

Submission

to

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

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Introduction and Executive Summary

The Adelaide University Union (AUU) is the student organisation at the University of Adelaide. Whilst the AUU is grateful for the opportunity to comment on the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005, it is also exasperated that it is devoting its resources revisiting a debate that was exhausted six short years ago in 1999. The argument remains the same as it was in 1999: this legislation will vastly diminish the AUU's ability to provide student services that are popular amongst the student body and are in many cases essential in helping students complete their study in a timely fashion by providing assistance in times of need. This legislation will also obstruct the AUU's ability to provide services that are pivotal to creating a positive learning environment that extends beyond the lecture hall. There is general agreement on all sides of this debate that universities should be more than purely centres of academic learning and to this end there is a level of recognition that many of the services student organisations undertake are valuable. The current practise, that is to say an absence of legislation dictating how student organisations provide services for students that are financed by students, remains the fairest and most efficient manner for the provision of these services.

For the purposes of this submission, the services provided to students by the AUU will be divided into three categories, namely:

- a) services for times of need,
- b) services for good times,
- c) commercial operations.

The services for times of need include collective and individual student welfare and advocacy services, support services such as employment assistance and the 24-hour computer suite. Collective representation is also included in the services for times of need as this representation has successfully improved conditions within the university for students. The individual and collective advocacy and the general welfare services can be considered as insurance-like services. Insurance is a hard product to sell to young people. The AUU remains sceptical of our ability to convince students to pay for these insurance-like services regardless of how good they may be. The University of Adelaide, however, recognises that these services are essential to the smooth operating of an academic institution. Based on passed experience in Western Australia, and no doubt reiterated in a great many submissions



to this inquiry, it would appear likely that the university will bridge the funding gap created by this legislation and finance at least some of these insurance-like services. The consequence of the legislation, therefore, will be contrary to its intention. The University, that is ultimately the general taxpayer, will finance the provision of student services currently financed by students and, thus, move the provision of student services further away from a user-pay system. A further consequence of the legislation will be that the University will be required to finance services that currently fall outside of its budget without being provided with extra funds to do so. Naturally this will lead to a reduction of resources in other areas.

The services for the good times are the non-academic activities and services that complete a student's education and contribute to what is commonly referred to as the university life or experience, or campus culture. This submission will argue that the likely effects of this legislation on the services for the good times is that they will either disappear or will continue in a diminished form. Many of these services are completely ill suited to a user-pays system. The disappearance of certain good times services will lead to an impoverishment of the university experience for students and will also in many cases lead to less rounded and poorer quality graduates. The University of Adelaide, like every other actor in the Higher Education sector recognises the value of some non-academic services and activities. As they already provide partial funding to some of these activities, it would seem likely that they will continue to do so to a greater extent if this legislation is passed.

The final category of services is provided by the commercial operations branch of the AUU and includes the food outlets, the bookshop –UniBooks – and the catering, conferences and functions operations. The AUU's Commercial Operations currently returns a small profit and in the short term should not be affected by the legislation.

This submission will concentrate on the effects of the legislation at the University of Adelaide and thereby avoid unnecessary speculation by focusing on the situation we know best, our own. We have no doubts, however, that these effects will be replicated in most, if not all, universities around the country. This submission will outline the current practice at the University of Adelaide and will then examine the effect of the legislation upon these three areas identified.

Historical Context and Current situation

The AUU predates federation. The history of the organisation submitting this report is longer than the history of the organisation receiving this report. Members of the committee, particularly those who regard themselves to be holders of conservative values, would be well served to keep this point in mind when considering the introduction of legislation that threatens the survival of the AUU and other student organisations around the country.

The AUU was formed at a meeting held on April 25, 1895. The following day's *Advertiser* (then and still the State's daily newspaper) captured the moment.

An enthusiastic meeting of members of the University Council, graduates and undergraduates was held at the University of Adelaide



and it was decided to form a Society, to be called the Adelaide University Union Society, having for its objects the promotion of candidature of fit persons to serve on the University Council, the reception and discussion of papers on University subjects and reforms; the holding of periodical debates ... and the promotion of social life among the members of the University.¹

The AUU continues to pursue the original objects for which it was formed to this very day, namely student representation on university decision making bodies, the promotion of reform aimed at the improvement of student welfare and the promotion of social and community activity. Whilst the services and products offered by the AUU have expanded considerably since 1895, the reasons necessitating an organised student body have remained consistent for over 110 years.

The second meeting of Adelaide University Union Society, held on May 9, 1895, moved to impose a 5 shilling membership for graduates (i.e. staff and former students) and 2/6d. for undergraduates. This represented a considerable outlay for a student at the time.² Membership of the AUU and the concomitant membership fee became universal in 1927. Membership and a services and amenities fee have remained universal ever since. This legislation will undermine an institution that has been in place for 110 years and should not be implemented without serious consideration of its effects. We feel that that this due consideration has not been given by those promoting the legislation and hope that this submission can rectify the balance.

Area 1: Services for times of need.

There are 18,690 students at the University of Adelaide. It is inevitable that some of these students will experience personal trauma whilst studying at the University. Some students become victims of crime, others become incapacitated through illness or accident or will suffer the trauma of losing a close friend or a parent. Students may also encounter difficulties with Centrelink, finding part-time employment to finance themselves through university, or face obstacles pertaining to legal or taxation issues. It is also inevitable that at an institution with 18,690 students, 1,063 academic staff and 1,035 administrative staff, some students will encounter difficulties with the university or with particular staff members or departments.³ Students will raise complaints about course work, supervision, assessment, intellectual property disputes and perceived unfair treatment in any manner of ways. The AUU provides numerous support services for students in times of personal need as well as a welfare and advocacy services for students who encounter difficulties with the university.

There is widespread support for the provision of such services amongst the student body, as was evidenced by the results of a major study conducted by independent market research company Market Equity. "A major finding of the study

¹ *The Advertiser*, April 26, 1895.

² Finnis, M., *The Lower Level*, Adelaide University Union, Griffen Press, Netley South Australia, 1975, p.50. It was at this second meeting that the Adelaide University Union Society voted to dispense with the fourth word of its name.

³ Student numbers here and elsewhere in this submission are from <http://www.adelaide.edu.au/uni/facts/>



was that 84% of University of Adelaide students supported a compulsory Student Services Fee to fund services and amenities, as opposed to a user-pays system.”⁴

Despite the support for these services and a readiness for these services to be subsidised, the AUU is operating under the assumption that this support will not translate to a willingness by students to pay a services fee in a voluntary environment. The reasons underpinning this assumption will be elaborated more fully once the nature of the services is outlined, but suffice to say at this point that students will not pay for these services because they hope they will not need to use them. In many instances students enrolling at university are not in a position to understand the problems that may affect them once they are there and hence these students are clearly not in a position to understand what kind of assistance they may require. This is particularly true of the 3,033 international students at the university and the many students who come from outside of Adelaide to study at the University. It should be remembered that the majority of students are aged between 18-21 and are not in a position to foresee the difficulties that may confront them in life in general.

Individual welfare and advocacy

In the current environment a student’s first stop when dealing with life issues is the AUU. The AUU provides free legal and taxation advice as well as free Centrelink advice and a free fax service to Centrelink.

Without the funding guaranteed by a universal student levy, many of these services will simply disappear. The need for these services, however, will remain consistent and will simply shift to other areas of the university or other government institutions. If the AUU does not provide free legal advice, a number of these students will front up at legal aid services. Without taxation advice, a greater number of incorrectly filled out tax returns will be lodged with the Australian Taxation Office. Likewise, without Centrelink advice provided to students, these same students will simply front up to Centrelink in a highly confused state and absorb the time of people working there. Whilst these counselling and support services are not academic in nature, they clearly affect a student’s ability to perform academically. Without this type of support and assistance, the stress placed upon students in need will increase and a consequent increase in the number of students dropping out of study would seem inevitable. An increased number of students repeating years, or students dropping out of university altogether with incomplete degrees represents a wasted investment on behalf of government. If a student takes two years to finish a single year, the commonwealth is essentially spending twice as much money for the same result.

The professionally trained Education and Welfare Officers at the AUU’s student care service also provide emergency loans, debt management counselling and bereavement counselling or at the least referral to an appropriate practitioner in the relevant field. The Education Welfare Officers run an extremely well patronised service as the table in Appendix 1 demonstrates.

⁴ University of Adelaide, Media Release, <http://www.adelaide.edu.au/news/news5061.html>, May 30, 2005.



On a very basic, the welfare officer acts as a contact point between the student and the student's different lecturers and tutors. The welfare officer informs all the relevant academic staff of the student's situation (strict confidentiality is of course maintained), thus avoiding the need for the student to recount the trauma multiple times whilst seeking an extension or explaining their absence to many different people.

Aside from providing much needed professional advice and comfort, such a service can save a student's academic career. Academic staff are willing to make allowances and adopt a flexible approach to the assessment of a student suffering grief or incapacitation so long as they are informed of what is happening. Where provision can be made for an essay extension or a supplementary exam at a later day the student may be in a position to finish the year level they are enrolled in. Aside from the obvious benefit to the student, this counselling service is also beneficial to academic staff who are not trained to deal with individuals suffering traumatic stress. The range of benefits derived from this service for all parties involved is axiomatic. In fact, it can be argued that these are in fact academic services. They are not strictly academic because they are not a part of a learning or research curriculum but they provide essential assistance that facilitates completing an academic course. This service is currently provided by the AUU and financed by the student services fee. This is clearly a service that no one would wish to see disappear. The effect of the legislation on this service is that it will be financed by the University rather than the student services fee.

Individual advocacy is another service provided by the welfare officers. Individual advocacy is where a student has a complaint against the university. These complaints can relate to course work, assessment, or perceived unfair treatment, bullying or harassment of students by academic staff or general staff. The latter is an area of particular concern for postgraduate students because they often have a very close working relationship that spans several years with one or two supervisors. Another area of particular concern for postgraduate students is intellectual property rights, where a supervisor may claim credit for work done by a student. The welfare officers sometimes deal with group advocacy issues, where, for example, an entire class may feel that their examination covered areas that were not properly dealt with in the course. This advocacy service is of immense benefit to both individual students and the University. Where a student feels they have been unfairly treated in terms of assessment or ill-prepared for assessment in a particular course it is essential they have some course of appeal. It is highly preferable, as the members of the Committee no doubt understand, that this course of appeal is independent.

There is a commonly held perception that welfare officers in student organisation automatically embrace the causes of serial trouble makers lodging completely unfounded complaints and accusations. This perception is completely off the mark. Many complaints are ultimately found to be facetious and unfounded. Many complaints are also frequently based on a misunderstanding of university standards. This is frequently the case in regards to plagiarism issues. To this extent the welfare officers provide a valuable service to the university by providing an independent assessment (sorting through) of genuine claims and facetious claims. Students whose complaints are founded on misunderstandings are also more willing to accept explanations of university standards from an independent source.



An institution as large as the University of Adelaide requires a mechanism to deal with complaints against itself and its staff. Currently this is provided by the AUU. As this legislation will jeopardise the AUU's ability to provide this service, the University would need to consider stepping in to bridge the funding gap. The University of Adelaide is entirely satisfied with the job been undertaken by the welfare officers and would consider funding the AUU to continue with the provision of this service. This would then become yet another service the university needs to finance. If the University funds the activities of the Education and Welfare Officers, the effects of this legislation will be that the University will draw funds from other areas and will take a small but definite step towards being an increasingly large bureaucracy and a step away from its main function as a teaching and research institution. Furthermore, the quality of the advocacy service would be diminished even it received equal funding to what it currently does because the service would lose its claim to total independence.

In regards to the activities undertaken by the Education Welfare Officers, there is also considerable doubt as to how a user-pay system could be implemented. In is well known that those who are most likely to require the services are often those that are least likely to be able to pay. Because of the nature of the work undertaken by the welfare officers and the nature of their training, they will not refuse service to those in desperate need. In many cases, it would be morally bankrupt for a welfare officer to ask to see a union card and refuse service on failure to produce one.

It is in areas such as that undertaken by the welfare officers, where the analogy linking the payment of the student services and amenities fee to taxation is most apt. No one would voluntarily pay taxes despite recognising the benefits that a taxation system brings to the larger community. In the same way, students recognise the value and importance of these services, yet were the payment for the provision of these services made voluntary not many students would actually pay.

These services are essentially insurance services that most students will hopefully never need to use. Whilst there is considerable support for the provision of these services with money raised by the services and amenities fee, it is unlikely that this support will translate into payment of the services and amenities fee where such payment is voluntary. All governments are fully aware of the difficulty of selling insurance without either financial incentives or some level of compulsion. This is why third party person insurance is included in the compulsory cost of registering a car. Federal governments have long recognised the difficulty faced by the private health insurance industry in convincing people to take out insurance. The response has been a host of legislative measures designed to effectively place financial penalties on people who choose not to take out private health insurance. Firstly, there was the Medicare Levy Surcharge which makes it financially disadvantageous for people earning over a certain income to choose not to opt for private health insurance. Secondly, the current federal government offered the further financial incentive of the 30% rebate on private medical insurance. As this proved insufficient to convince younger customers to take out private insurance, a final piece of legislation was passed by the federal government supplementing the rebate with Lifetime Health Cover. Lifetime Health Cover is specifically targeted at young people. It loads future health insurance payments to the time a person first takes coverage. This provides an



extra financial incentive, to be paid out over a lifetime, for people under the age of 30 to opt for private insurance.

The current government recognises the difficulties faced by the private health industry in convincing people to take out insurance. Its response has been a host of legislation to support the industry and attempt to make it financially untenable for people to choose not to opt for private health insurance. Insurance is hard to sell to young people. The government recognises this fact, yet members of this same government turn to student organisations and claim that if the insurance-like services they offer are good enough, students will voluntarily pay for them. The double standard and the hypocrisy are breathtaking.

Representation and collective advocacy.

The previous services outlined are undertaken by paid AUU staff. The element of student representation and collective advocacy is undertaken primarily through student representatives who are elected to positions in the different affiliates of the AUU. There are five representative affiliates at the AUU: the Student Association of the University of Adelaide (SAUA), which represents all students at the University, the Overseas Students' Association (OSA), which represents all international students; the Adelaide University Postgraduate Students' Association (AUPGSA), which represents postgraduate students, and the branches of the student body at the two remote campuses – Waite Institution Student Association (WISA) which represents students at the suburban Waite campus; and the Roseworthy Agricultural Campus Student Union Council (RACSUC), which represents students on the regional campus north of Adelaide.

The activities of these affiliates is included in both the services for good times and the services for bad times because they play several different roles. They hold activities and events for their members, which will be covered in the good times section, and they act as representatives for their members and undertake collective advocacy work. The affiliates generally have a range of different representative positions filled by elected office bearers.

These affiliates represent their members by sitting on committees and boards within the University (and sometimes in the larger community) that shape the direction of the University's programs and policy which directly affect the members of the student group. For example, an elected member of the AUPGSA Council sits on the University's Research Education and Development Committee (REDC), which directly shapes the University's postgraduate programs and development. It is essential that a postgraduate voice is heard when the University shapes postgraduate policy. This representation is beneficial to both current postgraduate students and prospective students. In the long run, representation at the university level is also beneficial to the University. The University is not always appreciative of opposition and suggestions made by student representative, but in the long run this student voice in the governing processes of the university ensures that the University is responsive to student needs.

Aside from sitting on university committees these representatives also pursue the interests of their members through all channels open to them. For example, the



Overseas Students' Association (OSA) is currently involved in a campaign to pressure the university to increase the opening hours of its main library on the weekends, which are currently 1pm-5pm on weekends. This adversely affects overseas students because they frequently reside in single room accommodation in student colleges and the like. The library provides both the physical space and the resources they require to study effectively over weekends. The Adelaide University Post-Graduate Students' Association is currently involved in several campaigns with the University as a whole, and particular departments individually. One issue of particular concern is the University insurance policy covering post-graduate students. Many of these postgraduate students use dangerous machinery in the course of their studies and experiments. The current University insurance policy is inadequate and postgraduate students are not covered by work-cover. The AUPGSA is also presently petitioning several departments regarding the absence of a photocopying and printing quota for course work higher degrees. There are some fee-paying course work masters students who do not have any photocopying or printing quotas.

Over the last decade the OSA has gained many improvements for overseas students at the University of Adelaide, including:

- the establishment of an overseas phone link for examination results, as the system the University had at the time was only accessible locally.
- the introduction of supplementary exams that were held overseas. A problem that faced many international students was that if they failed an exam, they often were no longer in Australia when the supplementary exam was held, and the introduction of overseas supplementary exams helped many students in this position.
- The introduction of early graduations, for which the OSA had been lobbying for the previous five years. Many international students had been previously unable to attend in person graduation ceremonies that were held up to five months after the completion of the requirements for their awards; the introduction of ceremonies aimed specifically at international students avoids this issue.

The University has often resisted the introduction of these measures because it involved extra expenditure. In retrospect, however, all these measures are eminently sensible and have contributed to making the University a more attractive option for overseas students. This submission has concentrated on the two of the affiliates of the AUU with which the author has the greatest involvement in the course of his work. All the affiliates are involved with comparable endeavours. The largest of the affiliates, the Student Association of the University of Adelaide (SAUA) is presenting its own submission to the committee so it was deemed unnecessary to examine their activities.

Whilst campaigning for the rights and conditions of students is by far the largest activity undertaken by elected student representatives, very little has been said publicly on this issue by proponents of VSU.

As university funding and overarching university policy and direction is set by the federal government, the representative role of student organisations extends into lobbying and campaigning in the federal arena. Whilst the author of this report would



maintain that all representation is political in nature, “political representation” in the context of this debate refers to actions taken by elected student office bearers in the sphere of federal politics. Many members of the Coalition are outraged that money raised from students’ services and amenities fee should be used for lobbying and campaigning in federal elections. The author of this submission fails to see why elected student representatives should not use money acquire from students to ensure that higher education remains a priority issue in the Australian political landscape. Indeed, a failure to take steps to promote political outcomes judged to be favourable to students would be tantamount to negligence of their roles as student representatives. This public opposition to various government policies regarding universities has been direct at incumbent governments regardless of which party holds power.

On very rare and isolated occasions, this political section of student organisations branch out and make modest donations to causes that are not directly related to students. Proponents of VSU frequently cite examples of these donations and other political activity undertaken by elected student representatives as evidence of the misuse of funds compulsorily required from students to support causes the majority of students do not support. In fact, it often appears that this is the major argument in favour of the proposed legislation. Revealing, the most frequently cited examples of supposedly inappropriate political activities undertaken by student organisations date from the 1970s, a socially turbulent period in the Australian political history. Dr Southcott is reduced to citing the well worn example about the Australian Union of Students passing pro Palestinian Liberation Organisation (PLO) resolutions in the early 1970s.⁵ Mr Barresi (MP Deakin, Lib) alludes to the same resolutions.⁶ There are currently 38 student organisations in Australia and many have a history dating back over one hundred years. Compelling arguments in support of this legislation must be very thin on the ground if proponents are required to go back thirty years to find examples of misused funds. To his credit, Dr Southcott cites a the more recent example of “the National Union of Students spent compulsorily acquired funds on protesting the government’s immigration policy at Baxter detention centre, regardless of whether students agreed.”⁷

The truth is that these political activities represent a minuscule proportion of the work undertaken by one small section of student organisations. To condemn an organisation as large as the AUU, or equivalent student organisations around the nation, in its entirety on account of what is a very minor part of the activities of one part of the organization is fundamentally unsound. This criticism is founded on a complete misunderstanding of the major functions of student organisations. This misunderstanding is either based on ignorance or simply bad faith. Passing legislation on the strength of ignorance and/or bad faith is a violation of the trust placed in elected members of parliament. This is particularly the case when student organisations already have internal mechanisms to deal with any perceived excesses or unrepresentative elected office bearers. Student organisations are governed by democratic processes. As Dr Southcott himself points out, in the 1970s there were mechanisms in place for students to replace representatives who undertook actions

⁵ Dr Southcott (Boothby), Hansard, Thursday, 12 May 2005, p.38.

⁶ Mr Baressi (Deakin), Hansard, Thursday, 12 May 2005, p.65.

⁷ Dr Southcott (Boothby), Hansard, Thursday, 12 May 2005, p.38.



with which the majority of students did not agree. At the time, “led by people like the Treasurer and the health minister, campuses disaffiliated from the Australian Union of Students because they were so far removed from and unrepresentative of the opinions of students.” Today any student organisation is free to disaffiliate from the national body (the NUS). Any students who feel they are being misrepresented by elected office bearers can exercise their democratic right to vote to remove these office bearers at annual elections. There is no need to introduce legislation that will lead to the decimation of student organisations on account of isolated examples of perceived misuse of students’ money when mechanisms already exist within these organisations to remove unrepresentative office bearers.

Dr Southcott (Lib MP Boothby), a prominent proponent of VSU, reiterates a well worn argument when he points out that it is unfair to charge the increasing numbers of mature age students and part-time students juggling study with part-time employment the same fee as other students who are on campus full-time.⁸ The AUU agrees that it is unfair to charge part-time students the full student services and amenities fee and weighs the fee according to the student’s academic load. A half-time student pays half the fee. Dr Southcott proceeds to make this point entirely clear himself when he states: “As President of the Adelaide Medical Students Society in 1989, I was able to achieve half union fees for clinical year, off-campus, medical dental and agricultural students at the University of Adelaide.” The changing demographics of university students does not provide any support for the abolition of compulsory payment of student services and amenities fee. The Adelaide Medical Students’ Society is now, as it was in 1989, funded by the AUU with money raised by the services and amenities fee. Dr Southcott surely recognises the social, organisational, debating and networking skills he acquired through participating in the Medical Society. It is mean spirited of Dr Southcott, and other prominent liberal parliamentarians backing this bill (including Peter Costello, Tony Abott and Chris Pyne amongst many others) to deny the benefits of participation in student organisations that they enjoyed.

Area 2: Good Times Services

The good times services and activities provided by the AUU celebrate the broader aspects of the University experience. These services and activities include the sports facilities and teams run by the Sports’ Association (including the Sports Hub and the sporting ground on the north side of the Uni foot-bridge), all the clubs on campus and the rooms they use, Orientation Week activities, the Multicultural Week Festival and so on. It is these services and activities that contribute to campus culture.

Contrary to the assertions made by proponents of VSU, campus culture is not code for drinking too much beer and a misspent youth playing eight-ball in bars. (In any case, the AUU’s UniBar is a successful commercial enterprise that does not rely on any funding from the services and amenities fee.) The timeless beer and BBQ events certainly have their place and remain popular with many students, but they only represent the tip of the iceberg in terms of campus culture. Campus culture is in fact code for the very type of benefits Dr Southcott enjoyed whilst he was at the University of Adelaide.

⁸ Dr Southcott (Boothby), Hansard, Thursday, 12 May 2005, p.36.



Campus culture refers to the activities that complete a student's education. Participation in clubs, for example, is where a student learns social, organisational, debating and networking skills. Clubs are an invaluable training ground where students learn life skills that they take with them when they leave university. Likewise, participation in sports helps students develop life long friendships and keep fit. These services are particularly valuable to international students and other students who have arrived from outside of Adelaide to study at the university.

There appears to be general agreement on all sides of this debate that the experience of a university student should extend beyond purely academic pursuits. The University of Adelaide certainly recognises the importance of these non-academic activities. Indeed, they are a central feature of the University's "Life Impact" recruitment drive.

Currently most of these services and activities are provided by the AUU and financed by the student services and amenities fee. Many of these activities and services are organised by the affiliates of the AUU. Some of these activities are aimed at all students whilst others are targeted at particular groups with particular needs, for example post-graduate students. These services will be severely diminished if the legislation is passed in its current form. As with the bad times services, students will not necessarily pay for services and activities they participate in and enjoy without a certain level of compulsion for payment to be made.

Implementing a strictly user-pays system would be extremely difficult and in many cases contrary to the very purpose of the event or activity. One example should suffice to demonstrate this. Multicultural Week is an annual three-day festival organised by the Overseas Students' Association, an affiliate funded by the AUU. Multicultural Week celebrates the contribution international students make to the University. It plays an important role in transcending barriers that can exist between international students and local students. To fence off the dance, movie, music and other participatory events at Multicultural Week to all bar members would be contrary to aim of promoting cultural understanding to the widest possible audience. International students wish to be integrated into the wider university community and feel that Multicultural Week plays an important element to this end.

The contribution that the activities and events organised by the AUU and its affiliates make to the university is widely recognised. It is unlikely that the AUU will be a position to make the same level of contribution if this legislation is passed.

Area 3: Commercial Operations

This final category of services, the Commercial Operations, are efficiently run by the AUU and currently return a small profit which is channelled back into student services. As the commercial operations of the AUU are currently profitable, these services should be able to continue in their present format under the proposed legislation. It must, however, be noted that the AUU's commercial operations operate under extremely difficult circumstances and profitability on a year by year basis cannot be guaranteed in the long term.



The primary consumers at the food outlets are students. Students do not normally have a high disposable income and as such are not an ideal client base. Furthermore, students are only on campus for approximately 26 weeks of the year coinciding with the teaching period at the University. Whilst conveniently located for students, the physical location of the food outlets makes it unviable for members of the general public to utilise them. This is the case on the North Terrace campus where the major food outlets are located at the northern end of the campus and are too far away from the CBD to be a realistic alternative to the plethora of cafes and food outlets available to city workers. We believe that on any price and quality standards, the AUU's food outlets are the equal of any in the CBD, they are located at least a ten minute walk from any offices in the CBD.

Secondly, as a branch of an organisation devoted to the interests of its members, the commercial operations are not uniquely driven by commercial concerns. In fact, in many instances the interests of the members of the AUU and the commercial imperative of the AUU commercial operations are in direct conflict. For example, a free BBQ for AUU members on the Barr-Smith Lawns, which are directly in front of the AUU's main food outlet, is beneficial for members of the AUU, but is contrary to commercial interests. Likewise, the provision of food for minority groups, such as Halal and vegetarian options, are beneficial to members, but are not commercially viable. UniBooks face a similar difficulty in stocking highly specialised academic texts that do not sell sufficient quantities to be profitable. The point to be drawn is that whilst the AUU's commercial operations are currently profitable and should not be effected by the legislation in the immediate term, the conditions under which they operate dictate that this may not always be the case. If the AUU's commercial operations were to become unprofitable for even a short period at some future date after the introduction of this legislation, the continual survival of these operations would be jeopardised. In consideration of the conditions outlined, it is not a feasible option to have these services out-sourced to private enterprise.

Freedom of Association

Perhaps the most compelling argument made by proponents of this legislation is the appeal to the right of freedom of association. As Mr Ferguson (Lib MP, Bass) stated in the chamber "I believe in freedom of association; anyone in this place who opposes the bill does not."⁹ Alongside his Liberal colleagues who also make appeal to freedom of association in supporting this legislation, Mr Ferguson's claim is founded on a misunderstanding of liberal rights doctrine and an equal misunderstanding of the governance of student organisations.

The present absence of any legislation on how student organisations govern and organise themselves complies with the liberal right of freedom of association. The introduction of this legislation risks contravening freedom of association where that right is correctly understood.

The right to freedom of association is a fundamental liberal right akin to freedom of speech. The liberal rights tradition can be traced back to the eighteenth-

⁹ Mr Ferguson (Bass), Hansard, Thursday, 12 May 2005, p.75.



century English philosopher John Locke and was most eloquently defended in the work another English philosopher John Stuart Mill in the nineteenth century. Liberal freedom as conceived by Locke and John Stuart Mill is, in the words of the Oxford scholar Sir Isaiah Berlin, the freedom of “not being interfered with by others. The wider the area of non-interference the wider my freedom.”¹⁰ Berlin continues that negative liberty, as he terms it, is the “area within which the subject –a person or group of persons– is or should be left to do or be what he wants to do or be, without interference by other persons.”¹¹ The aim of the liberal rights tradition is to restrict government legislation to measures that are required to ensure security and stability. Government legislation and interference is seen as a necessary evil that must be endured for the state to continue to exist. Essentially freedom is the ultimate value of liberal theory and the less laws there are, the more freedom there is. John Stuart Mill would be sickened to hear of unnecessary legislation being passed in the name of liberal ideology.

In the twentieth century these liberal rights were articulated in the first 22 articles in the *UN Universal Declaration of Human Rights*. The first 22 articles essentially restrict governments and require governments not to legislate against freedom of speech or association and other associated freedoms. The right to freedom of association is only contravened when a government outlaws certain organisations or public meetings, as for example the apartheid period government in South Africa did with the National African Congress.

Contrary to popular perception within the Liberal party, the right to free association does not imply a right to disassociate. No serious political theorist would advocate a right of disassociation, nor should any parliamentarian. A right to disassociate would enable anyone to disassociate from the greatest association – the state itself – and declare themselves immune from the laws and authority of the state.

Currently student organisations are non-governmental associations that have imposed compulsory membership and the concomitant payment of a services and amenities fee. Student organisations are democratically governed associations, so the members actually have the power to elect leaders that have the power to change the regulations and rules of the association. Students at the University of Adelaide could elect office bearers on a platform of dissolving the organisation. There is nothing in this situation that contravenes the right to freedom of association. This legislation will interfere with how a particular group of associations (student organisations) govern and organise themselves and will contravene the fundamental liberal right of freedom of association.

Conclusion

This submission is not a comprehensive survey of all the services provided by the AUU and has not come close to outlining the many and varied services undertaken by this organisation. This submission will hopefully, however, indicate that the role of student organisations generally, and the AUU specifically, extends far beyond the

¹⁰ Berlin, I., [1958] “Two Concepts of Liberty”, *Four Essays on Freedom*, Oxford University Press, Oxford, 1969, p. 123.

¹¹ *Ibid.*, pp.121-22.



price of sausage rolls or a handful of dubious donations made on behalf of student organisations over their long and proud history.

This legislation being promoted in the name of freedom of association will contravene fundamental liberal principles. Student organisations should be left to control their affairs in the absence of legislative interference. As members of the federal parliament, they surely have more pressing issues. Former student activists who are now federal parliamentarians would be well advised to remember that they are indeed *former* students. Former students should leave the running and governance of student organisations to current students. This legislation is targeted uniquely at current students and its effects will be felt primarily by current students. If they so choose to current students have the ability to determine the outcomes this legislation wishes to achieve through the current governance structure of student organizations. This legislation is unnecessary because it imposes change that can already be freely achieved by the very people who will be effected.

The legislation is the most extreme and radical response to student organizations that has been proposed. That extreme or radical legislation is never good legislation has been a fundamental principle of good politics since the time of Aristotle. It is hoped that the members of the committee give due consideration to the many submissions it will receive, particularly those from Universities and various Vice-Chancellor's associations. In the present climate every University in the nation chooses to imposes a services and amenities



Appendix 1 Student Care Consultations and Issues

Issue	Jan	Feb	Mar	Apr	May
Loans	48	80	89	53	33
Emergency Loans	10	19	17	19	6
Debt Management	78	32	36	26	54
WDDT ¹²	16	28	16	19	8
Equal Access	3	33	130	27	2
Riddles	6	3	6	20	36
Other trusts/grants	5	5	14	12	3
Fees ¹³	50	416	298	102	59
Childcare	1	3	4	7	3
Subs Housing/Accom	19	17	12	33	21
Committee work	16	21	16	21	5
General administration	59	59	25	36	17
Academic advice - ug	31	28	26	35	15
Academic advice -pg	8	2	9	8	4
Support for supps/xtns -ug	15	6	5	16	10
Support for supps/xtns -pg	2	4	2	2	1
Scholarships - ug	13	5	13	9	6
Scholarships - pg	3	11	2	8	2
Supervision Issues- pg	9	10	5	9	5
Centrelink advice/info.	36	70	76	62	27
Complaints re: uni - ug	9	11	6	10	5
Complaints re: uni - pg	2	12	12	7	2
Complaints re: coursework - ug	5	6	3	7	1
Complaints re: coursework - pg	4	5	2	7	1
Complaints re: assessment - ug	14	8	4	2	11
Complaints re: assessment - pg	1	5	2	4	3
Information & gen advice - ug	3	17	28	45	17
information & gen advice - pg	1	23	36	12	4
Sexual harassment & assault	17	5	7	2	0
Disability (wef May 2005)	-	-	-	-	5
Plagiarism - ug	5	1	3	1	3
Plagiarism - pg	1	1	1	1	2
Counselling - ug	34	18	41	24	24
Counselling - pg	14	12	11	8	4
EWO consultation	32	33	38	33	12
TOTAL	570	1009	995	687	412

¹² Walter and Dorothy Duncan Trust. These scholarships, like all the scholarships requiring the involvement of the welfare officers are University of Adelaide scholarships that are assessed on a needs as well as merit basis. The welfare officers assess the needs criterion.

¹³ As mentioned previously some students whose courses are predominately external are given a waiver on the amenities and services fee. Because of a glitch in the University's computer systems these waivers are dealt with by the welfare officers.

