

**Submission  
to  
Senate Employment, Workplace Relations and Education  
Legislation Committee  
Inquiry into the provisions of the Higher Education Support Amendment  
(Abolition of Compulsory Up-front Union Fees) Bill 2005**

**The Progressive Law Students' Association (UWA)**

Introduction

The Progressive Law Students' Association (PLSA) aims to connect law students to the broader community by encouraging intelligent and informed legal activism and advocacy. The PLSA holds the view that the law, in the hands of sound, right minded practitioners, can be used as a tool to assist and empower the disadvantaged or wrongfully deprived. To this end the PLSA constitution sets out that it will endeavour to encourage and facilitate legal activism, legal education, law reform and community debate.

The PLSA was formed in the first half of 2005 and already has a membership of over 50 students. The PLSA is one of a number of student groups and associations that serve the students of the University of Western Australia Law School. The main law student representative group is the Blackstone Society. Other student law groups also exist to serve the needs of the wider community. The Law Student Community Support group, for example, has long been involved in running community legal projects (such as free legal advice nights). In short, the PLSA is part of a broader network of student organisations that help service the diverse needs of UWA law students.

Despite facing the pressures of exams and work, I thought it important to write a submission to the Committee on this issue, given the potentially severe impact of the proposed legislation upon all Australian tertiary students. I am grateful for the opportunity to write such a submission and have it considered by a politically balanced Committee. I hope such opportunities will be available to myself and others in the future.

“VSU” and the myth of the West

Committee members will be aware that Western Australian student Unions and Guilds have had extensive experience with “Voluntary Student Unionism” (VSU). It is a myth that student Unions “survived and thrived” under VSU in Western Australia. The University of Western Australia Guild, for example, was forced to close its on campus Sexual Assault Referral Centre, make staff redundant, sell off student ownership of University sporting facilities and sell student controlled buildings and workspace in order to survive the financial trauma of ‘VSU’. The Guild of Edith Cowan University went into administration, while Murdoch University Guild also found itself in a financially perilous state.

The experience of VSU in Western Australia highlights that the key effect of removing the current compulsory Amenities and Services Fee will be a significant reduction in student services and the consequent denial to students of their right to organise and represent their own interests to the University, the community and Government. I ask Committee members to critically question the claims made about the effect VSU had on WA student Unions. It is concerning that Minister Nelson has sought to spin the reality of VSU in the West in order to support his broader aim of silencing the many voices of Australian students.

### The Sound of Silence

An examination of the current system of a compulsory Amenities and Services Fee levied on University students in Western Australia highlights that there is a workable and sensible alternative to an outright abolition of compulsory union fees. The proceeds of the fee at UWA (\$120 for full time, on campus students) is divided between the UWA Student Guild and the University Sports Association, with a minimal amount being deducted for administration. The money that is received by the Guild from the fee is spent in accordance with the Guild's student determined priorities, and in accordance with the procedures set down by the Guild's Finance and Planning Committee and student elected Guild Council.

Money raised by the Amenities and Services Fee *is* spent on political activity, such as campaigning on campus in opposition to the introduction of 'super- HECS' or full fee paying places. It is crucial that student money is spent on politically defending students' interests, when elected student representatives decide that such interests are under threat. The important point is that the manner in which student money is spent is determined in an open, transparent and politically accountable way. Guild elections at UWA are administered by the Western Australian Electoral Commission and all students (even those who are not members of the Guild) are eligible to vote. If students do not like the way in which their money has been spent they are free to 'kick out' certain individuals or party tickets. Notably at UWA, students opposed to the levying of a Compulsory Amenities Fee have run in Guild elections for a number of years with varying success.

The control of UWA students over how their money is spent is not limited to participation in Guild elections. All UWA Student Guild policies and spending decisions are reviewable by Student Ordinary and Annual General Meetings and ultimately can be adopted or amended at student initiated referendums. Policies of some public controversy, such as decisions to financially assist refugee rights groups, have been formulated as a result of open and transparent democratic processes.

Not all students agree with all of the policies of student Unions in Western Australia, just as not all citizens agree with the policies of the Governments whom they elect and to whom they pay taxes. The reality is, however, that all students benefit from having a student run politically representative body in existence, therefore it is only reasonably to expect all students to contribute some financial amount to the costs of running such an

organisation. Students are not always aware of the benefits they gain from their Union and such benefits are not always quantifiable. Were the Amenities and Services fee to be abolished, however, there is little doubt that students would again see the deterioration of services on campus. Despite the best efforts of the Guild to market membership, it is only inevitable that some students will take advantage of the 'free rider' principle under a VSU system, benefiting from the existence of students Union's without paying membership fees.

While it is argued that if students valued their Guild enough they would pay to join, the services that student Union's provide are not always readily compatible with a user pays principle. Sometimes the benefits student Union's provide are tangible, such as when Union staff and student representatives successfully prevent the University from imposing an 'illegal' course fee. Sometimes the benefits are intangible, such as when students representatives represent the student body on University governing bodies. Often it is not appropriate for student Union's to make services exclusive to members (e.g.. emergency counselling).

All students benefit from the existence of student unions. Even if the perceived benefit varies between students, all benefit from having in place an open and democratic system whereby the varying voices of students can be directly represented to the University and the wider world. It is possible that some of the gap in services that will occur under VSU could be filled by the University. Logically, however, the most important role of student Union's, giving students a voice of their own, cannot be quantified, nor replaced when students unions begin to lose their independence and go into liquidation under VSU.

### Dispelling Two Myths: Choice and Financial Hardship

It is commonly stated by those supporting the passage of the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 that students should be allowed to choose whether or not to join their student Union. Few disagree with this claim. It is understandable that a student may have strong personal, political or religious objections to joining the Union. At present, in Western Australia, students are able to opt out of joining their student Union. The individual right of freedom of political association is not under threat.

Students who do opt out of Guild/ Union membership, however, are still expected to pay their compulsory fee, in recognition of the fact that they will still benefit from the Union's existence and that the Union would not be able to survive without their financial support. Just as those who disagree with Government policies still pay taxation to Government, so students are asked to contribute a reasonable amount in order to 'keep the democratic game afoot'.

Committee members should be made aware that there is little to no evidence that the levying of a compulsory amenities and services fees causes financial hardship for students. At UWA students who are unable to pay their 'dues' as a result to genuine financial difficulties are able to acquire an interest free loan from the Guild for the

purpose of paying their fee. I have not heard of a student in need in this respect (member or non- member) being turned away by the Guild.

### Beyond the City

It should be noted that the abolition of the Compulsory Amenities and Services Fee in Western Australia is likely to have a particularly harsh effect upon students in rural and regional areas. The UWA Student Guild has worked hard with other WA student Guild's in recent years to establish a student representative body at the combined Geraldton campus and the UWA Guild has worked hard providing support for students studying at UWA's Albany campus. Due to prohibitive costs it would not be possible to provide adequate student- run support for off- campus students without the levying of an Amenities and Services Fee.

### The Victorian Alternative

A number of 'stake holders' have suggested that the Victorian model of an Amenities and Services Fee (whereby Parliamentary regulations stipulate what a compulsory fee may or may not be spent on) is a workable alternative to that put forward in the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005. Such a model limits the ability of students to decide how their own money is spent and what services should be prioritised. In Victoria, under this model, it has not even been possible to spend money collected from 'Union fees' on Union elections. It is simply not possible to have a functioning and democratic student representative system in place on University campuses across Australia if the way student money is spent is restricted and controlled by non- student authorities.

### Conclusion

Student representative bodies, such as the PLSA, rely on the student Union for funding, guidance and support. At UWA the Student Guild has implemented a funding model that fairly distributes money among political and non- political student groups. Groups as politically diverse as the UWA Liberal Club and the UWA Greens all receive financial support from the Student Guild. The Guild has helped institutionalise diversity on campus.

With the removal of the current Amenities and Services Fee the open, transparent and student run democratic system that exists at the University of Western Australia, and other WA campuses, would be damaged beyond repair. The ability of all students to have their views directly represented to the University, Government and the broader community will be under serious threat should this Committee support the provisions of the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005. Likewise the implementation of the 'Victorian model' discussed above will only serve to undermine the representative capacities of student Union's across Australia.

We urge this Committee and Senators to reject the provisions of this bill.