

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

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

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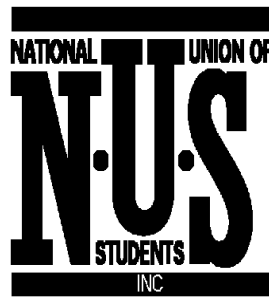
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NUS RESEARCH



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

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Contents

PART A: FREEDOM OF ASSOCIATION

PART B: THE EXPERIENCE OF VSU

- B1 International and Historic VSU
- B2 Western Australia Experience
- B3 VSU Experience in Victoria

PART C: THE IMPACT OF THE CURRENT BILL

- C1 'Non-Academic' Services as part of the education process
- C2 Why A Voluntary Non-Academic Services Fee System Will Diminish Campus Life
- C3 Student Welfare and Equity
- C4 Student Fee and Payment Options
- C5 What About The Student Voice on Campus
- C6 Political Activism and Student Engagement With Society
- C7 Regional Impact
- C8 VSU and the Arts

PART D: DELAY IMPLEMENTATION UNTIL AT LEAST 2007

APPENDIX ONE: VSU IN THE MEDIA

APPENDIX TWO: NUS SURVEY OF STUDENT ORGANISATIONS

Introduction

NUS thanks Senators for their interest in this Inquiry and hopes that they will take the time to look through this document to come to a fuller understanding of the implications of passage of the this bill.

There is a lot more at stake than whether one is simply pro or against choice. The various student organisations at Australia's universities employ over 7,000 staff (over 8% of the total campus workforce). The AVCC has estimated that over 3,000 of these jobs will go if the bill is passed. Universities are already stretched by the blowout in student: staff ratios from 15.6 in 1996 to 20.8 in 2003.

The loss of the bulk of the \$173 million currently collected will significantly change the nature and quality of Australian higher education, and how it is perceived internationally. Core aspects of campus life will be much diminished, and in smaller and regional locations may disappear altogether:

- a broad and diverse campus experience that helps universities develop civic education attributes in their graduates
- welfare and health support for domestic and international students
- effective academic and consumer rights for students
- sporting, cultural facilities and other personal development opportunities
- an effective student voice including advice to university, statutory, and government decision making bodies
- support for campus clubs

In effect the government will be denying all Australian students the choice of studying at a campus that can offer the sort of campus experiences and support that are seen as essential to a quality university education around the world.

We call on Senators to unequivocally reject this most draconian of bills.

Felix Eldridge
NUS President 2005

PART A: FREEDOM OF ASSOCIATION

“Just as the debate over full fees places was bedevilled by deliberately misleading populist slogans, so too is voluntary student unionism promoted on specious grounds. It is not a question of whether individuals should be forced to join a union, and many supporters of voluntary student unionism are fully aware of that, but use the slogan nevertheless.”

Professor Gavin Brown, Vice Chancellor University of Sydney, in *Sydney Morning Herald*, November 2004

A1.1 Most of the focus of this submission will be focussed around the impact of the second sub-clause of the bill that prohibits students being levied a compulsory fee for a service, amenity or facility that is not of an academic nature. However, the issues surrounding the first sub-clause:

(1) A higher education provider must not:

(a) require person to be or to become a member of an organisation of students, or of students and other persons;

are not as straightforward as many VSU advocates contend.

A1.2 The most common argument in favour of voluntary student unionism membership is that universal membership causes a public detriment in that it restricts student choice by requiring them to become members of the student association and thereby limits their freedom of association. VSU proponents are fond of claiming that student unions are an historical anachronism, the ‘last closed shop’ (conveniently forgetting all the closed-shop professional associations). Typically VSU proponents have looked for moral backing for their position by citing United Nations conventions relating to freedom of association. Regardless of a utilitarian approach (such as that Australian Consumer and Competition Commission employed in their 2003 ruling that the public benefit outweighed public detriment) there are fundamental philosophical flaws in this style of freedom of association argument.

A1.3 First of all it is important to be clear what issue is at stake here. The freedom of association refers to the positive right of individuals to form associations with anyone whomsoever one pleases. Strictly what the proponents of VSU are referring to is the negative right of association (or dissociation) – the right not to be compelled to associate with other person’s against one’s will. The distinction is important because there is a considerable body of law, human rights conventions and ethical argument in favour of the positive right to form associations, particularly in the context of repressive human rights and industrial laws in countries with oppressive regimes. Many proponents

of the negative right of dissociation try conflating their arguments with the widespread support for legal and ethical arguments around the positive right of association. Issues around the right of dissociation are very different and should not be conflated with freedom of association.

A1.4 Secondly public associations should be regarded differently from those associations established by individuals. There is a considerable body of case law, particularly in Europe, which draws an important distinction between associations of a private character (including political parties and trade unions) as contrasted to organisations formed pursuant to statute or of a public character. For example the European Court of Human Rights and other courts have upheld the compulsory membership provisions of various professional associations as they were public institutions, established by legislation to take measures in the public interest. Similar arrangements are in place in Australia such as the compulsory membership provisions of professional registration bodies that produce the public benefit of ensuring that professionals meet and maintain peer standards.

A1.5 This distinction between public and private associations is critical when considering the negative right of dissociation. If I set up a chocolate appreciation club on campus I could not compel everyone to become a member and pay money to me. If I attempted to I would be rightfully chastised for violating the right of dissociation of my fellow students. However, the student organisations on campus we know as Guilds, Student Associations, Student Representative Councils, Sports Associations or University Unions, are different in that they are public associations established to perform functions for good running the university (and in some cases created explicitly by state government legislation).

A1.6 While NUS is not arguing that student associations are professional registration associations there is an important matter of principle transferable to these deliberations. For example the James Cook University Students' Association is clearly a public association (explicitly established by the Queensland Parliament through a division of the *James Cook University of North Queensland Act 1970*). It is also performing public functions delegated to it by the James Cook University Council that in turn performs functions delegated to it by the Queensland parliament (the objects of the Association set out in its constitution are determined by the University Council). In short the James Cook University Students' Association is a public association carrying out delegated public functions. In test cases in Sweden and England the public nature of the student associations has been upheld in courts as a key principle behind the retention of universal membership of student organisations in the face of freedom of association arguments.

A1.7 Many student organisations are not explicitly created by Acts of state parliament but instead are created by statutes and regulations of University Councils. In these cases the public character of these student organisations flows from the powers delegated by state parliaments to university councils. The authoritative legal precedent in Australia is still that set in 1978 by the Full Bench of the Victorian Supreme Court in

the *Clark v University of Melbourne* case (dealing with the universal membership provisions of the Melbourne University Student Representative Council). The court agreed that (1) public associations should be regarded differently from private associations for this purpose and (2) that the public character of student organisations could be granted by the university:

(The) origin (of the University's powers) in an Act of Parliament places them on a different footing from the powers of the Committee of a voluntary association or of a corporation formed by the action of its members, but they have this in common with the latter powers that they cannot touch anyone who does not voluntarily bring himself within their reach.

The public character of the association is restricted in that it could only be extended to those who voluntarily chose to become students at that university.

A1.8 A third argument is that the retention of universal student membership of student organisations *per se* will continue to only confer rights rather than obligations on its members. For example it is a common practice at many Australian universities that students on admission to the university are also automatically made a member of their faculty. This 'compulsory membership' of faculties confers to students the right to elect or stand for election in faculty representative structures. Similarly the universal membership provisions of student organisations confer to members a right to have input into the decision making processes of student organisations or the university including the right to have a say in the nature of student services and facilities provided at the campus. NUS contends that automatic membership does not in itself establish a case that there is a public detriment.

A1.9 It could be argued that a public detriment could arise if a public association compelled its members to take part in political activities that some of them did not support. There was a legal case in 1989 that sheds some light on this matter. Stephen Kenmar, a Liberal student from Monash University, claimed to the Victorian Equal Opportunity Board that he was discriminated against by compulsory student unionism in a manner that violated the *Equal Opportunity Act*. Kenmar was represented to the EO Board by legal advocate Peter Costello (now the Hon. Member for Higgins and the Federal Treasurer). During the preliminary conference with the EO Board on 22 April 1989 Kenmar objected to the payment of the general service fee on the basis that the fee was in part payable to the Monash Association of Students (M.A.S.). He based his argument on his political view that both the freedom of the individual to associate with those groups that he chose and his opposition to compulsory unionism put him at odds with the M.A.S., i.e that the M.A.S. pursued political lines and activities he was totally opposed to. Kenmar argued that the University by refusing to allow him the option of paying only that part of the Student Amenities Fee that did not go to the M.A.S. (ie the enrolment fee minus the \$42.34 that was allocated to the M.A.S.) effectively denied him both admission to the university and access to all the facilities of the University. The Commission in dismissing Kenmar's case that he was discriminated against ruled that:

The M.A.S. is not a political body in the sense that a political party or some trade unions could be said to be in that its very nature of politics is capable of changing from one side of the political arena to the other depending upon the active members within it. The former bodies are inherently representative of one particular view of politics and their bodies reflect this...This feature of the M.A.S. was illustrated by evidence in this case that during 1986/7 the M.A.S. was effectively "controlled" by the Liberal Party of the university and after the elections in the middle of 1987 they lost control to the Labor Party. This very factor points up an essential difference between the M.A.S., a political party or a trade union... We consider that if union membership involves only minor participation in political activity, membership alone may not amount to engaging in political activity within the meaning of the Act...That involvement in the Union's political activities is not compulsory nor does it have any ramifications whatsoever for a student who does not involve himself (sic) in these activities. There are no sanctions upon any member who fails to go to student general meetings or involve themselves in elections or in any committees of the M.A.S.

The EO Commission contrasted this to a case involving a member of a trade union in a 'closed shop' workplace where the member was compelled against his wishes to make financial contributions to the ALP and to attend union rallies. While this ruling relates to the *Victorian Equal Opportunity Act* it is pertinent to this case in clarifying whether any real obligations arise from membership of student organisations. NUS contends that the absence of any real obligations arising from membership of the student organisations *per se* is highlighted by:

- Unlike ALP-affiliated trade union student organisations do not donate money to political parties (although in some circumstances student organisations have run 'Put The Coalition Last' in federal elections such as last year where the re-election of the government would have led to 25% HECS increases to students).
- that student organisations cannot compel its members to take part in its activities or elections;
- the reality that the political make-up of the student organisation elected officers changes from election to election;
- that while individual students may disagree with a particular policy of a student organisation the public nature of the association means it cannot be reasonably inferred that a reasonable person would believe that all members of the association hold that view.

A1.10 NUS acknowledges that there are some exceptional circumstances where a small number of students may experience a public detriment through universal membership provisions. For example some religions do not allow their adherents to become members of any association apart from their church. NUS recognises that it is appropriate that conscientious objection provisions are in place to deal with genuine conscientious objections to membership but that do not allow a free ride. In summary NUS contends that as the student organisations:

- (1) are public associations;
- (2) and that universal membership of student organisations confers only rights (such as a right to vote or stand in election) rather than obligations, that there is no real public detriment arising from universal membership (with conscientious objection provisions).

A1.11 The Australian Competition and Consumer Commission (ACCC) took a utilitarian approach to looking at the question of freedom of association and VSU in the 2003 ruling on the James Cook University third line forcing case. The ACCC applied a public benefit vs public detriment test and ruled in favour of allowing the current universal provisions to be maintained. As well as welfare support the key for the ACCC was the independent representation provided by the James Cook University Students' Association: "*Since the draft decision new information was put as to why this conduct is in the public interest, including that there may be benefits in retaining the current arrangements which at least ensure the independence of the James Cook University Students Association in its representation of students.*"

A1.12 Nevertheless the AVCC has tried to comply with the Howard Government's concerns about freedom of association by adopting a policy that all universities should have some form of mechanism where students can opt out of membership but still pay an equivalent fee (which normally goes to a university service). This meets the needs of those with genuine freedom of association objections without opening up the free ride option. Most universities have adopted some form of opt-out provision. At Western Australian and some Victorian universities the membership opt-out is easy as ticking a box on the enrolment form. The opt out processes at each university are outlined in the survey of student organisations in Appendix 2 at the end of this document.

A1.13 Interestingly where the membership opt out provisions are relatively easy, but requiring more than ticking a opt-out box at enrolment (such as writing a letter to the Academic Registrar) that only a handful of students take up the option. Most Australian Liberal Students' Federation (ALSF) members themselves don't take up the option, indicating that being oppressed by being granted universal membership rights itself isn't quite the burning issue made out in the ALSF's magazine *Protege* and their submissions to Government MPs. Despite the rhetoric freedom of association (dissociation) is not the primary issue. The real issue is the right of universities to impose some sort of near-universal fee for the provision of non-academic services, and that some of this money is subsequently passed to student governed organisations. The issue of the fee collected by the universities will be considered in sections B and C. Freedom of association has been used as a furphy to divert the attention away from complex issues associated with non-academic service provision at universities into a simple ideological choice of being for or against compulsion. While it provides VSU supporters with a neat-sounding slogan it does little to help a sensible policy debate on the best way to maintain a comprehensive range of non-academic services and representation to students at Australian universities.

PART B: THE EXPERIENCE OF VSU

B1 International and Historic Student Fee Arrangements

B1.1 Most of the rest of this submission will focus on the impact of clauses of the bill that pertain to payment of some kind of fee or charge:

(1) A higher education provider must not:

(b) require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount in respect of an organisation of students, or of students and other persons:

unless the person has chosen to be or to become a member of the organisation

(2) A higher education provider must not require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount for the provision to students of an amenity, facility or service that is not of an academic nature, unless the person has chosen to use the amenity, facility or service

B1.2 Our main contention that for the many reasons outlined below that a voluntary fee structure will lead to a considerable diminishing of the quality of students' campus experience and support while they study. This is because many of campus non-academic services, activities and safety net provisions will not be viable under a voluntary fee regime.

B1.3 The first English student union came into existence at Cambridge University in 1815. Similarly the system of 'student government' began to evolve around this time at US universities. There were voluntary student organisations at Australian universities in the 19th century. However, they were aimed at the leisure and sporting activities of a very small number of wealthy students who attended universities back then. In 1906 the University of Melbourne became the first Australian university to charge an annual compulsory levy on students for campus activities other than tuition. The founder of the Liberal Party Sir Robert Menzies, was a prominent student politician at the University of Melbourne during the ensuing years when student politicians on both sides supported expanding the scope of things that could be funded by the compulsory fee. These arrangements became general across Australian universities by the 1920s. Typically it was the students themselves who banded together to push the universities into levying a small fee to create a student life on campuses beyond lectures and laboratories. Soon they also wanted to have a voice on faculty and university bodies that led to the creation of Student Representative Councils. For five decades there was bipartisan support (ALP and Conservative) for the principle of automatic membership to student organisations. Governments were quite happy to leave the operation of student organisations up to the universities. Like their counterparts at other good international universities such as Oxford, Cambridge, Princeton and Colombia the universal levy was

seen as part of a getting a well rounded education.

B1.4 One of the key reports during the Liberal-National-Country Party Menzies Government's modernisation of Australian universities in the 1950s and 1960s was the Murray Report. It noted:

"In universities of the Australian type, the importance cannot be overstressed of the provision of some adequate meeting ground for students from all faculties. The Students' Union should be the focus for extra-curricular activities, both social and intellectual, of the student body. It could prove one of the most potent influences in developing that corporate life which is urgently needed if the modern tendency for the average student to be exposed throughout his university course to nothing but purely vocational interests is to

be corrected." (Murray Report 1957, Sir Keith Murray was Chair of the British University Grants Committee). The Vice-Chancellors' submission to the Committee stressed the importance of the activities of student organisations:

"the University Union (is) a significant feature, for it is from the activities of the Union that the average student get much of the benefits of the communal life as are possible for one not in residence. This has been appreciated by university governing bodies and one of the features of Australian student life is the existence of strong Union Boards, active Student Representative Councils, and an extensive series of clubs and societies."

B1.5 When the Commonwealth took over the most of the funding and co-ordination of the state governments in 1974 there was a debate on whether or not the Commonwealth should directly fund student organisations so that there would be no fees for study at higher education. However, the Universities Commission took the position that Commonwealth funding had the potential to compromise the important independent advocacy and representative role of student organisations:

'Student bodies provide basic facilities such as food services, meeting rooms, amenities, commercial services and sporting and recreational facilities which are essential parts of the functioning of the university; and they provide a framework for the social and cultural development of the students...The unions and other student bodies rightfully prize their freedom and independence from political intervention. Moreover by relying on fees as the main source of their income, student bodies retain the power to determine the direction, pattern and extent of their own development and have regard to their own priorities. Accordingly the Commission does not advocate the abolition of fees charged by student bodies...The introduction of recurrent assistance for student bodies would not be justified in the light of other needs and priorities. Moreover the Commission is not convinced that such a form of support would be in the best interests of the bodies themselves as it could, in the long run, lead to direct government involvement in their affairs. The Commission proposes to continue its policy of support for universities in the provision of medical and other student services and for student bodies in the provision of the basic buildings and sports facilities necessary for their operations.' (Sixth Report of the Universities Commission, 1975).

When the Commonwealth took over the authority to fund higher education it made an agreement with the states governments that included the following undertaking:

"student representative council, union and sports fees will continue as the responsibility of the student on the understanding that the institutions will make payment of these fees compulsory for all students."

B1.6 In 1975 some sections of the Liberal Party began campaigning to end the bipartisan consensus around student organisation fee arrangements in order to restrict perceived excesses by student left activists. Thirty years on we are facing a bill with far

more wide-reaching scope that affects the totality of student representative functions and university non-academic service provision. In judging the impact of the current federal VSU legislation a good place to start is to look at the experience of VSU elsewhere. This is somewhat problematic. The Education Minister is fond of claiming that his VSU bill is 'living on planet common sense' or 'living in 21st century'. Actually it is a lot more like Robinson Crusoe's solitary life. NUS is unaware of any national government of a country with universities based on the Western (Harvard-Oxford) tradition to have enacted legislation that banned non-academic services from being supported by a some form of universal student or public contribution (either as a separate levy or included as part of tuition fees/government grant).

B1.7 In the United Kingdom students are required to join their student organisation upon enrolment but they do not have to pay a student services fee. This is because the activities of student organisations are funded by the grants received by each university from the government. The Whitlam Government explored adopting a similar approach in Australia. The Thatcher Government in the 1980s decided against introducing VSU because as the Education Secretary, Sir Keith Joseph argued: "*..the student union is, mercifully, not the same as an industrial union. What we have in the students' union is automatic membership and automatic access to facilities...and I do not see how we can, therefore make membership voluntary.*" Instead of VSU the Tory Government did eventually adopt an alternative regulatory approach in its *Education Act 1994*. The Act required the governing bodies of universities to ensure that student associations operated 'in a fair and democratic manner and were accountable for their finances and 'that governing bodies adopt codes of practice in relation to student organisations'.

B1.8 In New Zealand the previous conservative government introduced the *Tertiary Students' Association Voluntary Membership Amendment Act 1998*. Rather than banning the collection of a student fee the legislation allowed the student body the option of determining whether or not it wanted a compulsory fee. While the default position was a voluntary fee students could opt to hold a referendum for a compulsory fee if the university received a request from 10% of students enrolled at that institution. At all but two institutions the student body requested and voted for a compulsory fee.

B1.9 The North American higher education system is very diverse. Nevertheless most public universities, and the leading private universities in Canada and the USA have a system similar to the current situation in Australia – a compulsory fee with opt out membership provisions for conscientious objection. America's most prestigious private university, Harvard University, sees its student government structures and student services as so important to its education mission that it currently charges a universal annual student services levy of \$US1908 (about \$2500 in our dollars) and this doesn't cover additional fees for residential board or health services (this puts some perspective on the \$100-\$400 fee typical at Australian universities).

Compulsory Student Service Fees At Selected North American Universities
Harvard University \$US1908

Uni of Illinois \$US 1859
Boston College \$US 1389 (includes medical insurance)
Uni of Michigan \$US 698
Uni of British Columbia \$CAN 656
Uni of New Brunswick \$CAN 339

At some universities there has been state or campus legislation to restrict the use of compulsory funds for political activism, or to let students decide which campus organisations they wish to direct their funds to. However, it is only in stripped down private college sector where it is common that there is no compulsory student service fee.

B1.10 Given that comparable higher education systems around the world have said no to full blown VSU - we are left with looking at past legislation in Australia. In the late 1970s and early 1980s there was VSU legislation in WA and the ACT mainly aimed at political activism and membership fees to the Australian Union of Students:

- *Acts Amendment (Student Guilds and Associations) Act 1977*. (Western Australia). Retained compulsory student fee. Prevented use of compulsory student funds to be used for membership payments to the Australian Union of Students
- *Australian National University (Amendment) Act 1981; Canberra College of Advanced Education (Amendment) Act 1981* (ACT). The ACT campuses were under the legislative jurisdiction of the Commonwealth. The Fraser Government passed legislation banning student organisations from paying membership fees to AUS and prohibited the use of the services and amenities fees being used for socio-political activities.

Neither the WA or federal Acts were intended to have the broad impact on the non-political aspects of campus life as does the current bill. Victoria also had an experience of a potentially far reaching form of VSU legislation in the late 1970s. The Hamer Liberal government in 1978 used Melbourne University as a test case for other Victorian campuses (*University of Melbourne (Amendment) Act 1978*.) Membership was made voluntary and revenue from the compulsory services and amenities fee could only be handed over to the student organisations if 25% of students voted in the annual election. Fortunately more than 25% of the Melbourne University students voted and 85% of students opted at enrolment for membership. Subsequent legislation was passed to prevent the payment of membership fees to the Australian Union of Students. The government was in process of extending these arrangements to all Victorian campuses (*Post-Secondary Education (Amendment) Bill 1981*), when it lost power to the Cain Labor Government in 1982, which revoked the VSU legislation.

B1.11 We do, however, have one example of state legislation with a similar intent to the current federal bill – the *Western Australian Acts Amendment (Student Guilds and Associations) Act 1994* which was in place until 2002

B2 Western Australia Experience

Acts Amendment (Student Guilds and Associations) Act 1994 (WA, ‘scorched earth’ VSU)

- ❖ *It is not compulsory for any student to be a member of a student association;*
- ❖ *It is not compulsory for a student to pay any fees to a student association or any service not directly related to an educational course provided by the university;*
- ❖ *Criminal penalties for anyone who discriminates against non-members;*
- ❖ *The removal of the Guild President as a member of University Council*

B2.1 While the legislative intent was similar there were significant differences that need to be taken into account if trying to extrapolate from the WA experience to the current bill. In 1995 and 1996 the Guilds received compensatory ‘SOS’ funding from the Commonwealth. While the VSU was being debated in WA parliament the ALP Federal Government inserted a section in the *State Grants (General Purposes) Act 1993* to ‘protect the right of higher education institutions to decide the most appropriate range and level of services and amenities for their students’. The Commonwealth compensated student organisations for income lost due to state VSU legislation and also gave itself the power to reduce its grants to the offending state by that amount. This effectively meant that state Liberal governments would themselves be compensating the student organisations for income lost due to the legislation.

B2.2 In 1995 the SOS funding provided the Murdoch University Guild of Students with \$725,328, the Edith Cowan University Student Guild with \$1.54m and the Uni of WA Guild of Undergraduates with \$1.56m. The corresponding SOS income in 1996 was Murdoch (\$693,657), Edith Cowan (\$1.2m), Curtin (\$1.82m), and the Uni of WA (\$1.66m). The SOS funding was suspended following the election of the Howard Government, although the payments for 1996 were made to those campuses that got in their applications before the change. The full impact of VSU legislation came into force in 1997. This full VSU regime operated from 1997 until the end of 2002.

B2.3 A change of government in WA led to a partial and protracted repeal of the VSU legislation. There was a common view amongst ALP MPs that a full repeal would mean that as soon as the Liberals returned to power that they would reinstate full VSU thus putting the Guilds in a state of permanent restructuring. The Liberals remained committed to full VSU but the 2002 repeal legislation was framed in terms of voluntary membership but a compulsory fee with the Guild receiving fee income equivalent to those who chose to join. NUS and CAPA employed a series of VSU project officers and consultants to assist Guild representatives with the lengthy process of the repeal. The final fruit of these efforts was the *Acts Amendments (Student Guilds and Associations) Act 2002*.

Acts Amendment (Student Guilds and Associations) Act 2002

- ❖ *It is not compulsory to be a member of the Student Guild;*

- ❖ *An annual amenities and services fee shall be set at an amount approved by the University Council, after receiving a recommendation from the Student Guild;*
- ❖ *The amenities and services fee is payable to the university council by each enrolled student, except students exempted from doing so, or made ineligible by statute;*
- ❖ *The University Council shall pay to the Student Guild a percentage of the amenities and services fee collected that is not less than the percentage of enrolled students who are members of the Guild;*
- ❖ *Regardless of the number of enrolled students who are members of the student guild, the percentage of the collected amenities and services fee paid to the Student Guild must exceed 50% of those fees;*
- ❖ *The part of the amenities and services fee not paid to the student guild is to be spent on student amenities and services in the manner agreed by the Council and the Student Guild*

The Impact

B2.4 The legislation in place during 1994 - 2002 was full blown voluntary student unionism where students sign opt-in clauses for the Student Guild at enrolment and only pay a Guild fee if they opt for membership.

The initial take up rates in 1995 were:

Curtin	10%
Edith Cowan	13%
Uni of WA	28%
Murdoch	38%

B2.5 Even before VSU the structure of the student organisations in Western Australia was unusual in that all campuses had unitary Student Guilds (combining representation, commercial services and recreation/sporting clubs in one body) rather than split structures common at many interstate campuses. In VSU terms this provided one advantage in that the student organisations did not have to go through the painful and protracted process of mergers in order to be able to offer students a straightforward membership package combining representation and services.

B2.6 The full impact of VSU came into force in 1997 after the withdrawal of the SOS funding. Guild membership fluctuated in WA, before stabilising with between 35% to 6% membership rates, Guild fees halved and there was an emphasis on members discounts and price incentives to join the Guild. Membership rates were highest amongst first years and dropped in later years. In 1999, the membership rates were:

Edith Cowan	6%
Curtin	30%
Uni of WA	30%
Murdoch	35%

B2.7 Most of the commercial services continued to operate after 1997 but the profits were insufficient to continue to the comprehensive range of non-cost recovery services, publications and advice/support normally offered by the guilds.

B2.8 In some cases the universities had to step in to provide financial assistance to the guilds to ensure the maintenance of a basic level of student services, and in the case of Edith Cowan the university took on a role the role of direct administration after the Guild collapsed. The expense of this is borne by the universities, resulting in reduced funding for core academic programs like teaching and research. The Acting Vice-Chancellor of Edith Cowan University advised a 1999 Senate Inquiry into a similar VSU Bill that in 1998 the university had provided significant funds to the Guild to support a limited range of representational, social and cultural activities and the orientation program. While this put pressure on funding for its academic program, the university saw no alternative to this expenditure if the university was to remain competitive locally, nationally, and internationally. The university made significant financial commitments to the student newspaper, an education and welfare, research officer, postgraduate support staff, international student council, sport facilities, personal accident insurance, off campus housing advice and student amenities.

B2.9 The Vice-Chancellor of Edith Cowan University, Millicent Poole, wrote in the *Australian* (23/3/05) about the current bill: *“Student guild staff retrenchments, disadvantaged students, diminished campus life and international enrolment losses are among the bleak prospects foreshadowed in federal Minister Brendan Nelson’s proposed VSU legislation. Here in Western Australia, we know what lies ahead – we’ve had non-compulsory student unionism since 1994, after the state government imposed a ban. Student support and services suffered immensely as a result. Our student guild, for instance, struggled to maintain even basic services – especially after federal funding to the affected guilds was axed by the Coalition Government in 1996. Edith Cowan University Student Guild income plummeted from \$1.85 million in 1996 to just \$122,000 in 1998, and the guild ultimately plunged into liquidation. This caused significant disruption of non-academic services to students just when the university committed itself to substantial growth of its Joondalup campus in Perth’s expanding northern corridor and a renewed drive to attract international students. Student services began to rise from the ashes only after ECU stepped in to meet a shortfall of nearly \$750,000, and recovered when a different state government introduced compulsory student services fees as a necessary and welcome lifeline.”*

B2.10 While Edith Cowan fared the worst all Student Guild suffered massive declines to their funding base and consequently the availability and range of services on offer. The Murdoch Guild of Students, which in 1999 had the highest membership base, told Campus Review that its financial status was ‘stable but heavily reliant on university income’. The university funded the orientation week, sport affiliations, and also some postgraduate and international student support. At the University of Western Australia the university took over the sport facilities and the women’s research/sexual harassment support was integrated into the university’s equity office. Curtin University took direct control of campus tours and provided funding for international and postgraduate students.

B2.11 Impact of VSU on student services at WA universities:

Curtin University Student Guild

14 jobs lost

Contribution to provision of campus child-care cut by \$435,000

Academic Rights Support - reduced

Welfare Officers - reduced

Full Programme of Cultural Events - discontinued

Orientation Camp for First Years - discontinued

Funding for Clubs and Societies - reduced

Student Emergency Loans - discontinued

Disabled Students Department - discontinued

Sexuality Department - discontinued

Sport Library - discontinued

Subsidised Catering on Campus - discontinued

Student Conference Funding - discontinued

Student Publications - reduced

International Student Campaigns and Projects - reduced

Activities –reduced

Women’s Rooms - discontinued

Weekly Campus Newsletter - discontinued

Policy support for student reps - discontinued

Women’s Department - discontinued

Environment Department - discontinued

Postgraduate Support - reduced

Regional Campus Funding -reduced

Affiliation Fees to NUS - unable to pay

Affiliation Fees to Sports Peak Body - unable to pay

Edith Cowan University Student Guild

Guild became insolvent and placed under administration, eventually re-started with large injection funds from university

All 28 Guild staff lost their jobs

Academic Rights Support - lost at undergraduate level

Welfare Officers - retained only through university funding position directly

Guild Service Centres - discontinued

Full Programme of Cultural Events - discontinued

Women’s Rooms - discontinued

Weekly Campus Newsletter - discontinued

Policy support for student reps - discontinued

Orientation Camp for First Years - discontinued

Funding for Clubs and Societies - discontinued

Student Emergency Loans - discontinued

Sexuality Department - discontinued

Subsidised Catering on Campus - discontinued

Personal Accident Insurance - discontinued
Off Campus Housing Advice - discontinued
Student Conference Funding - discontinued
Student Publications - reduced
International Student Campaigns and Projects - reduced
Activities -reduced
Postgraduate Support – reduced
Women’s Department - discontinued
Environment Department - discontinued
Regional Campus Funding -reduced
Affiliation Fees to NUS - unable to pay
Affiliation Fees to Sports Peak Body - unable to pay

Murdoch University

Six guild staff lost their jobs,
Guild reliant on university for financial support
Academic Rights Support - discontinued
Welfare Officers - reduced
Guild Service Centres -discontinued
Full Programme of Cultural Events - discontinued
Orientation Camp for First Years – discontinued
Funding for Intersarsity Sport - lost
Funding for Clubs and Societies - reduced
Student Emergency Loans - discontinued
Sport Library - discontinued
Subsidised Catering on Campus - discontinued
Sexual Assault Referral Service - discontinued
Off Campus Housing Advice - discontinued
Student Conference Funding - discontinued
Student Publications - reduced
International Student Campaigns and Projects - reduced
Activities –reduced
Policy support for student reps - discontinued
Women’s Department - discontinued
Environment Department - discontinued
Postgraduate Support – reduced staff
Regional Campus Funding -reduced
Affiliation Fees to NUS - unable to pay
Affiliation Fees to Sports Peak Body - unable to pay

University of Western Australia

28 jobs lost
University took over funding and running of sports
Academic Rights Support – reduced
Textbook Subsidy Scheme - reduced
Welfare Officers - reduced

Guild Service Centres – discontinued
Postgraduate Support – reduced staff
Policy support for student reps -
Women’s Department - partly integrated into university equity office
Funding for Clubs and Societies - reduced
Student Emergency Loans - discontinued
Disabled Students Department - discontinued
Subsidised Catering on Campus - discontinued
Student Conference Funding - discontinued
Student Publications - reduced
International Student Campaigns and Projects - reduced
Activities –reduced
Sexual Assault Referral Service - reduced
Regional Campus Funding -reduced
Affiliation Fees to NUS - unable to pay

B2.12 Supporters of this more extreme form of VSU have been arguing that the survival of the Guilds in WA during the full blown VSU period shows that the basic services student want or need will continue to exist. However, the reality was that many services were lost or continued only in a rudimentary way for example with a single staff member trying to perform the tasks previously undertaken by several. There are also several particular factors that need to be taken into account if one is looking at a national model for the provision of non-academic campus services based on the WA model:

- The WA universities were willing and able to provide significant subsidies to maintain things like academic rights and welfare services, orientation programs, international student support, sports and women’s departments. Even if universities are not legislatively barred from funding such student services many will be unwilling to divert tight teaching and research resources into such activities.
- Inter-state student organisations provided subsidies to enable WA students to engage with their counterparts at national events through mechanisms such as conference travel VSU levies. NUS waived the entire affiliation fees for all the WA campuses during the full VSU period. Obviously national VSU renders such inter-state student subsidies useless
- The Guilds were already integrated commercial and non-commercial services in a single body. On many campuses in other states the student organisations have split structures which will lead to considerable turmoil as organisations are forced to liquidate themselves into others.
- The three WA Guilds that survived intact had the benefit of running the major food and beverage commercial services on campus. This is not the case at several

major campuses where the university has set up its own companies or tendered out the services.

- The Guilds survived through drawing on historic reserves and assets. By 2002 the Guilds had largely exhausted these reserves which would have led to a further major reduction in their activities and services. In the long term the maintenance of the comprehensive range of services maintained by the Guilds could only have continued through significant additional subsidies from the universities.

B2.13 The Western Australian model does not provide a viable national model for non-academic service provision. In effect the government will be denying all Australian students the choice of studying at a campus that can offer the sort of campus experiences and support that are seen as essential to a quality university education around the world.

B3 VSU Experience in Victoria

B3.1 The intent and experience of the so called 'Victorian' model of VSU is very different to what would happen under current federal bill. The Victorian bill was aimed at restricting student representation and political activism. A number of Coalition MPs have expressed interest at looking at something derived from the Victorian legislation as an alternative form of VSU to the current bill.

THE LEGISLATION

B3.2 When the Kennett Government was elected in 1992 it pursued a different path to the Western Australia Government. It still wanted students to pay for essential services but wanted to restrict the range of activities that student organisations undertook, particularly those perceived to be damaging to the conservative governments.

Tertiary Education Amendment Act 1994

- ❖ *Universities and TAFEs still able to charge compulsory student service fee for services, but the services can only be those listed in the Act or specifically approved by the Education Minister;*
- ❖ *Automatic membership of student organisations is banned;*
- ❖ *It is unlawful for the university to discriminate against non-members provided they have paid the approved fee;*
- ❖ *The approved services were: food services, meeting rooms, sports and physical recreation, child care facilities, counselling, health care, legal, health, housing and employment services, visual and performing arts and audio-visual media, academic support and overseas student services.*

The regulations required universities to negotiate funding agreements with the student organisations to ensure compliance with the Act. There were provisions in the Act for the

list of approved services to be extended but only on recommendation from Victorian Vice-Chancellors.

B3.3 In 1995 the approved services were expanded by the *Tertiary Education (Student Representation) Regulations 1995* to include the conduct of student elections to university council and its committees, and other management committees of the institution.

B3.4 The election of the Bracks ALP Government in 1999 did not lead to a repeal of the legislation. Instead under the *Tertiary Education Regulations 2000* the list of the approved activities were extended again to include:

- ❖ student publications, including student newspapers that meet generally accepted community standards including accuracy and fairness;
- ❖ clubs and societies for students;
- ❖ student elections;
- ❖ opinion surveys, research, and other facilities, services and activities that provide for the consideration of issues relevant to student welfare.

B3.5 This was soon superseded by the *Tertiary Education Act 2000* which substantially amended the VSU Act - including removing the section prescribing the list of approved activities. The new arrangements became:

- ❖ post-secondary education institutions are allowed to charge a compulsory amenities fee so long as it was used to provide 'facilities, services or activities of direct benefit to the institution or students at the institution;
- ❖ post-secondary education institutions must ensure that a student who does not wish to be a member is provided with an opportunity to do this at the time of enrolment;
- ❖ that the governing body of a post-secondary education institution must ensure that the institution's annual report includes a financial statement about compulsory non-academic charges payable in the preceding financial year.

THE IMPACT

B3.6 The Kennett legislation was in operation from 1995 to 2000. It was aimed at student representative activities, particularly areas that might criticise government policy. Non sporting clubs, women's support services and newspapers were also excluded. Student representatives argued that this legislation violated the principle of no taxation, without representation. Students still had to pay the fee, but the Government determined what students could do with their own money.

B3.7 The legislation was implemented in Victoria by universities forcing student organisations to sign funding agreements restricting what they can spend their money on, before the universities hand over the money collected at enrolment.

B3.8 As in Western Australia the Victorian campuses were initially eligible for the Student Organisation Support Program (SOS) compensatory funding. In 1995, Melbourne University Student Union received \$1.23m, and Swinburne Student Union (\$71,619). In 1996 the Ballarat Students' Association received \$117,133, Victoria University of Technology Western Institute Student Union (\$53,686) and La Trobe Students' Representative Council (\$573,436). Some Victorian student organisations did not get their applications processed for 1996 funding before the Howard Government suspended the program.

B3.9 Unlike Western Australia after 1996 student organisations generally continued to offer a comprehensive range of services, representation and maintained staffing levels. Voluntary membership in 1996 ranged from 60-70%, with the highest membership rate being at Melbourne University (85%). Some campus organisations restructured their operations and removed student control of service arms funding agreements and the extent to which the institutions rigorously enforced them varied from campus to campus. Things that were not on the list of approved activities such student newspapers, honouraria for student representation and payment of affiliation fees to bodies like NUS tended to be funded out of profits generated from commercial activities. Having to draw on commercial profits was restrictive in that there was less revenue available than before and some things were de-funded. Victorian representative bodies also were often granted partial fee waivers on their NUS affiliation fees due to the impact of VSU. Nevertheless the campus experience of most non-politically active students was much less disrupted than in WA.

PART C: THE IMPACT OF THE CURRENT BILL

Our approach to advising Senators of the impact of the current bill has been to break it down to eight broad thematic areas. We have tried to avoid duplicating information that would be provided to the Inquiry from campus student organisation submissions or other peak bodies such as Australian University Sports. The eight thematic areas are:

- ‘Non-Academic’ Services as part of the education process
- Why A Voluntary Non-Academic Services Fee System Will Diminish Campus Life
- Student Welfare and Equity
- Student Fee and Payment Options
- What About The Student Voice on Campus ?
- Political Activism and Student Engagement With Society
- Regional Impact
- VSU and the Arts

C.1 ‘Non-Academic’ Services as part of the education process

The bill is premised on there being a clear distinction between an ‘*amenity, facility or service that is of an academic nature*’ (that can be funded by a compulsory fee) and an ‘*amenity, facility or service that is not of an academic nature*’ which can only be funded by a voluntary fee.

C1.1 NUS contends that this is a false division. Student organisations act in partnership with the formal academic side of campus life as part of the overall education process associated with a good university practices. As such there is a public benefit from this flowing to all students rather than a few. Some opponents of automatic membership of student organisations try to argue that there is a wall between the academic services provided by a university and the extra services provided by student organisations, like they are an optional premium. This is based on the fallacy that a good university education is just a series of discrete modules that the consumer can just mix and match in any way to come up with the package they wish to purchase.

C1.2 While students do exercise choice over which university they attend and what degree they enrol in it must be remembered that universities are transformative institutions engaged in a broad process of education. They are more than just vocational and credentialing institutions. Universities have education mission statements where they outline the attributes they aim to be associated with graduates of a university. Typically these features include teamwork, leadership skills and being able to be an active citizen and contributor to the community. Student controlled organisations work in partnership

with the formal side of the university to sustain a campus culture where these attributes can develop. Almost every Chancellor and Vice-Chancellor has gone on the public record in 1999 and again recently to highlight the role that student organisations play in the broader education of university graduates:

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.

**Australian Vice Chancellors' Committee Policy on Student Organisations
1998. Reaffirmed December 2004**

"A university does more in offering education than offer course modules off the shelf. It offers a nurturing and supportive environment in which students can get the maximum benefit from the courses on offer and also from the experience of attending university. The university experience is essentially a community one and students gain life skills as well as academic education. If students at ANU were to get no more from their time than their course-work materials and a graduation certificate at the end, then the university would not have done its job properly...ANU's view is that the full range of services, including those to encourage a healthy lifestyle, should be available, from which students can choose according to their changing needs. The ANU model encourages a wide range of extra-curricular activities to ensure that students are able to access them when and as their interests direct. The choice of which activities they do access is entirely theirs."

Former ANU Vice Chancellor, Professor Terrell, 1999

"We believe the educational experience for university undergraduates is much more than can be acquired in lecture theatres, from text books or from the internet. It also consists of the broadening experience that comes from social interactions, sporting activities and extracurricular activities in clubs and societies that expand perspectives, build intercultural understanding and develop life-long friendships and interests. It is disturbing, therefore, that these activities are threatened by the Minister for Education Dr Brendan Nelson's stance on what he likes to call Voluntary Student Unionism."

Professor Larkins, Monash Vice-Chancellor 2005

The South Australian Liberal Party in 1999 also stood with the students and the Vice-Chancellors and formally recognised the role that student organisations played in the education processes of the university and supported the following motion in the state House of Assembly:

That this house -

(a) is committed to ensuring that South Australian university programs and students are not disadvantaged and is therefore opposed to voluntary student unionism; and

(b) recognises the valuable contributions that student organisations make to academic studies, acknowledges that university community encourages participation and development of tomorrow's community, social and business leaders and supports the universal contribution of all students in recognition of the services which are provided for the benefit of all students.

Motion passed with bipartisan support in the then Liberal controlled South Australian House of Assembly, 1999

C1.3 It is not just Vice-Chancellors and politicians on both sides of house who reject the bogus distinction between academic and non-academic services. Empirical evidence from a study commissioned by a federal government department adds weight to key role student organisations play in the civic education of many young people. A study commissioned by National Youth Affairs Research Scheme (FACS, *Youth and Citizenship*, NYARS, Manning B and Ryan R, March 2004) looked at the disparate school-based civic education and citizenship initiatives around the country. It found that there was a move towards school programs encouraging 'active' and 'participatory' citizenship around the country. The study also conducted a survey of 13-25 year olds and found that:

'The third most common response to the survey question on what the respondents thought would be helpful to support young people to be meaningfully involved in society, was for programs that encourage youth participation in government and in schools to be more widespread and more genuinely participatory.'

C1.4 The survey found that in terms of perceptions of political power that more young people (77.9%) felt that they were affected 'a great deal' by decisions made by education institutions than any other institution. This contrasted with 68.2% for family, 46.8% for the federal government and 5.4% for religious groups. The survey also asked which methods of political participation they had participated in and which were seen to be effective. The top three forms of participation the respondents had participated in were petitions (74.2%), community groups (72.1%) and student representative bodies (69.4%). Student representative bodies were ranked as the most effective form of youth participation. 71.5% of respondents rated them as 'effective' or very 'effective'. The next closest were 'youth rep panels/organisations' (70.1%) and 'voting in elections' (67.7%). By contrast only 25.5% believed that 'writing to politicians' was very effective/effective.

C1.5 The evidence points to the important role that student organisations play as a practical adjunct to the 'active and 'participatory' civic training programs in schools. In particular there is a clear civic educational benefit flows directly from the element of 'student control of student affairs'. Students do not learn to become active citizens by being passive consumers of student services. By allowing an element of 'student control of student affairs' public universities are sending the message to students that they are adults now and should be taking on responsibility for some aspects of their university experience beyond being mere consumers. Students can also learn quite a lot in the

process of disagreeing with some of the activities that a current leadership team of a student organisation are supporting. They learn that they can get a petition together to call a general student meeting or referendum to change a policy or form a ticket to run in elections on an alternative platform or that there ways to sack a particularly bad leadership team. Students can get involved in a more on-going way through getting involved in running a club or an action group, or learning how to run the student newspaper or radio station or the faculty society's magazine. University student organisations are an example of an institutions which allow citizens to engage in the debate and activities of direct relevance to them - look at the number of arts community, politicians, journalists, community leaders and sports people who gained their initial experience in student organisations.

C1.6 In short graduates are being educated that they can and should to take control of their own destinies through the democratic and participatory processes. The replacement of student control of most of their services and facilities with paternalistic direct control by the university administration is sending a message that university students should be regarded as children unable to take responsibility for any part of their university experience outside their course choice. Both the graduates and the whole community benefit from breaking down a culture of passivism and paternalism. The nation benefits both from the development of community leadership skills of our graduates and through a more active and engaged polity.

C1.7 One objection to this view is that the universities are denying 'market choice' to young people. NSW Young Liberal Edwin Dyga goes further and argues that: *"The provision of services on campus which the anti-VSU lobby hold to be vital for the maintenance of a campus culture, are not only provided by the private sector (in some cases on campus itself) but also do not require universal unionism to support themselves financially. This is particularly true of student clubs, which sustain themselves exclusively on the personal interest of members. The fostering of campus culture is thus subject to the organic forces of market demand, rather than the paternalistic centralised bureaucracy of the NUS and its affiliates."* ('The NUS versus Freedom of Association', *Quadrant* May 2005)

Dyga is correct to point out the large role that both individual voluntarism, and increasingly, private providers play in campus culture. Campus culture has always heavily relied on the voluntary efforts of students and supportive university staff and graduates. But there are circumstances where jobs require professional expertise or excessive time commitments. This does mean the employment of professional staff or the payment of honouraria. Many universities and student organisations have also been increasingly outsourcing services to private providers. The recent AVCC survey found that over 15% of the total student service fee revenue was going to bodies other than the university or student organisations.

C1.8 However, the fact that volunteers and private providers make a contribution to campus culture does not invalidate the distinctive role played by activities and facilities that are funded and controlled by students from a universal contribution. It is not just a matter that any campus culture will do

C1.9 There is also the question of who accesses this ‘campus experience’. VSU supporters may respond that this ‘campus experience’ is fine but it should be an optional extra. However, people enter the university system with very different education backgrounds. People from the ‘good private schools’ are coming from an education system which places a higher emphasis on personal development, team building and active involvement in a wide range of cultural and civic activity than students attending working class high schools. This was backed up by the experience of VSU in Western Australia where the bulk of those who took out membership were those from the wealthy backgrounds.

C1.10 The current arrangements where services are bundled into a package and a universal contribution is charged act as a social equaliser as it encourages wider use of the services. It encourages students outside of traditional professional circles to get their foot in the door – whether it is putting on a comedy revue, learning layout skills with the student paper, getting up in front of student meetings to argue a point, or becoming treasurer of the cricket club. The lectures are the theory, the participation in campus culture is part of the practice - start of the training for how the future graduate should make a contribution to their society as an active citizen. Voluntary arrangements will lead to an outcome that we would have a first class university education for high aspiring wealthy people to become community leaders. Everyone else should settle for a second class university education as a meal ticket.

C1.11 Universities are quite right to want to offer their students a university education that is broader than just a credentialling process and a consumerist shopping centre experience. They also right to be concerned that a shift to seeing ‘campus experience’ as an optional extra outcome will end up reproducing inter-generational cycles of privilege. No university can compel that all its graduates must become active citizens as a condition of enrolment anymore than it can compel its students to attend every lecture and tutorial. But it is an integral part of the education mission for many of our public universities.

C1.12 VSU advocates make the basic error of getting the cart before the horse. They insist that students make the market choice at the point of enrolment. However, in their rush to apply fully fledged market economics to educational institutions they forget that the whole purpose of the educational institutions is to transform and enrich the student through the whole education process. In the case of the typical student experience it is to allow the raw 17 year old school leaver to leave university as a graduate with a university degree and a aptitude to become an active contributor to society. By the end of the degree students come to realise the value that all the things that occur outside of the lecture room have added to their university education. It is not too hard to see this won’t happen if we allow the option of a free ride before they have even started the process.

C1.13 There is a second style of objection – the example the mature age postgraduate coursework student who already has had civic education and campus

experience in their undergraduate education. This argument has more logical force and will be discussed more fully below in C.4

C1.14 The third style of objection is the argument that students are now too busy working to support themselves that they do not have time to participate in extra-mural activities. There is some truth in this claim. According to the AVCC survey (Martin Hayden and Michael Long, *Paying Their Way: A Survey of Australian Undergraduate University Finances, 2000, AVCC*) about 8 out of every 10 undergraduate university students were in paid employment during 2000. This is an increase of about 50% from 1984. Not only has the number of students undertaking paid work dramatically increased, so have the number of hours they work. On average, students in paid employment during semester work an average of 14.5 hours every week. This is a three-fold increase on the 1984 data. These figures are similar to those released in a DEST report (Craig McInnes and Robyn Hartley, *Managing Study and Work: The Impact of Full-Time Study and Paid Work on the Undergraduate Experience in Australian Universities*, DEST, Canberra, 2002) which found that the average full-time student is working 15 hours a week. It also found that forty per cent of students work more than 16 hours a week, and 18% work 21 hours or more. Most students work in order to provide themselves with a living wage. Two-thirds of students surveyed for the DEST report said they needed to work just to meet their basic needs and 75% reported that their paid work was their only or main source of income.

C1.15 The point is what to do about this phenomenon. Is it good policy just to shrug our shoulders and say that students are now disengaged from their universities? Student organisations over the last decade have generally re-orientated their priorities to meet the needs of the working student. Now there are more resources to running student employment services and to professional financial advisers to help students juggle scarce resources. There are more professional caseworkers who pursue student grievances with academic rights or Centrelink as students have less time to advocate for themselves through complex bureaucracies. For example the University of Queensland Union employment service ran job ads for 4,154 employers last year. However, the change on the ground has been quantitative rather than qualitative – there is still lots of ‘campus experience’ happening even if only a minority are now doing it 5 days a week. Taking the University of Queensland Union example again the Union reports that 26,074 students joined a student club last year. Students might be less involved in political clubs but the membership of Christian and international student clubs are booming at most campuses.

C1.16 Students organisations, universities and governments should all be trying to prevent any further dis-engagement of students from their universities for all the civic education and public benefit reasons given above. One positive contribution the government could make is to look at reforming some of the anomalies in the existing student financial assistance arrangements. NUS made 38 recommendations for strengthening student financial assistance arrangements to the recent Senate Inquiry into student finances. We are happy to forward this to any Senators on request.

C.2 Why A Voluntary Non-Academic Services Fee System Will Diminish Campus Life

C2.1 Proponents of WA style VSU argue that there is a public detriment due to the lack of competition in the provision of student services. Former Education Minister, Dr. Kemp argued in 1999 that VSU will 'improve the quality of services provided on campus. When campus organisations cannot take their customers for granted they will have to provide a better service or they will lose those customers'. Underpinning this style of argument is the belief in a pure student market competition as the most effective provider of student services. This argument puts forward the contention that under voluntary student unionism that the membership can be won in two ways: on the basis of price or on the basis of quality or product differentiation. If we take the former, price, then the argument goes that the membership fee will presumably adjust downward until the foreseeable benefits of membership exceed cost. An organisation forced to reduce its membership fee on the basis of price competition will either reduce its budget (thus reducing the range of services it has to offer) or accept membership from outside. If we take the latter, quality differentiation, then it would still inevitably be competing on the basis of price, with the purchase decision dependent on the value per dollar provided by the purchase. For example you might choose between a hamburger or a restaurant dinner - you will have purchased food but of different sorts.

C2.2 One of the biggest flaws is the difficulty any individual would have in making an informed assessment of the costs and benefits of membership at enrolment. While market theory seems to work when deciding between a Big Mac or a Whopper it is much more problematic when trying to assess the massive package of services and representative functions on offer from student organisations. It is possible to calculate the cash value of some services: interest free emergency loans, student concessions and discounts, campus entertainment, equipment hire, lobbying to prevent the introduction of a course material fee, etc. But the actual usage of any individual is much harder to predict. Other services are tangible but not calculable: advice on academic problems, help on avoiding preclusion, study skills or safe sex advice. Still others are largely unobserved and incalculable: such as lobbying for a new assessment policy or for more flexibility on essay deadlines. The benefit potentially flows to all but no cash changes hands.

C2.3 A related issue is the 'feel good - it won't happen to me' factor. A lot of the student services/advocacy is tied to safety net aspects such as welfare, academic and consumer rights or grievances with the behaviour of an academic. It is a common phenomenon that students feel elated at getting into university or at having completed a successful year or two of study previously. Most students don't start the year believing that something will go drastically wrong. Student life is not predictable - just because you feel good at enrolment doesn't mean that something will not go wrong. You can never anticipate that your lecturer will try to hit on to you, or that you will be falsely accused of plagiarism, or that your parent will suddenly die and that you will need to apply for special consideration, or that your course will change half way through the year, etc.

How can a student predict their need for a service in the future? It is for this same 'it won't happen to me' factor that drivers are forced to take out third party insurance instead of just relying on voluntary insurance schemes. Similarly Queensland has returned to a compulsory ambulance levy after the failure of the voluntary model. WA Student Guilds in the period of full blown VSU found that it was common for the parents of school leaver first years to insist that their children join the Guild as a safety net.

C2.4 Both these problems are further compounded by the transitional nature of the student population. While in a workplace over a number of months or years someone might be convinced in cost-benefit terms to join a trade union or staff association it is hard to see how a first year who has never studied at university could make an informed choice of the benefits of membership at enrolment. Roughly 40% of students at a campus in any particular year are studying for the first time. The transitional nature of the student population makes it very difficult to establish the customer loyalty envisaged by the pure free market approach to student service provision.

C2.5 Then there is the problem of the free ride. For example many people would agree that government services such as health and education are essential and important but also do everything they can to minimise the personal tax they pay to contribute to the funding of these services. A lot of the non-commercial activities of student organisations by their nature are particularly susceptible to the free ride. Economists refer to a category of intangible services called 'public goods'. They are non-rivalrous in that the consumption of a particular public good by one person does not reduce the amount to be consumed by another. Campus representational services may be considered a pure public good in that all can benefit irrespective of membership status. Changes to assessment policies would be an example of this. As these goods are non-excludable voluntary membership opens up the possibility of 'free riders' who take advantage of the benefits but do not pay for them. Even with those services which are in theory excludable the cost of enforcing exclusion of non-members more expensive than the revenue collected. Free riders have the effect of putting up the price for those who do thus reducing the number of people who will pay because of price sensitivity. Thus the free ride opens up a vicious cycle that can wreck even the most efficient organisation.

C2.6 Then there is inter-generational free ride problem. A survey by ACUMA conducted in 1999 found that student organisations had spent \$284.7 million on new buildings over the previous ten years. Many organisations have substantial debts to universities to pay off these facilities. What happens to these debts now that commonwealth interference is removing any viable mechanisms to pay these debts off. Also it is sound management practice to take into account generational issues when dealing with long standing assets. The loss of automatic membership would represent a massive generational free ride for student enrolling next year and beyond. On top of that the 'free ride' students get on past generations they would be avoiding making a contribution towards the maintenance of the facilities for future generations of students. In the long term it means badly run down student facilities. If a future decision restored automatic membership it would take an enormous amount to reverse the damage to campus infra-structure caused by a number of years of free riding. Former AVCC

President, Professor Niland, correctly argued that the loss of automatic membership would represent an ‘assault on our sense of inter-generational responsibility for the quality and diversity of campus life’.

C2.7 The Western Australian model of VSU based on voluntary Student Guilds is fast becoming obsolete in light of changes to higher education since 1994. It is no longer viable as a universal mode for non-academic service delivery at post-Nelson reform universities in theory, even disregarding the many practical difficulties faced by guild supporters in maintaining voluntary guilds between 1997 - 2002. Under the WA model one of the key elements to maintaining a viable voluntary student guild was using profits from substantial commercial services or tenders to cross-subsidise non-commercial services such as welfare and assessment rights advocacy. Due to partial indexation arrangements universities experienced a funding squeeze on the Commonwealth funding prior to the Nelson reform package (itself only a short-medium term partial relief). This led to some universities to seek new forms of commercial income by taking over direct control of the provision of lucrative food and beverage outlets in student union buildings. This has taken the form of university-run companies or tendering to outside. So for example at Monash University - Clayton, the University of Wollongong, and Griffith University the majority of the student amenity fee goes to a university run company. The new arrangements at University of Western Sydney mean that the bulk of the student amenities fee goes to a company with an equal number of university and student representatives on it. Following the oft-cited meltdown of Melbourne University Student Union the bulk of the student amenities fee and control of the commercial services/tenders has gone to a university run company. It is hard to see how a voluntary student guild would be viable on campuses where students no longer control substantial commercial services. As discussed above many of the benefits of representative functions (such as winning better assessment policies) are non-excludable and flow to non-members as much as to members. While they might survive in nominal terms it is hard to see such organisations having a sufficient and stable revenue base to be able to employ professional staff (thus denying students access to professional support services).

C2.8 A second significant factor is the expansion of full fee paying places at Australian universities since the 1994 deregulation of postgraduate fees, the rapid expansion of the international student market and introduction of full-fee domestic undergraduate places. In total the full fee payers now amount to a third of all students. As under the Nelson reforms future growth in the system is largely predicated on an expansion of full fee payers this percentage will increase over the next decade. These students are outside the 1974-2004 funding system where the Commonwealth provided the funding to universities (albeit including a substantial contribution via HECS), and students paid a separate fee for non-academic services. Universities could bundle the non-academic fees in with the academic fees so that non-commonwealth subsidised full fee paying domestic postgraduates, undergraduates and international students are charged a single fee. There seems to be some ambiguity in how the Bill is read as to whether prevent universities from making these bundling arrangements

C2.9 One reading is that they cannot use any money derived from HECS and student fees for any non-academic services, facilities or activities. In effect the government could require that a university must unbundle all non-academic facilities, services, from academic ones. However, this would open up many cans of worms far removed from the VSU supporters original intent of smashing compulsory unionism. There are many cross-subsidies within university. Do university run equity offices, student counsellors, alumni organisations, international student offices and ground maintenance staff fit into academic services or non-academic services. If they are then why aren't welfare and student assessment rights staff in student organisations. Why aren't the Sports Associations which often manage the university grounds. What about the salaries of university administration staff and officers not involved in enrolments or course delivery, or membership fees to the Australian Vice Chancellors Committee, and so on ? Why not go the next step and start unbundling academic services so that students only pay for the lectures they need to go to pass their exam and not worry with all that frivolous stuff about getting a broad understanding of a discipline? After all it all about creating more choice, isn't it...let's forget about the quality of graduates.

C2.10 Andrew Norton has some very interesting things to say about bundling and the WA style VSU in the ALSF magazine *Protege*. Norton is no friend of the student left. He is a former adviser to the previous Education Minister Dr. Kemp, works for the new right think tank, the Centre for Independent Studies and is a crusader for more radical deregulation of higher education. However, he is one of the few Liberals who has publicly tried to move beyond sloganeering to thinking about some of the complexity of non-academic service delivery in the post-Nelson reform higher education sector (albeit from his radical free market viewpoint). Norton's starting point is that the producer (universities) and the consumers (students) know best what they want. He points out that bundling is common in the commercial world such as the case where telephone, internet and cable tv services are bundled into a single fee. He is opposed to state intervention which would prescribe what services could be bundled into a package to be put on the market. In discussing the WA model Norton goes onto argue that:
"We are getting a long way here from a simple case of freedom of association. In fact we are proposing a significant restriction on freedom of contract, the right of producers (universities) to offer consumers (students) goods and services and for the two parties to decide the terms and conditions of their transaction."

C2.11 Norton sees some positive benefits from universities bundling their services:
"In the university context, the most important argument for bundling is that it encourages students to use the services. A sunk cost tuition fee removes financial disincentives for people to go to lectures, use tutors etc; which they may not do if there was a fee for every service (sunk costs are particularly useful where there is short term pain for long term gain; that's why it's better to pay gym fees per month rather than per visit). Similarly, for those universities trying to create a 'campus experience' providing campus services for free or for low cost encourages more participation than would occur if students had to pay each time they used a service."

Though encouraging use of services and facilities is the main reason for universities to bundle them, there are other justifications. Wider use of services can create economies of scale, reducing per student costs, flat fees for a range of service can cut transaction costs. Students do not need to incur search costs to find the appropriate service provider; they just use the service the university offers. Universities don't need to monitor usage of services carefully or collect money separately for them; students don't need to waste time paying for each lecture. Though no one individual necessarily uses all the services in the bundle, packaging them together can make most people better off."

C2.12 For Norton the choice occurs through a fully fledged education market in which students determine which bundle they wish to purchase. If they want to go to a status university offering something like a Harvard-Oxford 'campus experience' they can do so. If they don't want that at the other end of the spectrum are new stripped down private providers operating from rented offices and the internet. And there would be many shades of higher education providers in a continuum between the two extremes.

C2.13 VSU supporters at the status universities become classic 'rivers of lemonade' free ride utopians. They want the status and leadership and personal development opportunities of a Harvard-Oxford model of campus life but they also want legislation that effectively prevents the necessary conditions for this to occur. Norton's argument is interesting in that it highlights the divergence between free marketers and conservative centralists who want to impose mediocrity. While the free marketers embrace the diversity and increased market choices arising from the Nelson reforms (and further subsequent deregulation already flagged by the Minister) on the other hand the conservative centralists are effectively pushing for VSU legislation which prevents any Australian university from aspiring to offer Harvard-Oxford campus-experience model, The non-viability of the WA style model of VSU as a national model dooms campus life at Australia's public universities to mediocrity and a narrow 'shopping mall' experience compared with higher education elsewhere. Perversely what is claimed to be an argument about giving students choice in reality may end up removing student choice.

C2.14 Norton proposes an alternative model where student association membership is voluntary, that universities be allowed to bundle services as they see fit, but would only be allowed to charge one compulsory charge, ie no separate amenities fee). Norton sees that it is desirable that university administration should be able to shift resources between academic and non-academic services as they see fit. To remove the up front problem Norton also proposes that the fees be included as part of the HECS deferred payment arrangements which could be done by an increase in maximum student contribution amount specified in the *Higher Education Support Act*.

C2.15 There are a number of problems with Norton's alternative model:

- It undermines the independent representation and advocacy roles of student organisations where they have sometimes have to go against the wishes of the administration to further the interests of their members;

- It potentially pits students against staff where a successful wage outcome by academic staff is paid for by cutting for by cuts to student welfare and advocacy support;
- Away from the high status universities students at other institutions will be left with little or no welfare, academic or consumer rights support.

C3. Student Welfare and Equity

C3.1 Student organisations have a proud tradition of supporting and enhancing the educational experience of students from disadvantaged backgrounds. For example the first indigenous students at Australian universities were funded through ABSCHOL, an indigenous student scholarship scheme funded and run by student organisations. It was not until 1969 that the Commonwealth of Australia introduced its own ABSTUDY program. In the 1970s it was student organisations that pioneered childcare services on campus that opened up universities to parents with primary childcare responsibilities (mainly women). The rapid expansion of the universities over the last three decades has led to a much more diverse student population with much more diverse welfare and support needs. To meet these needs an increased share of the universal contributions from students are channelled into programs specifically designed to increase the chance of particular groups of students succeeding at universities. These decisions are made via the democratic mechanisms of student organisations. These mechanisms exist in a variety of forms:

- provision of interest free loans
- financial counselling
- income support advice
- employment services
- childcare
- international student support and integration programs
- personal counselling
- legal advice
- mature age and part-time students integration programs
- accommodation services
- provision of bulk-billing doctors (for example in the ACT the only bulk-billing doctors are those in the student organisation funded health services)

C3.2 In addition student organisations provide the resources through which students with particular needs can work together to enhance their interests.

1. Women's Departments

Women's Departments, made up of Women's Officers and Women's Collectives, run campaigns around a number of issues affecting women students. These range from safety on campus, childcare, sexual harassment campaigns, to information dissemination

regarding women's health and sexuality issues. They also provide safe spaces for women students in form of women's rooms.

2. International Students Departments

International Students Departments run campaigns around a number of issues relevant to international students. These range from orientation programs, cultural and recreational activities, to lobbying on behalf of international students to universities and government regarding visa requirements, transport concessions, health insurance and access to low cost housing.

3. Disability Action Departments

Student organisations resource disability departments. These collectives organise campaigns around issues like access for students with disabilities, service provision and fair assessment mechanisms. This also includes education for university staff around mental health issues, and their impact on teaching and learning.

4. Sexuality Departments

Many student organisations have in recent years responded to queer students' requests for resources through the creation of sexuality departments. These departments, made up of students defining themselves as lesbian, gay, bisexual or transgender, have campaigned around safety on campus issues, against homophobia, violence and discriminatory practices. Some student organisations also provide queer friendly spaces on campuses.

C3.3 NUS believes that these types of representative and service provisions are play an important role in building an equitable, accessible and fair higher education system in which all students can participate equally. Students from disadvantaged backgrounds are often numerically and procedurally marginalised within universities. Some are significantly affected by discrimination and harassment. Student organisations provide the resources for self-representation in order to lobby for improved procedures and access within universities and to government and run particular services for and with students from designated equity groups.

C3.4 Some VSU advocates such as Andrew Southcott (Member for Boothby) argue that: *“Quite obviously, different students place different demands on student services - some students are heavy users of all facilities, and some students use little to none of the services on offer...Free market forces are the key to efficiency, greater welfare and a more sensible allocation of resources to students. A ‘user pays’ system will always be more efficient in the long run, and be more beneficial to students.”* (ALSF's *Protégé* 2004) If Southcott is proposing that student welfare should be delivered on a sort of fee-for-each-consultation model then he is grossly out of step with community expectations. For it is commonly the case that those most in need have the least capacity to pay. The Howard Government does not expect welfare provision to made generally to the community on such a ‘user pays’ model - why should it insist that student organisations delivering student welfare on a basis which it is not prepared to do. The Market Equity study into student services at Adelaide University found that 84% of the 2,908 students sampled said that they preferred paying a universal fee for bundled

services rather than having a fee per use model. More generally the decision by student organisations in the last couple of decades to create significant cross-subsidies that benefit the most needy and demanding students clearly provides a public benefit. That benefit is helping universities retain students from non-traditional backgrounds.

C3.5 Actually if we follow the logic of the economically rational market-driven voluntary student organisation then it would focus its activities towards recruiting students from wealthy backgrounds who have plenty of spare leisure time as they don't have to support themselves through casual work. Such members would spend more, and draw less on things like welfare. It would be back to days when student organisations were mainly about rigger, beer, rowing and debating.

C3.6 The plight of international student welfare is a matter of great concern and confusion. DEST's just released draft *Evaluation of the Education Services for Overseas Student Act 2000 (Report by Phillips KPA. Lifelong Learning Associates, Australian Education International, 2005)*. The report emphasises the key role that welfare-related support services (funded by the non-academic fees) play in students potential to succeed:

Student's potential to succeed in their studies can also be augmented by access to welfare-related support services such as:

- *Advice on and/or access to health services including personal medical services, specialist counselling, mental health services, drug education and counselling, and problem gambling; sexuality education, health promotion and sexual and reproductive health services;*
- *Social adjustment activities such as spouse and family support programmes, and cultural exchange programmes;*
- *Chaplaincy and prayer rooms;*
- *Part-time employment services; and*
- *Information and advice on laws relating to drinking, driver licensing requirements and road traffic safety; and the sale of alcohol and tobacco products*

Such services can be significant to students' wellbeing. Moreover, as DIMIA points out in its submission, failure to provide such information and assistance can result in an inappropriate call by international students on general social services intended for the domestic population.

C3.7 Earlier in the year the Minister was reported in *Campus Review* as telling a conference that international student orientation and support services would not be affected by VSU as higher education providers were required to provide these services by

ESOS Act. However the NLC has sought clarification on the matter from the Minister and has been told that this is not the case.

C4 Student Fee and Payment Options

Deferred Payment Options

C4.1 NUS would like to put on record that up front compulsory student union fees already do not exist due to the flexibility of payment options available to students at most Australian campuses. In the majority of cases students are not required to pay an up-front fee. The equity veneer of the *Abolition of Compulsory Up Front Student Union Fees Bill* has already been accommodated within existing arrangements.

C4.2 Student organisations at almost all institutions offer some form of fee relief or staggered payment mechanisms for students who find themselves in financial difficulty. Options for payment available to students include staggered payment over a 12 months period, interest free loans from universities or student organisations and deferment of fees for a period of time.

C4.3 NUS submits that it is inaccurate to characterise the service contribution as an automatic up-front fee in the majority of cases. There are however a small number of institutions at which students do not have access to other payment options. NUS concurs with Minister Nelson that more flexible payment mechanisms are highly desirable. However, VSU with its anticipated disastrous impact on the vital services and representation that student organisations provide is in NUS's view an extreme way to respond to the problems experienced at a minority of institutions. Instead NUS submits that student organisations in conjunction with the AVCC and university administrations work towards installing more flexible and responsive payment options for students at all Australian universities, and fee waivers in cases of exceptional hardship.

Discount contribution provisions for part-time and external students

C4.4 Special reference has been made in the debate in parliamentary debates about VSU that part-time and external students not receiving their money's worth from student organisations, due to the limited time they spend on campuses. For example in the House of Representatives debate the Education Minister made mention of cross-institutional students paying more than one fee (*Hansard*, 15 March) while the Member for Boothby, Dr. Andrew Southcott raised the issue of part-time and external students paying for services they would never use (*Hansard* 12 May)

C4.5 NUS found that of student organisations it surveyed the vast majority had taken this into consideration when designing payment levels. These students may not have the opportunity to access the full campus experience but should make a reduced

contribution to cover safety net aspects that flow to all students. The University of Wollongong is the only campus with a flat fee structure for all undergraduates, and notably this is the campus where 85% of the fee goes to university service companies (perhaps highlighting that elected students are more concerned about fairness of fee arrangements than many university administrators). Part-time and external students, with one or two exceptions, are not required to contribute the same amount as their full time on campus colleagues. Where this is not the case NUS again suggests that a more appropriate mechanism for resolving this problem would involve student organisations and university administrations working together to ensure all part-time and external students contribute a discounted student organisation levy.

C4.6 NUS wishes to make clear its commitment to the provision of representation and services for all students. Mature aged students, part-timers and external students are especially vulnerable to lack of knowledge of services available, their rights as students, appeals procedures and have a feeling of general isolation. Student organisations have a proud record of easing this isolation through specialist orientation services, and providing information to and advocacy on behalf of these often marginalised students to universities. Distance education students find that having a professional academic rights staff member who is able to act on their behalf on the campus is extremely valuable and often short cuts being bounced around when trying to resolve an issue by phone or e-mail.

C4.7 NUS submits that part-time students and mature aged students, far from subsidising their full-time on campus colleagues, often receive a cross-subsidisation in their direction instead, given that their contribution to the student organisations is in almost all cases a fraction of the full member contribution. For example facilities are often kept open till 8 pm, even though most students have left at 6 pm.

C4.8 The issue of ensuring that fee discounts for part-time and external students and deferred payment options are in place at all campuses was addressed at the recent campus presidents' summit and a reform pledge was signed. Students don't need VSU to fix up these anomalies.

C5 What About The Student Voice on Campus ?

C5.1 One of the great simplifications in the current VSU debate is to equate political activism on social issues with student representative activities and use them as if they are interchangeable terms. Actually category of 'student representation' covers almost as broad a range of activities as 'services.' The issue of political activism on social issues is discussed below in C6.

C5.2 The central mission of student representative organisations is to act as representatives of students at their institutions and to decision-making bodies at university or the government. Student representation has a long history and vital place in

university decision-making structures. University staff and management have long recognised as essential that student views are sought and represented at every level of university decision making. To this end student organisations provide the most democratic and efficient means through which such views can be communicated to the university and its staff. Imagine if instead of the university dealing with elected student representatives the university had to deal with 40,000 atomised students.

Some examples of policies and initiatives introduced at Australian Universities due to the representative functions of student organisations include:

- implementation of sexual harassment and other anti-discrimination measures
- assessment appeal policies;
- supplementary exam policies;
- safety on campus measures;
- special consideration processes;
- restrictions of charging course material fees, and monitoring faculty adherence to ministerial guidelines

C5.3 NUS submits that meaningful representation of student views is only possible if two central conditions continue to exist:

1. Universal membership of student organisations. Universal membership ensures that elected student representatives are the legitimate spokespeople for students on campus. In addition, having faced annual elections, student representatives can speak from a mandate, having tested their policy objectives with the entire student body. Universality means that representatives are accountable to the entire student body not just a section of it.

2. Resourcing of student representation.

a) Many student representatives sit on several university boards, ranging from university councils and academic boards to facilities committees. In order to represent students' views regarding highly complex matters, student representatives make use of resources provided by their organisations. Student organisations employ research and administration staff to professional support student representative work on university committees.

b) Student organisations provide information to members and student representatives through strong research focus and their positions as the legitimate representative bodies at universities. To this end student organisations provide an avenue for information collection, dissemination and the canvassing of student opinion without which student representation becomes meaningless.

c) Student organisations provide resources, such as access to research libraries, telephones, and computers, funding for clubs and societies and other infrastructure to students on campuses. This allows the flourishing of diverse political debate and activity, as well as the ability for students to represent themselves in many areas of university life. Students have common interests and are part of one university community. However the

student population is also diverse with individuals and groups expressing interests in a vast range of issues. Groups like international student associations, Liberal student clubs and Christian clubs make up part of student organisations, and work on different issues of concern to them. Labor students, environment collectives, muslim clubs, faculty associations, indigenous groups and many more work on their interests. This diversity, funded and promoted by student organisations, is the cornerstone of democratic student life. Student organisations proudly support this diversity and model of self-representation. We think that exposing students to this melting pot of ideas and cultures forms a key part about widening the horizons on Australia's graduates. Through this process student representatives have represented student interests effectively and extended their interests on all campuses in Australia.

Postgraduates

C5.4 Quite a few universities have postgraduate student organisations that are separate from the student union or guild, while other universities have postgraduate committees or associations existing within the guild/union structure. In all cases, postgraduate organisations maintain close contact with Schools of Graduate Studies, and usually work closely with Deans of Graduate Studies to ensure that universities' postgraduate programs best serve the needs of postgraduates.

C5.5 Postgraduate student organisations ensure that the special needs of postgraduate students are met. Examples of programs and services offered to postgraduates by postgraduate student organisations include:

- Professional caseworkers to assist research students to establish a good working relationships with their supervisor, and offer advice when problems arise;
- Seminars on thesis preparation and publication; assistance with material production of theses
- Support for student-initiated conferences, including interdisciplinary conferences and inter-university conferences;
- Out-of-hours support and events for coursework students (who often study part-time and out of hours, and suffer a high incidence of isolation)
- Parent-friendly events (postgraduates are on average in their mid-to-late thirties, and events allowing students to expose their children and partners to university life are always well attended);
- Disability support (due to their greater age, the incidence of disability amongst postgraduates is proportionately higher than amongst undergraduates), and
- Specialist representation on university committees and boards of postgraduate students' distinctive voice—postgraduates often have careers, families, carer responsibilities and professional lives which mean their needs are different from the larger undergraduate student body.

C5.6 Postgraduate student organisations also play an important role in supporting the growing number of international students coming to Australia to study at the postgraduate level. These students often come from tertiary educational backgrounds

very different from Australia's, and assistance from their Australian peers makes a big difference in their adjustment to Australian university studies. This is especially true for international students studying toward research degrees in Australia, who can become overwhelmingly isolated without peer support. Most postgraduate associations report international students as their most active members and the biggest users of their facilities and services.

VSU Impact

C5.7 As we described above as student representation deals with intangible and/or public goods it is likely that only the most strongly community minded will join the association. While the association might survive at best in an extremely limited form, as essentially a voluntary club, it would not have the financial means to act as a stable employer. For example the association would no longer be able to employ professional research staff to assist the student representatives with the advice and submissions they provide to university and government bodies. Also the student organisation would no longer have a structural relationship with the whole student body. This would narrow the scope for the advice that the student organisation would be able to provide to the University Council and its advisory bodies. This issue is particularly pertinent at a multi-campus university where the collapse of an effective student representative is most likely to be the most severe away from the main campus. The reality of the current VSU bill will be the loss of any organised and effective capacity for student representation on the campus. At the end of the day the loss of effective student representation will lead the universities to make poorer decisions. Some Coalition MPs have been looking for a 'compromise model' with compulsory funding for some services but not for representation. Students are even more unlikely to join a voluntary 'representative' body if they have already paid a compulsory fee for non-representative services.

C5.8 NUS believes that there are deep structural obstacles to the university simply taking over the advocacy functions of student organisations without a major reduction in effectiveness. NUS is concerned that if the university takes over the running of student organisation's academic rights service it risks getting itself into the tangle of representing itself against itself. Under the current arrangements students have the confidence their academic rights advisers are sufficiently independent to be able to consistently advocate on their behalf. Even with the best of goodwill from the university it would be widely perceived to be have a conflict of interest. In some cases student grievances against university decisions lead to legal action. Do the VSU supporters really believe that a university would be as prepared to support legal action against itself on behalf of an aggrieved student ? Do VSU supporters really believe that the loss of independence will not lead in practice to a diminishing of the rights of the students? This would also break the nexus between advocacy and student representation to improve university assessment policies and procedures.

C5.9 The Minister is fond of saying that because we live in the 21st century we need to have VSU. Actually we would say that because we live in the 21st century the

role of student representative organisations is more essential than ever. Student; staff ratios have doubled over the last decade, students are packed into the aisles of lecture theatres, so called 'tutorials' commonly have 100 students, lecturers are taking on much greater teaching and administrative loads leaving them little time for one to one meetings with students, and now HECS fee levels have been deregulated so that universities decide how much students are charged. In such a stressed environment disputes are becoming more common and student organisations have become much more central to dispute resolution in the hot-house that is a 21st century Australian public university. If we were having a rational debate about what should be funded from a universal student amenities fee we would say that student representative organisations should be the first thing because they deal in non-market intangibles yet are essential for the good running of the university. Unfortunately the emotive issue of stopping any potential cross-subsidies from student representation to political activism on social causes has clouded rational debate.

C5.10 The issue of the rights of international students was examined in DEST's just released draft *Evaluation of the Education Services for Overseas Student Act 2000* (Report by Phillips KPA, Lifelong Learning Associates, Australian Education International, 2005). The report found that:

'There is a widespread view in most sectors that problems encountered by international students arise at least in part because they are not aware of their rights and obligations. The tenor of the commentary is that improvements in students' awareness as consumers will benefit their educational outcomes and satisfaction with their experience of studying and living in Australia. Equally, it will reduce the number and intensity of problems which students encounter and, in turn, help reduce call on support services, violations of visa conditions and recourse to appeal mechanisms.'

C5.11 The report cited the experience of students saying:

'The ability of international students to address consumer complaints while in Australia is extremely limited. Many factors prevent students from seeking advice and help in such areas, the most prevalent being fear of visa cancellation. With such fears there are many incidences that go unchecked and unreported leaving the student with a low quality educational experience and often an incomplete, unsuccessful journey. There needs to be a more open and transparent method students may pursue to ensure that their education is at all times successful and the provider is providing a high quality education as expected.'

C5.12 It is clear that there is a great deal of unanimity across the sector if Australia wants to continue to be a successful player in the international student market it needs to strengthen the consumer rights and independent grievance framework for students. Student organisations in partnership with university international student sections have a key role in turning codes and grievance procedures on bits of paper into something that is understood and accessible to international students. They need more resources to do it better. Unfortunately the VSU advocates will do great damage to the

international student market by pulling away much of the funding the makes this possible.

C5.13 The legislation may also have a major impact on national representative structures. Many of the decisions that directly affect students are determined at a national level: university funding, Youth Allowance, Austudy, Abstudy, the regulation of HECS-HELP, FEE-HELP and other fees, postgraduate and equity scholarships, federal equity programs, student loans schemes and international student programs. There are four major national student representative bodies: NUS, Council of Australian Postgraduate Association (CAPA), the National Liaison Committee for International Students (NLC) and the National Indigenous Postgraduate Association Aboriginal Corporation (NIPAAAC) . NUS and CAPA are voluntary federations of their member student organisations. The NLC does not charge membership fees and is dependent for the bulk of its funding on grants from NUS. NIIPAC is similarly dependent for its existence on CAPA funding.

C5.14 The existence of NUS, CAPA, NIPAAAC and the NLC would be put at risk by a form of VSU that prevented the payment of affiliation fees. Short of specific proscription a voluntary fee regime imposed on member organisations is likely to lead to most of them being unable to pay affiliation fees and the loss of national representation on national matters relating to student education and welfare. While VSU was in operation in WA the Guilds were only able to remain members because NUS waived their entire membership fee. NUS and CAPA are financially dependent almost exclusively on membership fees so federal VSU legislation would mean that they would cease to have a significant income base.

C5.15 No doubt many government supporters would celebrate the demise of a couple of the government's most persistent and trenchant critics. NUS has had a series of very public fights against the previous Hawke-Keating Government and the Howard Government, particularly over fee increases. However, behind the scenes the reality is a bit more complex. In the past NUS has successfully lobbied the previous ALP Government to lower the age of independent access to financial assistance from 25 to 22, and was a member of the Department of Education's Higher Education Council. NUS continues to be regularly called upon by Senators to appear before Senate committees to provide expert advice on education and welfare matters. Despite the public disagreements on many matters, NUS has been praised in parliament by the current Education Minister for its high level of involvement in the recent review of higher education and Minister Nelson invited the 2002 NUS President to make a presentation on alternative funding models to one of the final closed meetings of the review committee (which we did). There are areas of agreement between NUS and the current Minister. The Minister invited NUS to take part in consultation process around the new Carrick Institute of Teaching and Learning, and he has also requested that NUS provide an indigenous student representative for the Higher Education Indigenous Advisory Council. Likewise the NLC is currently working closely with government to reform the *Education Services for Overseas Student Act* in order to improve the situation for international students. The NLC President recently served on DEST's *Education Services for Overseas Student Act* Evaluation Steering Committee.

C5.16 There also have been some public benefit benefits arising from the robust political contestation between bodies like NUS and the Government over the future direction of our universities. For example the fierce debates over higher education receive much more attention than TAFE even though twice as many people do a TAFE course each year. In the last three or four years NUS has got much more skilled and diverse in its media strategy and in building links with school P&C groups. NUS receives queries from organisations with far more resources asking us how we maintain such a high media profile. The payoff has been that issues of university study debt, fees and access have moved out from being a discussion amongst specialists and the elites who read the *Higher Education Supplement* and *Campus Review*. The media of the people who traditionally haven't seen university as part of their life choices (tabloid papers, talk radio) now give higher education much more attention. This can only help to promote a more informed on-going debate in the community about how we can open up higher education opportunities to those traditionally disenfranchised.

C5.17 Another example is the final *Higher Education Support Act* (the Nelson reform package). At one stage the Minister and the AVCC had signed off on a deal that was claimed to be the best that the higher sector was going to get. However, NUS kept the pressure up on the Independent Senators who held the balance of power, including meeting their requests for independent (from DEST) research on particular matters. The result was a new deal that became the final legislation. While the legislation sold out students on their core demand of opposing the HECS increases it did include a number of improvements such as additional scholarships and a further increase in the HECS income repayment threshold over and above the initial Minister-AVCC deal. In short NUS's political contestation led to what nearly everyone now agrees is better higher education policy than the original deal.

C5.18 Another significant area of Howard Government reform has been private tertiary education providers. The proliferation of new accredited higher education providers and the recent extension of FEE-HELP provisions to many of them is creating a significant private higher education sector. The absence of meaningful student representative organisations in the rapidly emerging private higher education sector should be a cause for concern rather than celebration. Some of the new private providers, undoubtedly are providing quality education tailored to the needs of their niche customers. However, this isn't always the case. The NLC was recently approached by second year international students from an accredited private tertiary education provider with claims of serious dysfunctionality (the students said that previous years assessment grades not still not available or assessment returned, lecturers regularly turning up more than an hour late to seminars), etc. The NLC took up the case as the students had nowhere else to go. The NLC made contact with the relevant state government education department and DEST which led to a prompt investigation.

C5.19 It is very hard for students to get their thousands of dollars back off dysfunctional private providers, even if they are prepared to risk more thousands of dollars in expensive litigation. If we are to adopt market-speak then student consumers need a

robust accreditation and quality assurance system to underpin the new private higher education market. However, quality and accreditation departments tend to be small, under-resourced and are little known outside senior higher policy circles. Certainly it is unreasonable to expect students who have been in the country for a few weeks to know the obscure ways of accreditation and quality bodies. It is also naive to assume that a higher education provider's administration would assist these students with launching a complaint that would put the provider's accreditation at risk. Independent student organisations can play a vital link between the aggrieved students and accreditation, CRICOS registration and quality bodies. Possible future student organisations at private universities are likely to look very different from the 'broad campus experience' model at most public universities but there does seem to be a need for some structure that will make student (consumer) rights meaningful.

C5.20 Already at the public universities the student organisations provide assistance with the quality audits cycles. The Australian Universities Quality Agency's audit teams routinely meet with student representatives to discuss how well or not the university is complying with its stated mission and quality commitments. There is value to AUQA being able to contact student representatives from an independent organisation routinely engaged in the university and faculty decision making processes, rather than just picking any student at random.

C5.21 The examples of dysfunctional private providers where there are no student rights or organised student voice gives us a disturbing example of what might become much more common in higher education. By contrast it also highlights what student organisations at the public universities have achieved over the last 130 years. The extent to which VSU undermines effective student representation will flow on to the diminishing of student (consumer) rights. In the short term dodgy providers might prosper on the basis of glossy brochures and flash websites. In the long term the whole Australian higher education system will suffer as word gets out across Asia, Scandinavia and North America that the Australian government is more interested in silencing the messenger than building a more robust quality assurance framework to protect consumer rights.

C6 Political Activism and Student Engagement With Society

C6.1 Very few reasonable people take offence at the notion that the views of students should be able to be represented on matters of direct interest to them to bodies making decisions about the provision, cost and quality of their education. However, the small fraction of student organisation revenue spent at some organisations on progressive socio-political causes has raised the ire of many conservatives ever since small donations were made to Vietnam Moratorium Committees in 1970. This has led to various attempts over the past 35 years to ban the use of student amenity fees for expenditures on matters not directly affecting students as students.

C6.2 Firstly it should be pointed out that most student organisations don't do this and where it does occur the amounts of money involved are almost without exception trivial. They are too small to have anything beyond a negligible impact on student amenity fee levels. So the argument is about symbolism rather than a discernible extra financial impost on students. However, there is a legitimate ethical debate over the use of compulsorily collected funds on activities that a substantial minority of the membership find objectionable (however, symbolic the amount actually is). Many political conservatives would regard this as a self-evident truth.

C6.3 However, it becomes somewhat rubbery determining what is reasonably constitutes a politically objectionable activity. Universities are a hotbed of ideas and students have sometimes wanted to break out of the confines of vocationalism and credentialism and make some kind of positive impact on the world around them. In many cases students were just a bit ahead of what was later accepted as the norm. Were student organisations in the 1950s wrong to take a stand against the White Australia policy? Were student organisations wrong to pioneer the development of childcare facilities on campuses - even though there were a vocal minority strongly opposed? Were student organisations in the late 1970s wrong to oppose the expulsion of students from their teaching degrees simply for being homosexual?

C6.4 Some might point to the so called left excesses of the 1960s and 1970s. But reality is more complicated. First of all the activities of the far student left in the 1960s occurred despite student organisations rather than because of them. The far left groups were self-funded and in some cases wanted to abolish student organisations that they saw as bureaucratic and holding students back in official channels. However, as student organisations are democratic the changed political climate at the end of the 1960s produced a general swing to the left for a number of years, at least in the student representative bodies.

C6.5 However, while they were ahead of conservative thought they were often moving in the same direction as what soon became bipartisan policy. For example the National Union of Australian University Students in 1969, after a three year bitter debate finally adopted a position opposing the Australian military involvement Vietnam War. Yet within two years the Liberal Government announced the withdrawal of Australian troops. In 1971 the new Australian Union of Students provoked considerable controversy for backing national protests against the Springbok rugby tour. Yet within months the Liberal Government decided that it would ban sporting links with the apartheid regime in South Africa. Even the oft-cited Palestinian debates in 1974-5 are widely regarded as leading to a significant reappraisal of Australia's foreign policy on the Israel-Palestine conflict.

C6.6 At the end of the day these matters should not be up to a government minister or vice-chancellor to decide what students do with their own pooled money. Students through their democratic processes should decide. Like in the off-campus world it is the responsibility for an aggrieved minority to change policies, activities and student

governments they find objectionable through democratic means. Senator Carrick, education minister under the Fraser Liberal Government, summed up the moderate conservative position well in responding to VSU lobbying efforts by some hard-line Western Australian ALSF members, by arguing “..the cure must originate basically from the members themselves. It is within the student unions to rectify the matter. It is an important problem and I should be happy to discuss it further. In other days I have participated - and successfully too - in the martialling (sic) of student ideas and energies towards the democratic process.”

C7 Regional Impact

C7.1 Universities in rural and regional areas play a crucial role in the community as providers of services, infrastructure, cultural events and employment. Student organisations are currently responsible for the provision of a large percentage of these functions. While VSU would have a devastating effect on all universities and students, these effects would be exacerbated in regional communities. Student organisations are major employers within regional areas. Many of these job opportunities would be lost in areas where unemployment is already unacceptably high.

C7.2 Many facilities like banking, sporting grounds, childcare centres, health services, cinemas and cultural activities are currently provided by student organisations, and are open to the local community. At times these types of services are only available to these communities as a result of their provision by student organisations to their membership and by extension the public. These facilities may no longer be provided under national VSU.

C7.3 In rural areas young people often have little access to cultural, civic education or other social activities, and often limited recreational facilities. Student organisations currently fill this gap in a number of regional centres. These services may not survive under VSU. For example when similar VSU legislation was proposed in 1999 the Monash University Gippsland Student Union (MUGSU) submitted:

"The impact of a WA style VSU in particular on small and regional campuses would be severe. MUGSU for example is located in a town of six thousand people; we employ 12 effective full-time staff and around fifty casual staff. We contribute in excess of a million dollars to the local economy in terms of wages and the purchase of goods and services; the Leisure Centre and Sports and Recreation are dependent on monies raised from the student body; Pooh Corner [a local childcare centre open to students and the community] is subsidised by MUGSU - peoples livelihoods are at stake. The effect of a WA style VSU on MUGSU would constitute a substantial blow to the local and regional economy, which should be of some concern to regional authorities."

C7.4 There are many examples of the way in which local regional communities benefit from student funded services:

- The UNE Students Association is the sole administrator of the student employment database and works with the regional community in finding jobs for students. UNESA provides assistance with resumes and interview preparation skills. In the context of a struggling regional economy the existence of such a service helps develop the local economy. The UNE Union in partnership with the Armidale Ex-Services Club, constructed and operates the local cinema, a facility used by the whole community.
- The student staffed radio station 2UNE broadcasts to the Armidale region seven days a week, 24 hours a day. Radio 2UNE is one of Australia's oldest regional community radio stations
- The USQ Guild's Clive Berghofer Recreation Centre provides students and the wider Toowoomba and Darling Downs community with their only easy access to Olympic standard sports and training facilities.

C7.5 When Minister Nelson introduced VSU legislation in 2003 the Australasian Campus Union Managers Association (ACUMA) undertook a survey of the major regional campus student organisations to determine the impact of WA-style VSU. The organisations covered were:

Bendigo Students Association (La Trobe)
 Charles Darwin University Students' Union
 Central Queensland University Students Association
 Charles Sturt University Students Association - Albury
 Charles Sturt University Students' Association - Bathurst
 Charles Sturt University Students' Association - Wagga
 James Cook University Students' Association (Townsville and Cairns)
 Monash University Gippsland Student Union
 Tasmania University Union
 University of Ballarat Students' Association
 University of New England Union
 University of Southern Queensland Student Guild
 University of Tasmania Students' Association - Launceston

C7.6 The survey found that the organisations received \$15.5m of student amenity fee income, which along with their commercial revenue, was used to service 135,000 regional students. The organisations employed 1,854 professional staff and also provided casual employment for over 725 students. ACUMA conservatively estimated that the introduction of WA style VSU would lead to the loss of 550 jobs in regional areas.

C7.7 The student organisations on satellite campus of metropolitan campuses will face the most severe cuts as VSU will tend to force services to be consolidated on the larger metropolitan campus at the expense of cross-subsidised services on the small campuses.

C7.8 Regional universities generally have much less access to commercial income sources to support core non-academic student services. Many regional campuses like University of Newcastle are bearing a large part of the burden of the recent restructuring of higher education and research.

C7.9 A recent study found that rural students who receive an offer of a place at university are deferring for a year at nearly double the rate of non-rural students, often citing financial difficulties (DEST, *The First Year Experience in Australian Universities: Findings from A Decade Of National Studies*, CSHE, 2005). Due to the special structural disadvantages faced by many regional students regional students need more than just some funding for some basic services and facilities – they need an organised voice to represent their interests to university and government decision-making bodies.

C8 VSU and the Arts

C8.1 Student organisations have played a significant role in nurturing the initial stages of Australia’s cultural and artistic performers. For example John Bell from the Bell Shakespeare Company recalls that the mix of art students in his student theatre days at Sydney University included: Clive James, Les Murray, Richard Wherrett, Leo Schofield, Bob Ellis, Germaine Greer and Robert Hughes. He said: “We were all there together in this hothouse. It was a real incubator for a lot of talent, and all of us went on from here to a life in the arts.” Melbourne University’s student theatre alumni include Barry Humphries, Frank Thring, Zoe Caldwell, Steve Vizard, Max Gillies, Joanna Murray Smith and Graeme Blundell.

C8.2 On May 17 this year around a 1,000 of Australia’s leading artists and performers – including Cate Blanchett, David Williamson, Geoffrey Rush, Jackie Weaver, Max Gillies and Kaz Cooke united to take out large ‘Dagger In The Art’ ads in the major papers condemning the VSU bill for its impact on the arts and cultural services offered to students through student organisations across Australia. They argued that it would affect:

- The viability of facilities, including theatres, art galleries, cinemas and band venues;
- Production of student magazines, newspapers, student radio and television stations;
- Employment for performers, bands, filmmakers, designers and visual artists;
- Access to workshops, master classes, mentorship schemes, forums, technical and administrative support
- The acquisition of social development, communication and creative problem solving skills – all highly valued in the work force outside of the arts
- Support for new performing and visual works, new writing, new musical composition and new media concepts

The ad went on to argue that: “The ability to tell our stories in a unique Australian voice is too precious to waste. Our universities run the risk of becoming cultural slums and a national disgrace if financial support for arts and culture is removed. The impact will be dire now and into the future. Extra-curricular activities, available to each and every student on campus, have produced a huge array of talented artists who have enriched the nation’s culture and in, many cases, become national and international icons. “Over a 1,000 people turned up to a public meeting at the Melbourne Uni Student Union called by the sponsors of the ad.

C8.3 One of the organisers of the event, Bob Pavlich, La Trobe University’s artistic director, said that he felt he had to act to stop the changes. La Trobe’s student theatre receives \$116,000 to pay for two staff and to produce up to 20 plays and a dozen films each year. He told the *AFR* that if the fees became voluntary: “I would be out of a job, the office would close.” Comedian Rob Sitch, a principal of the *Working Dogs* team that produced *Frontline*, *The Castle* and *The Dish*, told the *AFR* that the enterprise can be traced back to \$500 in seed funding from the Melbourne University Student Union.

C8.4 The art community also mobilised back in 1994 when the Kennett Government introduced a form of anti-student organisation legislation restricting the use of the compulsory fees to list of legislatively approved functions. The original list excluded student run arts facilities. The effects of the legislation on campus culture became a prominent focus. Much of Melbourne’s cultural community rushed to the defence of student organisations. The legislation would have effectively cut off the funding to the student run theatres, art galleries and newspapers. For example Melbourne University has nurtured three generations of playwrights, actors and directors who have dominated the national arts scene. Well known comedians, Steve Vizard, Rob Sitch, Michael Veitch, Marg Downey all got their break in student comedy revues at university. The newspaper, *Farrago*, has spawned many of the leading names in Australian journalism. Satirical writer Kaz Cooke declared that she opposed the law “designed to make student unions half dead and dead boring. It might be the required state for politicians, but it’s not a good look for universities.” Rob Sitch from the comedic *D-Generation* said that the Government should lighten up. He believed that the *D-Generation* and other comedic talents would never have been able to gain the mass audience that they did without the financial support of the student union and the intellectually supportive environment of a university. The legislation caused such a stir in the arts, music and comedy community that *The Age* devoted four pages of the weekend features section and its editorial to pillory the Kennett Government for its cultural vandalism. Shortly after the government backed down and added arts and cultural facilities to its list of services that could be funded from the compulsory student service fee.

C8.5 The Victorian College of Arts Student Union provides an excellent example of the support given to help Australia’s next generation of artists, dancers and film makers reach their potential:

- Cultural Activities Grants. The Student Union administers Cultural Activities Grants, where students may apply for financial assistance for cultural activities that are not part of course requirements.
- accident insurance (vital for dance students)
- Referral to Arts Funding Bodies
- Sponsorship Assistance for Productions / Exhibitions
- Film nights and Performances
- PROUD (a major exhibition of student work, awarding several prizes)
- Soundout (a compilation CD of the best work produced by music students)

C8.6 Student newspapers despite their sometimes notorious ‘undergraduate humour’ reputations can play a vital role in building a sense of community and identity at a university as well as being a forum for debate on topical issues of the day. Their quality is uneven but more than a few are very good and have the respect in the journalistic community. This can be seen by the number of people who have been employed by the mainstream press after stints as student newspaper editors over those who have only studied in journalism courses.

C8.7 There may also be a spinoff effect onto the live music scene. The campus gigs have become more important to sustaining the live music industry as the spread of pokies in recent years has seen many hotels abandon their role as regular live music venue. No one is arguing that VSU would mean there would be no more live music at campuses. But if it is done through the big private off campus promoters the acts will be mainly the lucrative well established acts. Reduction in regular campus gigs and loss of student radio would mean that there are a lot less opportunities for newer and alternative music bands, and viability of events like the National Campus Band Competition would be in doubt without professional campus activities officers to organise it.

C8.8 The current bill kills off student run cultural institutions at our universities, and the robust culture that underpins them, and the Australian public will be denied one of the richest veins of talent.

APPENDIX ONE: VSU IN THE MEDIA

The Federal Government's controversial laws scrapping compulsory student union fees would ensure universities would become "wastelands" lacking the facilities of decent institutions worldwide. The legislation would impoverish universities deterring international students as they "see Australian institutions becoming academic slums." **La Trobe University Vice-Chancellor, Michael Osborne as reported in The Age, 18 March 2005**

The Group of Eight supports the arrangements as they exist whereby autonomous universities can charge for all students to provide services that are available to be used by all students. Not all will be used by everybody, of course; not everybody will play football or chess or need childcare or legal advice or counselling or help with accommodation, essay writing skills, statistics or the rules of cricket. Some services might be non-academic, but they help to ensure that campus life is a life and a community. Effective student associations and the representation they provide also make an important contribution.' **ANU Vice-Chancellor and chair of Group of Eight Universities, Ian Chubb, The Australian 23 March 2005**

Student guild staff retrenchments, disadvantaged students, diminished campus life and international enrolment losses are among the bleak prospects foreshadowed in federal Minister Brendan Nelson's proposed VSU legislation. Here in Western Australia, we know what lies ahead – we've had non-compulsory student unionism since 1994, after the state government imposed a ban. Student support and services suffered immensely as a result. Our student guild, for instance, struggled to maintain even basic services – especially after federal funding to affected guilds was axed by the Coalition Government in 1996.

Edith Cowan University Student Guild income plummeted from \$1.85 million in 1996 to just \$122,000 in 1998, and the guild ultimately plunged into liquidation. This caused significant disruption of non-academic services to students just when the university committed itself to substantial growth of its Joondalup campus in Perth's expanding northern corridor and a renewed drive to attract international students.

Student services began to rise from the ashes only after ECU stepped in to meet a shortfall of nearly \$750,000, and recovered when a different state government introduced compulsory student services fees as a necessary and welcome lifeline.

Millicent Poole, Vice-Chancellor of Edith Cowan University, Australian 23 March 2005

'The Nelson demand that no student be required to pay hundreds of dollars a year for services they might never use and in which they have no interest has superficial appeal. But its consequences will be the diminution of varsity amenity, evaporation of some services and the enfeeblement of others as university cash intended for learning is diverted instead of propping them up. Little wonder the vice-chancellors do not want the

tap turned off. Student development will be poorer for the austerity imposed on campus life, although students who do not participate beyond their studies will be financially richer...Dr. Nelson should allow universities room to spare what is necessary. Instead, he naively or flippantly says desired services will be preserved by contributions of volunteers, as if interdependence can flourish when individual's contributions are decided on personal whim. That is like arguing we would all maintain our tax payments if tax became voluntary. If he believes that, Dr, Nelson should himself go back to studies.”
Sydney Morning Herald Editorial, 18 March 2005

‘The nub of the Government’s opposition to compulsory fees seems to rest on the fact that a small proportion of the money finds its way through the funding of clubs, societies and associations into political activity of some form. At a time when encouraging greater community participation in the political process is warranted, especially among young people, it seems an oddly backward-looking stance. It is a view fed perhaps by a perception within the Government that student politics will necessarily be anti-conservative. Given the financial walloping universities and students have been given in recent years,, that is hardly surprising. Without compulsory student union fees, many services and facilities will inevitably be cut and some of the diversity –and soul – will disappear from university life.” **The Age Editorial, 19 March 2005**

“Vicious dogma may bite back...parliaments all over the commonwealth are filled with MPs who cut their political teeth in the wild and wooley world of student politics. Treasurer Peter Costello is a good example. In Queensland Transport Minister Peter Lucas is a former student activist along with former state MP Mike Kaiser and Democrats Senator John Cherry. For better or worse student unions have formed an important training ground for spotty youths who end up running governments. Not any more. And as International Olympic Committee delegate Kevan Gosper said this week, many of the nation’s top sportspeople also have benefited from student unionism by being members of campus-based sporting clubs and associations that, until now, have been subsidised...strict adherence to dogma leaves no room for the light and shade of politics.”
Matthew Franklin, Courier Mail’s national political editor, 19 March 2005

“Yet Nelson refuses to address concerns that abolishing compulsory fees will cripple vital campus services and diminish university life. He ridicules allegedly subsidised groups such as a Queensland ‘Lego club” and wonders why food at campus refectories is more expensive than at nearby shops. These are cheap, disingenuous shots employed to avoid dealing with the wider effect of his changes. The Education Minister likes to boast he lives on Planet Common Sense. He says universities must join the 21st century and adopt user-pays funding arrangements for campus services, does Nelson truly believe students, already slugged by increases in tertiary fees, should be forced to pay the full cost of drug counselling or childcare or career advice. These and many other valuable services are funded by fees, yet the minister won’t address these issues, preferring to amuse himself with imbecilic sausage-roll analogies.” **Matt Price column in Weekend Australian, 19 March 2005**

“Nevertheless, in a more commercial higher education sector, some universities and colleges will want to market more than just the academic experience and education Minister Brendan Nelson’s new legislation may limit their options to fund non-academic facilities... Ideally, the market should rule the issue. Universities that think their present and potential students want to have facilities can build and operate them (Directly or through the student union) at whatever level they think their market demands. Those wanting a minimum level of services (perhaps because they cater to many part-timers) are free to operate that way. And universities could themselves come up with better ways to ensure part-timers, not those not using non-academic facilities, got a fairer go. But please, no more rules that entwine higher education in yet more of Canberra’s central planning.” **Tim Dodd, *Australian Financial Review*, 21 March 2005**

“Education Minister Brendan Nelson comparison of the cost of a sausage roll on and off campus is simplistic and insulting to students who fear paying for services such as childcare, gym membership and food. Voluntary student unionism is a cause celebre of the Government. But it remains a misguided policy.” ***Hobart Mercury Editorial*, 22 March 2005**

“Students of private schools get a better return from their investment if they participate more frequently in using common facilities like sports ovals and music facilities. Try to argue you should pay less for your child because they have no interest in any communal activity. You will probably be told that your child should get more involved in the general school community. If they do they will not only get better value for their parents’ dollar but will also benefit the whole school. The key word is common facilities.” **John Warhurst, *Canberra Times*, 28 March 2005**

“Wouldn’t it be great if the world operated by Dr. Nelson’s rules and you never had to cough up for something you didn’t use ? I’d be able to get a nice refund on those roller blades that are still in the box at the back of my cupboard. It would certainly throw the whole tax system into disarray. For starters, can I have my baby bonus money back, please? “ **Will Anderson (The Glasshouse) *Sunday Telegraph and Sunday Herald Sun*, 3 April 2004**