

Submission to

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

By Alexander White

I write to the Senate Employment, Workplace Relations and Education Committee to express my opposition to the proposed Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005.

I have a number of grave concerns over the reasons behind this bill, and am alarmed by the likely results for student organisations and universities in Australia.

Personal Experience

I am a student at the University of Melbourne. I study honours in History and Classics, and have been enrolled since 2001.

I moved to Melbourne from Adelaide to study at the University of Melbourne. This meant that I had no existing network of friends or family when I arrived in Melbourne. Class sizes at both lectures and tutorials made it difficult to make friends, and most of my fellow students, who came from Melbourne and had friends from high-school, were not interested in making new friends at class.

I joined a number of clubs in Orientation Week. It is from those clubs, where I associated with like-minded students with similar interests as myself, that I made most of my friends at University. In particular social and special interest clubs gave me access to a network of students whose backgrounds, interests and degrees ranged enormously, meaning that I interacted on a social level with students studying science, medicine, architecture, IT systems, commerce and the visual arts, as well as arts students with a wide variety of specialisations, such as politics, European studies, history and cultural studies.

The clubs that I was a member of in my first year, which included Infinite Images, a role-playing and board-game club, the ALP Club, a political and general interest club, and the Melbourne University Arts Student Society. The cost to join these clubs varied between \$2-\$5 for a year's membership. Since I studied full-time and had no source of income other than cost-of-living contributions from my parents, even this cost was a serious choice. If the costs to join these clubs was greater, such as \$10 or more, then I would not have been able to join.

All of these clubs and societies held regular social events, including BBQs, movie days, games days, balls, forums, camps, and guest speakers. These took place outside of class hours, or during the common lunch hour when there are no classes. With only a few exceptions (i.e., events which had no cost), these events were in part subsidised by the Melbourne University Student Union. Without these subsidies, the events could not have been held, or would have involved significant cost to members, which would have reduced the number of students involved in the club and the event.

I hold considerable concern that if students were required to pay for their involvement in clubs and societies on a case-by-case basis with no student union subsidy, involvement in those clubs and societies would be drastically reduced. A single, yearly payment that allows students to be involved in any and all clubs and societies with no on-going costs, is preferable to the club being required to charge for membership and events that previously were free or low-cost due to subsidies.

During this time, I also made regular use of a wide variety of other Student Union facilities. These include the Student Union Computing Centre, which gave me access to the internet, word-processing facilities and (most importantly) expert assistance when I had computer problems (something not available at the University computing rooms). I was a regular patron of the Rowden White Library in Union House, which had a vast collection of fiction and non-fiction books, comics and videos. As my local community library was difficult to access, the Rowden White Library was a place where I could relax and unwind before or after classes, or do quite study. In my early years at university, I also relied extensively on the Student Union Information Desk, which was able to help me negotiate the at times labyrinthine University structures.

Although my involvement in clubs and societies greatly enriched my experience at university, and helped me both socially and academically (through a wider range of life-experiences with students from all walks of life), my awareness of the role of the Melbourne University Student Union was most dramatically brought to my attention in two ways.

In my second year, I enrolled in the Student Union's employment service. Because I did not qualify for Youth Allowance or any government assistance, and because the costs of living were considerable, I was forced to divert my attention from my studies to find work. The Student Union employment service was able to quickly find me casual work in the hospitality industry, a feat that I had not been successful at doing without their help due to my lack of previous work experience. Thanks to the Student Union employment service, I had regular casual work for over two years, which allowed me to continue my studies (albeit at a less intensive level).

In my third year, I received a low grade for an assessment piece. I felt that I had been unfairly treated, but did not know how to appeal this result. I enquired at the Student Union Advisory Service what avenues were available to me. As a result of their advice, I was able to appeal the mark for the assessment piece and had it raised.

“Voluntary Student Unionism”

In 2003, the Howard Government introduced changes to the tertiary education sector which increased HECS fees, raised the number of full-fee paying students, and increasingly casualised academic and support staff at University, resulting in larger class sizes, fewer contact hours and an increased reliance on depersonalised teaching methods (such as the Internet).

Student organisations around Australia were one of the most vocal critics of the Education Minister's education changes.

During the 2004 election, student organisations were also vocal in highlighting the policies of the Howard Government, and their effect on students. It was the view of

the overwhelming majority of student organisations, with only few exceptions, that the impact of a re-elected Howard Government would negatively impact the student body. For this reason, student organisations decided to raise awareness amongst and protect the interests of their members, an entirely legitimate activity.

The major student voice in favour of a re-elected Howard Government was the 2004 Melbourne University Student Union (in Liquidation)—the very same student organisation which Minister Nelson and other members of the Howard Government now use to justify student unionism on the grounds that student organisations are irrelevant to students, spend money on political campaigns, are politically biased and cannot effectively manage student funds. The Housing and Services Office Bearer for 2004, responsible for the provision of services to students at the University of Melbourne, was Julian Barendse, the President of the Australian Liberal Students Federation (ALSF), and the President of the Melbourne University Liberal Club. The General Secretary for 2004, responsible for the efficient running and transparent governance of the Student Union, was Rohan D'Souza, the Treasurer of the ALSF. The Activities Office Bearer for 2004, responsible for ensuring the student union held events and activities relevant to the student body, was Brent Crockford, the Treasurer of the MU Liberal Club and an Executive Member of the 2004 Victorian Young Liberal Movement.

If the Howard Government insists on using the Melbourne University Student Union as its primary example of the failure of student organisations to govern themselves, make themselves relevant to students, and of dubious or unethical electioneering tactics to ensure control of the organisation, then they should also make clear that in 2003/04, a large number of people responsible for these failures in Melbourne University Student Union were members of the Liberal Party and its student wing.

Beyond Melbourne University Student Union, there are very few examples of the kinds of poor governance or irrelevance to the student body that the Howard Government levels at Australian student organisations.

The Howard Government also uses the argument of Freedom of Association to state that students forced to join student organisations. At the University of Melbourne, no student is forced to join the Melbourne University Student Union. At the time of enrolment, I was presented with the option to join or not join. My understanding is that current laws already preserve individuals rights to join (or not join) an organisation, association or union (see below, the ACCC case). I am also of the understanding that Tasmania has voluntary membership for student organisations, and that any student may resign their membership of their student organisation, in every state in Australia.

I furthermore feel that this argument is misleading and deceptive, as the principle of Freedom of Association exists as a universally recognised human right to ensure that all students are allowed to be members of unions or similar bodies without fear of persecution by the government. The Howard Government since its election in 1996, and after its re-election in 2004 has persistently raised the threat of abolition of or severe restrictions upon student organisations.

The principle of Freedom of Association has been extensively argued in the courts, including *Clark v. Melbourne University No. 2* (1978), where the Full Bench of the

Victorian Supreme Court found that universities were legitimately allowed to set participation requirements (enrolment fees, governance rules, etc). The element of freedom of association is met here, as no one is forced to enrol at university. This was upheld in 1988 (*Harradine v. University of Adelaide, No. 1*) and in 1989 (*Kenmar v. Pritchard and Monash University*, Victorian Equal Opportunity Board). In 2002, the Australian Competition and Consumer Commission (ACCC), with regard to James Cook University, ruled that student organisations receiving a student contribution for amenities and services was not anti-competitive, and that students were not being forced to join the JCU Students' Association. In Europe, courts (such as the European Court of Human Rights) have consistently upheld the rights of students to collectively organise, despite challenges that such activity violates Freedom of Association.

It is self-evident that the Freedom of Association argument is a furphy. Membership of a student organisation confers only rights, not obligations.

What is really at stake is the issue of student financial contributions to the provision of non-academic services at universities.

According to the Australian Vice-Chancellors' Committee:

In every university there are essential services and facilities that are provided for students which are both an important element in the social and cultural life of universities and a part of the education process. Such services are often provided by student organisations, some of which have existed for many years, and are considered to be an integral part of university life. ... Where **student organisations provide an extensive range of services which the universities recognise as essential, their financial viability is fundamental**. Services include the provision of food outlets, buildings, meeting rooms, toilets, stationery and second-hand book services, child care, legal services, health and employment services, assistance with accommodation and welfare services. As the student body changes, services directed to part-time and external students have become more important. Student organisations also encourage a broad range of activities by funding diverse groups reflecting student interests. Participation in these activities is educational in the broadest of senses, encouraging students to develop their social skills. **Provision of these services is traditionally undertaken and funded by the student body, which is the direct beneficiary.** (AVCC, 11 January, 2005, my emphasis)

Student organisations are non-profit bodies that exist solely for the welfare and benefit of students, providing services and facilities vital for a comprehensive tertiary education. The world's leading universities, such as Oxford, Yale and Harvard all require students to make contributions to student services. These universities see the provision of these services and facilities, which includes representative bodies to administer them, as essential to the university. Fees at these universities range from US\$1908 (Harvard) and US\$1389 (Boston College), over AUS\$2000 per year.

The Howard Government consistently argues that much of the money raised from the student body is misused or wasted through inefficient bureaucracies. Figures are bandied about by the Education Minister and other Parliamentarians claiming that over 50% of student funds are spent on administration, staff wages and similar fees. My understanding is that at Melbourne University Student Union Limited, monies

spent on administration and similar (staff wages, maintenance, security, capital works, etc) benefit students through paying the wages for the student advisory service staff, legal advisors, computing centre help staff, information desk staff, and so on. Direct student funds are distributed through departmental grants, such as Arts or Clubs and Societies grants.

It is also my understanding that the majority of student unions employ professional staff for accounting and management, most drawn from the business sector. Many student organisations have funding or service provision agreements with universities, which provide oversight to ensure that services and facilities are provided properly, as well as annual student reviews at annual general meetings and annual student elections.

If the Howard Government were so concerned by financial equity measures for students, by arguing that the services and amenities fee is a deterrent, then why did they aggressively push changes to higher education that raised the overall cost of education for students (through HECS) by 25%, and introduce full-fee paying places in which the cost for a degree can be over \$100,000? Why did they abolish the 10% text book subsidy? Clearly the concern by the Howard Government for the finances of students is little more than rhetoric and hyperbole.

Impacts of the Proposed Legislation

The Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 would introduce a form of “voluntary student unionism” that is close to the form seen in Western Australia.

The Howard Government cites the Western Australian experience as exemplary and a success. If the results for Western Australian student organisations was a success, then it seems clear to me that the Howard Government is well aware of the impact on students and sees that as the goal of their proposed Federal legislation.

The impact for Western Australian students after VSU legislation was introduced in 1994 was severe and extremely negative, mitigated somewhat by Federal intervention (through Student Organisation Support program funding) until the Howard Government was elected in 1996. After the SOS funding was withdrawn in 1997, commercial services and membership fees at Western Australian student organisations was not enough to continue to provide a comprehensive range of student services. At Edith Cowan, the student organisation collapsed, and the university was required to bear the cost of providing services previously funded by students, putting pressure on its academic program. Across the board, funding for clubs and societies was reduced, student emergency loans, computing centres and academic rights support were lost and the sexual assault referral service was cut back.

The expected privatisation of services did not occur, hardly surprising given that campuses are largely unoccupied for months during academic breaks. In the post-Nelson environment, some universities, facing massive decreases in funding, have taken over the lucrative commercial services, formerly run and administered by student organisations. This is particularly the case at Monash University Clayton, the University of Western Sydney and the University of Melbourne. The money from

these commercial services is not guaranteed to go towards the provision of student services.

In actual fact, as Andrew Norton, advisor to former Education Minister David Kemp said, the current proposed legislation seriously undermines the freedom of universities to offer “consumers (students) goods and services and for the two parties to decide the terms and conditions of their transaction.” As Australia’s courts and the ACCC have already determined, universities are quite in their rights to offer enrolment in an education course to anyone, provided they agree to abide by the terms and conditions laid out—satisfactory progress, adherence to statutes and regulations, and payment of tuition fees and amenities and services fees. If the university decides that the best persons to administer amenities and services are student organisations, then it is serious intervention by the Federal Government to restrict that decision or the ability to make that decision. Similarly, Phil Honeywood, the deputy leader of the Victorian Liberal Party said “Students should at least have the option of accessing the full range of sporting, cultural and counselling services that support young people at this crucial stage of their development... The student services fee provides a lifeline not only for the diverse range of co-curricular experiences that enrich our universities but also for essential services that support so many students in their hour of need.” (*The Age*, 10 June, 2005)

This legislation ignores the education market internationally, where the world’s leading institutions offer a *quality education experience*, for which students are expected to contribute through the payment of an amenities and services fee, student organisation membership or equivalent. While the Howard Government has expressed a desire for Australian universities to provide international quality education, they are undermining the ability for universities to do so.

Summary

The introduction of the proposed Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 would be disastrous. Even without considering the over 7,000 Australia-wide job losses, the dramatic loss of downgrading of existing services, such as clubs and societies, academic advice, student advocacy, computing centres, legal and health services, subsidised food outlets and welfare services would result in a poor quality university experience.

From the public debate that has occurred over the past few months and years, there is abundant evidence that there is no widespread support for “voluntary student unionism”. As well as every Australian University, the AVCC, the National Tertiary Education Union, and all but one student organisation and sports association, other public critics of the proposed legislation include Melbourne Theatre Company, the Australian Olympic Committee, the Victorian National Party, the Australian Labor Party, the Greens, the Democrats, the trade union movement, the Bell Shakespeare Company, the National Liaison Committee of International Students, the Salvation Army, and numerous other community organisations. The only vocal supporter of this legislation is the Federal Government, and the Australian Liberal Students Federation; even within the Liberal Party there appears to be an acknowledgement that this legislation is dangerously restrictive, as evidenced by statements by Education Minister Nelson, who supported “Victorian-style” VSU rather than the proposed

“WA-style” legislation, and Phil Honeywood, deputy leader of the Victorian opposition.

I strongly condemn and oppose this legislation, any government attempts to interfere in the affairs of universities, and the utter failure of the Federal Government to consult with students on this issue.