



# **Gunpowder, Treason and Plot: Brendan Nelson as Guy Fawkes**

*The University of Queensland Union's Submission*

*to the*

*2005 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.*

Presented by UQ Union President: Leah Sanderson

Prepared by UQ Union Research Organiser: Adele Chynoweth

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## ***Gunpowder, Treason and Plot: Brendan Nelson as Guy***

### ***Fawkes***

Remember, remember the fifth of November,  
gunpowder, treason and plot,  
I see no reason why gunpowder treason  
should ever be forgot.  
- Traditional verse

Just as Robert Catesby, Guy Fawkes and their fellow Catholic conspirators attempted to blow up Parliament because it was run by Protestants, so too, the Liberals want to destroy student associations because they are perceived to be dominated by the Left. It is not enough for the Liberals that all student office bearers, including those within the National Union of Students, are democratically elected and that all decision making bodies within these organisations welcome attendance and input from all members of the student body. It is profoundly regrettable that the Liberals have chosen to devote so much of their governance to creating a bill that is little more than political sour grapes. In addition to gross governmental interference in democratically run student organisations, the *Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005* or “VSU Bill” also threatens thousands of jobs and a vast array of services. UQ Union thus welcomes the opportunity to participate in the Senate Inquiry into the Bill and acknowledges that the terms of reference for this submission include the effect of the legislation on student services. The attached appendix provides a comprehensive description of the services within the Cultural and Student Support Division, all of which are threatened by the VSU Bill. This aim of this submission is to not simply reproduce the arguments that have been mentioned in Parliament and the media. Instead this submission aims to deconstruct some of the arguments that have been used to promote the Bill and to raise the issues that have been overlooked within the mainstream debate.

### **A pluralistic and extant student community**

The Government argues that university culture has changed since the establishment of student associations, so much so that they are no longer relevant:

There is a romantic nostalgia today about university unions. I think of that scene in the 1981 British film *Chariots of Fire* where a young Harold Abrahams is at his university orientation. He avoids the spruiker of the Fabian Society; he joins the Gilbert and Sullivan Society; and he is of course the star recruit of the Cambridge Athletics Club. But this picture of extramural life has

about as much to do with Australian students today as other aspects of the University of Cambridge in the 1920s. When universities were almost exclusively populated by full-time undergraduate students fresh out of school, compulsory union fees were accepted as a part of university life. However, today, higher education has changed dramatically so that there are more part-time, mature age, external and overseas students than ever before. The Dawkins reforms of the late 1980s mean that many universities are now spread over a number of campuses and students on outlying campuses cannot possibly access the main union building or union services. People now take cross-institutional courses, and they often get a bill for union fees from two universities.

Is it really fair to slug an external student a fee for union services when they may never visit the campus (Dr Southcott, Member for Boothby, Hansard, Thursday 12 May 2005)?

Apart from the disconcerting fact that Southcott chose a cinematic construction for his referent for government policy in lived reality, and the fact that there are currently 24,017 University of Queensland students who are members of clubs and societies on campus, he also conveniently omitted the ways in which student associations have also changed in keeping with contemporary campus culture. Before detailing such developments, it is worth examining the implications of Southcott's narrow understanding of the notion of community. It is interesting to note that these are not only Southcott's words. Brendan Nelson himself referred to *Chariots of Fire* in his on air conversation with John Laws, "Well the reality, John, is that the days of the 'Chariots of Fire' - if you like - are basically over"(17 March, 2005).

Southcott's observation of the range of students at universities, both in terms of age and enrolment status, and his comment regarding proximity of students to union buildings, demonstrates that he defines community according to a fixed physical presence within a defined geographical space. From that frame of reference he then argues that the absence of the latter infers that there is no community needing to be served.

- Is it appropriate to determine the efficacy of student associations through corporeality? Or to put it more crudely, is it fair to determine the future of student organisations by the presence of static bodies embedded in university courtyards?

It is fair to broaden the notion of community. Community is not necessarily established through a meeting of people with the same identity, for example as Southcott suggests “full-time undergraduate students fresh out of school” but instead in the “never-ending perception of difference between individual selves by which ethical responsibilities and forms of respect are arrived at” (Holmes, 1997: 17). Similarly, the social relations that form a community are not necessarily linked to place (Kitchin, 2001: 86) nor are these social relations necessarily static (Secomb, 2000: 141). In fact, it is fair to say that, within post modern culture, identity and subjectivity are not fixed. Thus, the notion of community is intangible and, at best, fleeting (Kershaw, 1999: 194). However, this does not mean that communities do not exist. UQ Union understands that the impermanent nature of the university community merely demands variety in the modes of service delivery, not the eradication of benefits and resources. In fact there is arguably a danger in determining social action according to “historical space-time relations” (Holmes, 1997: 7) because the wide variety of social structures and accompanying behaviours that facilitate this negotiation of ethics between differing identities is overlooked.

UQ Union is aware that within contemporary Western culture, communities are different from their 1920s counterparts. There are a variety of ways in which UQ Union supports its postmodern student community. The most obvious of these is demonstrated by our Internet services. The Internet is arguably more than a tool. It is also an inclusive environment that provides accessible mediation between the university campus and domestic sphere. For example, our online Student Employment Service (SES) actively seeks vacant positions which are then advertised and subsequently filled via SES’ interactive website. The advantage of SES over other employment providers is that recruitment is specifically targeted at employment seekers requiring flexible work schedules. Moreover, SES currently serves a crucial function as university students become increasingly dependent on part-time employment. SES fulfils this demand evident from January to November 2004 during which 4145 employers advertised their job vacancies with the UQ Student Employment Service.

In addition to its valuable job liaison service, SES also assists UQ students with issues arising from their term of employment. For those students who are struggling to find work, SES provides intensive assistance as well as resolving complaints concerning incorrect rates of pay, unpaid wages, unfair dismissal and bullying/harassment. SES has referred students to other professional organisations where appropriate. In addition, SES has produced a series of printed brochures that give advice on industrial and employment related issues. Thus, SES does more than advertise job vacancies. Its advocacy support renders this service a unique and vital asset to University of Queensland students. If as Southcott notes, students are working off campus, many can be grateful for their student organisations that work tirelessly to establish a trustworthy rapport with employers. If the Government is serious about supporting the range of students participating in higher education, then it will preserve the organisation that gives them part-time employment.

In addition to our Student Employment Service, UQ Union also runs a broad range of online surveys and voting polls as well as a much needed accommodation service. In addition to these online services UQ Union has also catered for the needs of differing students through food outlets open until 9pm. UQ Union uses student fees to subsidise its business trading services. Because these services are not profit driven we are able to provide services to students even when it is not financially lucrative to do so. Transferring these food outlets to market-driven service providers will result in reduced student access during non-peak times such as the mid and end-of-year breaks and after usual business hours. This will especially affect “part-time, mature age [and] external” students, as previously identified by Southcott, who need to access facilities outside standard hours. Similarly, UQ Union also runs business-trading outlets at its smaller Ipswich and Herston campuses. Without UQ Union subsidy such services, if transferred to private ownership, will be at best, greatly diminished. Universal student unionism allows UQ Union to provide for the needs of all students regardless of their enrolment status. In addition to our business trading outlets, UQ Union has also fought hard to supply lighting, security attendance and safety buses, on campus, so that students (particularly those from minority groups) can attend evening classes in safety.

Unlike the student community of the University of Cambridge during the 1920s, the University of Queensland is committed to the provision of personal and academic support for Indigenous students. UQ Union has its own Indigenous area, *Goorie Berrimpa* (“gathering place”) which annually elects an office bearer who represents the Indigenous students on campus thereby providing crucial mediation between Indigenous students and the University generally. In 2004 there were 230 Indigenous students enrolled at the University of Queensland. The VSU Bill threatens *Goorie Berrimpa* and, if passed, the Bill will be a blight on Indigenous participation in higher education. UQ Union thus asks the Senate not, like Southcott and the Liberals, to apply outdated notions of space, time and bodies to its assessment of student associations.

**UQ Union acknowledges that university communities have changed over time and has accordingly rendered its services relevant.**

**There are currently 24,017 University of Queensland students who are members of UQ Union affiliated clubs and societies.**

### **International Students**

The worst aspect of Southcott’s argument is that it is arguably based on a monocultural assumption. However, Southcott mentions “overseas students” but does not explain how his analysis is relevant. Southcott’s observation of campus life may be deemed relevant for some domestic students but is at odds with the lifestyle of international students as university study is the main, if not sole, reason for their residence in Australia. Hence their mode of inhabiting a university campus is quite different than many of their domestic counterparts. The ESOS Act 2000 is arguably based on an acknowledgement of this and thus ensures that support services are provided for international students. Specifically The National Code states:

The registered provider must have in place appropriate support services and be able to demonstrate the advice provided to intending overseas students on these services (National Code, 2001: 12).

In keeping with this, the University of Queensland has established the International Student Support Office. However international students require a range of services as well as a variety in modes of service provision. Social work scholar, Greta Bradley, analysed the data from the Higher Education Funding Council regarding the mental

health of international students. Even though her research focuses on overseas students who study in the UK, UQ Union believes that Bradley's findings are also of local significance.

Both [research] groups wanted clear statements from the University about the help which was on offer; many international students also wished to access such information in other than written form preferring to receive information verbally and for it to be repeated at regular intervals in face-to-face contact (Bradley, 2000: 427).

UQ Union's strength lies in its provision of ongoing face-to-face support. In this way, UQ Union fulfils an important complementary role to some of the formal, albeit crucial, information that the University provides during Orientation Week.

A red carpet was rolled out during induction and orientation week, but then put away and it was business as usual (quoted by Bradley, 2000: 427).

Similarly, the National Liaison Committee for International Students in Australia also noted that orientation programs for international students

are tedious day long programs where important and complicated information (such as work rights, tenancy rights and banking practices) is force-fed to students to a point where they suffer information overload. Following this tedious day, in many cases there is virtually no follow up with such information (NLC, 2004: 9).

Southcott's verbal portrait of student life on campus narrowly encapsulates contemporary Australian student life in an unfortunate single brushstroke, thereby denying that campus life is crucial for international students who rely on union student services to learn about Australian culture, to secure friendships and to find housing, for example.

Having friends generally serves as a source of social support, and social support is known to have a buffering effect on the stresses associated with living in a foreign culture (Sam, 2000: 331).

It would be unethical for us to encourage universities to rely on international student enrolments for income and then to dismantle the very student organisations that facilitate an affable experience for the overseas student. However, to say that the VSU Bill is merely unethical does not go far enough. It also makes no legal sense for the

Government to ensure through the ESOS Act 2000 and the associated National Code<sup>1</sup> that overseas students receive support services and then to introduce VSU legislation that will result in the demise of these services. Those UQ Union services that are instrumental to the well being of domestic students, which international students regularly use and are threatened under the VSU Bill, are:

- Legal Service. The most common legal services required by overseas students concern immigration, motor vehicle accidents, insurance, tenancy, loans and intellectual property.<sup>2</sup>
- Education. The Education Organiser of UQ Union provides a range of services to students through policy development and individual casework. International students who have failed to meet program or visa requirements and are in danger of being deported for not completing their program. In this case international students face serious financial, personal and family difficulties if they are not provided with professional support.
- Student Employment Service. International students not only rely on our online employment service. 70% of face-to-face casework provided by UQ Union's Employment Organiser consists of providing assistance to international students.
- Welfare. International students require assistance in issues relating to tenancy. Even though they have demonstrated their proficiency in formal English, many on arrival to Australia, lack fluency in conversational English. This has

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<sup>1</sup> National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students

<sup>2</sup> This reflects the current directive from the Australian Government. The Australian Research Council et al (2001) argued that in order to "maximise the national benefits and returns from public investment in research" that intellectual property needs to be identified, protected and managed (p.2). This observation coupled with the push by the Howard Government to commercialise research, have resulted in an emphasis on the importance of intellectual property and the establishment of IP Australia. "IP Australia works to raise the level of awareness and understanding of the importance and value of, and strategies involved in, IP protection and commercialisation" (DEST, 2003-4: 76). The Government's emphasis on the protection of intellectual property as the means to the commercialisation of research informs UQ's research policy. This implicates the entire academic community including students:

In the absence of any agreement to the contrary, students will own any IP that they create in the course of their studies. Students are, however, increasingly involved in research projects that are tied to contractual obligations with third party sponsors. In such cases, the issues of confidentiality and IP ownership must be properly addressed. Accordingly, students are required to assign any IP (except copyright in their thesis) that they create in the course of their participation in a research project, to the University. *Students are encouraged to seek independent legal advice before they assign their IP* (University of Queensland, 2003: 21, italics indicate my emphasis).

resulted in some students, when seeking accommodation, being exploited by lessors. Due to UQ Union's professional reputation University lecturers have referred international students to the Welfare Area for assistance. Not only has the Organiser helped students find alternative accommodation, she has also followed up such incidents with the Residential Tenancies Tribunal.

- Clubs and Societies Many of the international clubs provide crucial support to overseas students by helping them to settle into a new culture and educational environment. It is predicted that the importance of these clubs will increase with the growth in international student enrolments.<sup>3</sup> 21 of the clubs affiliated with UQ Union are specifically aimed to assist international students in settling in to Queensland by fostering friendships amongst international and local students.
- Activities In addition to events held during Orientation Week, weekly films in UQ Union's cinema, the Activities area also provides comprehensive information for international regarding "what to do in Brisbane".
- The Women's Area fulfils an important function for female international students. It has been noted that female students especially those from South East Asia feel marginalised because "student culture centre[s] predominantly on alcohol and life in pubs which ..[is] culturally not acceptable to them" (Bradley, 2000: 426). A full-time staff member supports the Women's Area. This Women's Organiser is a registered University Discrimination and Harassment Contact Officer and supports students through individual casework. As well as the provision of individual support and a wide range of workshops and activities, the Women's Area also maintains a Women's Room. In addition to its function as a safe haven for women, it is the only place on campus where Muslim female students may remove the *hejab* (veil).

Thus there is a clear contradiction between the VSU Bill and the obligations under the ESOS Act.

- Are universities required to provide services for international students or not?
- If so, how can the Government guarantee that these services will not suffer under the legislation?

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<sup>3</sup> Martin Carroll estimates that by 2040, Australian university enrolments by international students will outnumber those by domestic students (Carroll, 2004).

- Why is the Government introducing a bill, which relies on voluntary revenue to secure services that are a legal requirement?

Nelson has also not made it clear whether or not International Students will be charged a student services fee. Even if they are, the absence of universal fees from domestic students will result in highly compromised service infrastructure for International Students.

**The VSU Bill compromises the requirements of the ESOS Act 2000**

**The VSU Bill threatens UQ Union's Legal Services, which assist the Government's recommendations concerning intellectual property as outlined in *Backing Australia's Ability***

### **Academic Representation and Advocacy**

Brendan Nelson wrongly assumes that student associations only provide non-academic services. Speaking of what he labels as the “fair requirements” within the proposed legislation, Nelson argues:

They will ...ensure that students are not required by their provider to pay any fees to it or any other entity for the provision of an amenity, facility or service that is not of an academic nature (Hansard, Wednesday 16 March 2005).

UQ Union also provides essential advocacy services, which are indeed of an academic nature. Under the current Bill, the ban on the universal collection of student fees will threaten those services that address academic concerns. For example, UQ Union's Education Organiser provides a range of services to students through educational policy development and individual casework. The majority of inquiries include:

- Students, who have failed their semester of study, attempt to withdraw or seek special examinations due to medical, personal, financial or family concerns.
- Students who are being charged ancillary fees by their school for course requirements
- Students being assessed or treated in a way that is in contravention of University policy
- Students accused of plagiarism, collusion, cheating in an examinations or assessment

On average UQ Union's Education Area receives 250 inquiries per month (3000 students per year). The Organiser also supports UQ Union Student Representation Officer and other student representatives with regard to academic decision-making within the University through its various committees. The Organiser also writes submissions and research papers towards the development of policy in response to particular trends in casework. The Education Area, like many of its counterparts within UQ Union's Cultural and Student Support Division, provides a unique service, as there is no other University facility that deals with these matters.

In Federal Parliament this year Nelson stated:

Students will purchase or organise in support of the services that they want. Commercial enterprises, as in the rest of the Australian community, will be effective providers of services for which there is demand (Hansard, Wednesday 16 March 2005).

Students have already organised for educational advocacy hence UQ Union's provision of this service.

- Is Nelson genuinely saying that students have to repeatedly lobby for these required services?
- Which Australian commercial provider is fluent in the provision of higher education advocacy services?
- Is Nelson suggesting that the UQ Union's Education Organiser set up his own business?
- If so, could this result in only the wealthy students being able to pay for representation in education disputes?
- If so then how can Nelson label the provisions within the VSU Bill as "fair requirements"?

In addition to the provision of an Education Organiser who undertakes individual casework, UQ Union also administers student representation on faculty committees. Such representatives play a crucial intermediary role between academic staff and students, so much so, that university academic staff depend on their existence as a vital means of communication within their departments. Thus similar to the role of the Education Organiser, student representation is yet another UQ Union service which is not separate from learning outcomes. In order for this service to be administered

fairly, the election of representatives is conducted by an independent returning officer.

This facility is not included in the so-called “fair requirements” of the VSU Bill.

- If the Bill is passed what will happen with student representation on faculty committees?
- Where will the funds be sourced to fund an impartial process for the election of student representatives?
- Is the Government suggesting that individual faculties run the election of student representatives?
- If this is funded according to a voluntary membership then has the Government considered the implications for equity and pedagogical consistency if student representation on faculty committees is not universal?

Not only has the advocacy function of student associations been overlooked but also the current trend in litigation against higher education providers. Tony Moore, an adjunct associate professor at Flinders University has noted the cases of legal action against universities (Jopson, 2005). It could be argued that such legal action could increase in the absence of qualified student union staff members who are skilled in the sensitive and informed handling of disputes before they escalate.

<b>The VSU Bill threatens UQ Union’s provision of academic related services</b>
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## **Economic Implications**

UQ Union is concerned that the Government’s rhetoric in support of the Bill ignores the economic implications of VSU. The likelihood of significantly reduced revenue if the Bill is passed threatens the jobs of those currently employed by UQ Union. As a means of comparison, it is interesting to note that according to the Tasmanian Conservation Trust, John Howard’s 2004 forestry proposal to Tasmanian timber workers affected 325 jobs. Nationally, student associations employ 7,000 people (ACUMA, 2003: 3). UQ Union, specifically, employs 311 people. 76 of these employees are over the age of 45. 65 of these 76 are women aged over 45 years. A study published by the Howard Government’s Productivity Commission concerning microeconomic reform and displaced workers found that there is a lower probability of re-employment for women, workers aged over 45 yrs and unskilled blue collar workers (Borland, 1998: 381-382).

- If the Government is genuine about saving jobs exemplified by Howard's 2004 Tasmanian forestry proposal, then why the introduction of a bill that could cost 311 UQ Union jobs?
- Why does the Federal Government fund research concerning Australian microeconomic reform and then introduces a Bill that may result in the long term displacement of 65 mature unskilled female UQ Union employees?

<b>The VSU Bill threatens 311 UQ Union jobs</b>
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## **GATS**

It is important to contextualise the VSU Bill in terms of the Coalition's broad agenda. To what extent is the VSU Bill connected with the Australia-United States Free Trade Agreement? DEST's 2004 paper, *Rationalising Responsibility for Higher Education in Australia*, states:

It is timely to consider the case for change, because there is a growing need for the Australian higher education sector to be recognisable as a truly national system, and recognised for its high quality, in the face of rapid globalisation of higher education (p. 1).

The General Agreement on Trade in Services is one of the many trade agreements negotiated within the World Trade Organisation. The deregulation of university fees in 2005, as well as the fact that most Australian universities are involved in some level of commercialisation, places higher education within the framework of GATS and hence, within the world market (Cohen, 1999-2000: 10). The Council for Trade in Services, within the WTO, has been assigned the task of achieving "liberalisation" in order to reduce or eliminate barriers to trade in services (Cohen, 1999-2000: 11).<sup>4</sup> The WTO has identified "local needs" as a barrier to trade in education (Cohen, 1999-2000: 12). One of the aims of student organisations is to represent the needs of their students. Many of these needs are peculiar to a particular campus and/or institution. UQ Union provides advocacy for students on issues such as assessment, placements, equity, funding and subject offerings. Such active support may be seen as an obstacle to the creation of straitjacket approaches to the globalisation of education such as commercialisation of research, online courses, the limitation of course offerings to the

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<sup>4</sup> "Liberalisation" according to the WTO means "the formal removal of legal, regulatory, bureaucratic and other barriers to trade" (Nunn, 2001: 9).

needs of the labour market and the replacement of professionalism with managerialism.<sup>5</sup>

- Is the VSU Bill really motivated by so called “freedom of association” or is the true incentive of the proposed legislation the elimination of student organisations to ensure an easy transition to the global trade in higher education?

**Any connection between the VSU Bill and the Government’s plans to commercialise higher education within the General Agreement on Trade in Services needs to be clarified.**

The *Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005* arguably contradicts the recommendations in ESOS Act 2000, *Backing Australia’s Ability* and in the Productivity Commission’s *Microeconomic Reform and Productivity Growth*. UQ Union, in accordance with the recommendations in these reports and in addition to a range of many other services, provides support for international students and jobs for a range of employees. The Government’s negative comparison between representations of historic English campus life and current Australian university culture is not only inaccurate. It is also arguably a cynical attempt to discredit meaningful and grateful responses to the varied opportunities created by UQ Union; foundations for the careers of swimmers Susie O’Neill and Kieran Perkins and performers Geoffrey Rush and William Yang (and noted photographer), for example. A “user-pays” ethos for the provision of services for university students, several of which are required by law and many others recommended by Government departments does not make sense. We urge the Senate to stop Brendan Nelson from lighting the fuse on a Bill that will destroy our

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<sup>5</sup> Scholar Christopher Pollitt defines “managerialism” as

“... a set of beliefs and practices, at the core of which burns the seldom-tested assumption that better management will prove an effective solvent for a wide range of economic and social ills” (1994: 1).

Managerialism is informed by the following beliefs:

- i. Social progress is achieved by economically determined productivity.
- ii. Such productivity is assisted by sophisticated technology.
- iii. These technologies can only be effective if staff are disciplined according to the aims of productivity.
- iv. Management has a separate function to the rest of the organisation and has the role of planning and implementing improvements to assist productivity, hence increased emphasis on the importance of managers for business success.
- v. In order to achieve this managers must be given the “right to manage”(Pollitt, 1994: 2-3).

democratically elected organisation, which has been serving the needs of University of Queensland students since 1911.

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