either close or severely downsize. The services relied upon by all students will disappear and will largely not be replaced. Short of food, and other commercially viable services, student organisations are the only natural provider of these services. Even the commercial services will be dramatically different when students no longer control them.

The legislation will actively encourage the demise of student organisations.

The experience of university life is likely to suffer, as university campuses become less attractive places to interact with other students. The social and cultural activities that have underpinned the university experience for over 100 years will no longer have access to reasonable funding.

The legislation will make a small impact on the amount of organised demonstrations and probably bring down the National Union of Students too. So there is no question that it will achieve its aim. In the process it will wipe out 130 years of tradition, necessary welfare support, sporting, social, cultural and academic activities. In other words: university life as Australian students have always known it will be irreversibly damaged, if not destroyed.

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