Submission
Inquiry into Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009

NEWCASTLE UNIVERSITY STUDENTS' ASSOCIATION

FRIDAY, 20 FEBRUARY 2009

Position Statement

NUSA is opposed to the *Higher Education Amendment (Student Services and Amenities, and Other Measures) Bill 2009 (Cth)* including the introduction of a new compulsory university-controlled fee. We believe that this legislation does not support autonomous student organising but will undermine student associations' ability to represent students needs and concerns. We continue to be committed to student-funded, independent representation and the repeal of the Howard government's so-called "Voluntary Student Unionism" (VSU) legislation.

NUSA will actively campaign against the Government's proposed legislation. We intend to work with Opposition and cross-bench MPs and Senators to ensure its failure to pass into law.

First and foremost, this issue should never have become a matter for governments. Students should always be allowed to decide how to govern and fund themselves without external political interference or governments pushing their own agendas through student politics.

NUSA has met with local MPs and ministers several times in 2008 to express our concerns and the urgent need to repeal VSU, but our concerns have so far been ignored. We are not writing this submission because we believe that the government will change their position, but to explain why we will work to defeat this bill.

Who we are

Newcastle University Students' Association was founded when the University of Newcastle became independent in 1965 and has always been an unapologetic advocate for the rights of students. We represent over 20 000 undergraduate students at the University of Newcastle and were severely impacted when student contributions became optional in 2005. We provide a variety of services to students, including a professional grievance officer, breakfasts and lunches, student collectives including autonomous organising spaces for queer, women, international and Indigenous students, clubs and societies, representation on student committees, a sustainable food co-operative, discounted bus tickets, a student magazine, and a volunteer refugee program.

NUSA has always supported students' right to choose how they are represented and we do not believe that student elections alone are sufficient to ensure that all students are represented by their student union, should they choose to be involved. For this reason NUSA is directed by open collectives which use consensus decision-making and actively seek the participation of as many students as possible. NUSA Council uses the majority vote, although we encourage all students to attend these meetings and take care to ensure that the concerns of all present are met and incorporated into decisions. Although we do not force students to actively participate if they do not wish to, these structures ensure that NUSA is as broadly representative as possible. Because of our commitment to consensus decision-making and participatory democracy, we believe that we have a lot to offer to other student unions and governments, who often fail to address the concerns of those who elected them and whom they claim to represent. Although we welcome all students onto the student

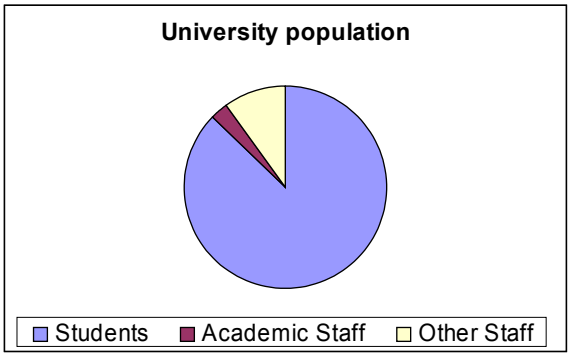
council regardless of their political affiliations, we are rare in that the majority of our council members are not members of any particular political party. We put students' rights far ahead of party politics. At the same time we defend the right of students to organise politically.

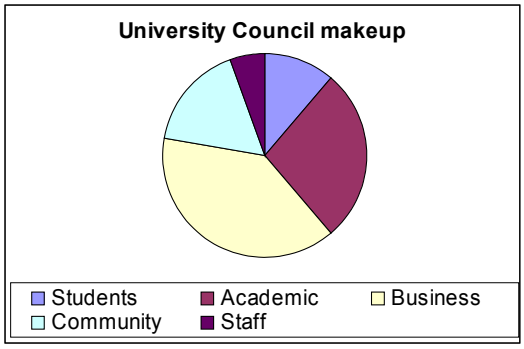
Background

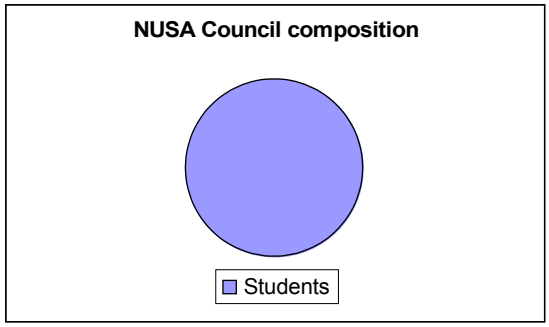
Prior to the implementation of the Howard government's legislation in mid-2006, all students at the University of Newcastle paid $182 per year as a General Services Charge (GSC). NUSA's policy at the time was that the GSC should be made pro-rata for part-time students. This charge was divided up by the University between the different organisations on campus and NUSA received 12% of this amount, or approximately $21.85 per student.

At the same time, all students were required to pay a compulsory HECS fee which was administered by the University Council. In 2004, a student enrolled in a Bachelor of Arts program was paying $4,077 per year, whereas a medicine student was paying $6,798 per year. The General Service Charge was less than 5% of the compulsory fee for all students.

Program (2004)	**Fee governed by University**	**Fee governed by students**	**Percentage of fee controlled by students**
B. Arts	$4,077	$21.85	0.54%
B. Medicine	$6,798	$21.85	0.32%
Program (2009)			
B. Arts	$5,201	$0	0%
B. Medicine	$8,677	$0	0%







Students are required to pay most of their fee to the University which is governed by a Council overwhelmingly made up of business representatives and university bureaucrats. In contrast, NUSA is entirely student-governed.

Given that students are so poorly represented on the University Council which makes decisions on how compulsory HECS fees are allocated, NUSA believes that students should also have the right to collectively decide how a portion of their fees is spent, until such a time as the University Council is representative of the community which it governs. Students have the right to choose whether or not to participate in their student union and the decisions about how their money is spent.

In other countries such as New Zealand, student initiatives to make the service charge optional were left up to individual universities. Overwhelmingly around the world, students have voted to keep universal membership so that the burden of financing the student organisation did not fall on generous individuals. The Howard government did not allow campus votes and did not want students choosing whether or not they wanted VSU because the previous government anticipated what students would want – to keep some control over their education. Rather, "voluntary" student unionism was forced onto students.

Under the VSU legislation and the Service Level Agreement that NUSA has with the University of Newcastle, NUSA is required to represent all students and provide its services to all students. Of course we have no intention of doing otherwise. However, what this means in a VSU environment is that we are unable to offer benefits of financial membership other than discounts on items that we sell (such as bus tickets, fruit and veges, and sustenance food), the right to be on the executive of an affiliated club or society, and the warm glow that comes from supporting the student union. Because these benefits will only be of interest to a small number of students, financial membership is extremely difficult to promote. Effectively, VSU meant that NUSA was required to ask students for money but barred from offering anything in return. The purpose of VSU was to kill off the student voice, and at several universities this aim has met with success.

If VSU is to remain in place the payment of HECS fees should also become optional.

Response to the Proposed Legislation

Despite VSU we are still able to collect fees from students who wish to support NUSA and therefore we are still able to provide autonomous representation for students. Under the proposed legislation student associations could not reasonably collect membership fees in addition to the student amenities charge. This is especially true in an era of unprecedented student poverty.

Government members of this committee may already be aware of the sections of this legislation which will bring about the demise of student organisations, but we shall elaborate them regardless. Part 3 of the proposed section 19-67 for the *Higher Education Support Act 2003* would specifically prohibit the Minister from requiring

universities to fund student organisations. Nothing in the proposed legislation requires universities to fund student organisations.

Of course this legislation does not prohibit universities from funding student organisations. However, student organisations which are properly performing their role, including holding universities to account, are unlikely to attract funding from the university as this represents a conflict of interest.

There are several examples of conflicts of interest between NUSA and the University of Newcastle that could directly affect the University's willingness to provide funding for student representation. In 2004, NUSA helped to publicise a plagiarism scandal at the University which resulted in the University reforming its practices in this regard. In 2005, NUSA represented student concerns about course cuts, quality cuts and staff workload when the University decided to reduce the number of staff by 25%. In 2007, NUSA won a clean energy campaign which led to the University of Newcastle becoming a national leader in renewable energy and efficiency targets. In 2008, agitation from NUSA prevented a student representative from being expelled for a year for speaking out about the University's environmental management and criticising the Vice-Chancellor in a private email to other students. Of course it is not in the University administration's interest for NUSA to be independent and well-funded if it is doing these things, but it certainly is in the interest of the University community writ large, of students and of the broader community.

Students occasionally also decide to use their money to apply their education and engage themselves in broader community and social issues, and all students are encouraged to participate in these financial decisions. This is part of student's education. Once again, it will not always be in the interest of governments to allow students to do this, and this highlights another problem with allowing the vested interests of governments to interfere with student governance. All students are required to contribute money to the university administration even if they politically disagree with how the university spends this money on our behalf, for example, funding military or environmentally destructive projects, or providing funding for private commercial initiatives. The major difference between this and a student organisation is that students have barely any say in how the university spends our money, whereas we have total say in how student organisations spend our money, particularly at campuses like Newcastle which use consensus decision-making.

The proposed legislation will kill off independent student representation in a way that the Howard government was unable to do through VSU. It will prevent student organisations from collecting the independent funds which they were still able to collect under VSU, and will also introduce another fee to be controlled undemocratically by universities. We are just as opposed to this new fee as we would be an increase in HECS fees. If the government presses on with this legislation serious questions must be asked. Could universities indirectly use this fee to increase Vice-Chancellor or executive salaries? Would universities be able to dictate what student organisations should do? Most importantly, what would prevent a future government from using this legislation to attack student organisations?

The initial proponents of VSU complained that they were being forced to pay a fee that they did not wish to pay. The opponents of VSU argued that governments should stay out of student governance issues. By adopting a "balanced" or "centrist" approach, the government is not choosing the path of least resistance but the path of most resistance by antagonising all stakeholders and addressing nobody's concerns.

NUSA and the NUS Position

The committee will notice that NUSA's position differs substantially from that of the National Union of Students (NUS). NUS is also requesting that student organisations be given enough funding to pay NUS affiliation fees. NUSA agrees that a good post-VSU environment should mean that student organisations be allowed to fund a national organisation, but does not believe that the government should dictate which organisation this should be.

There are many reasons why NUSA's position differs from that of NUS, despite the fact that we are affiliated to NUS and support the existence of a national union. We have no desire to attack NUS, but we would like to point out why our submission should be given more weight than that of a national peak body. Committee members should be aware that:

- NUS' position differs from the policy voted on at previous National Conferences.
- NUS has developed its position without consulting campus affiliates.
- Almost all of the office-bearers and executive members of NUS are members of the ALP, with only a few exceptions. Given that only a small percentage of students are members of the ALP or other political parties, NUS cannot possibly claim to be representative of all students.
- NUS' position is decided secretly by elected representatives rather than by a broad range of students using consensus decision-making. NUSA believes that its position, developed in consultation with a broad range of students and incorporating all of their concerns, is more representative than that of NUS.

Until a more representative national peak body is formed, the government should take NUS' recommendations with the greatest of caution. Committee members would be aware that some of the architects of VSU, as well as the architects of the current proposed legislation, were once active in NUS. Those who drafted NUS' policy, who may well turn out to be future Ministers and politicians, are unlikely to want their past statements coming back to haunt them in their future political career. The committee should pay close attention to the concerns of students on the ground.

Free and Public Education

NUSA has always campaigned against VSU and attacks on student representation in the context of our broader commitment to free and public education, because we believe that no person should be barred from access to higher education for economic or ideological reasons. Currently all students are obliged to pay thousands of dollars in fees to University Councils on which the student voice is

marginal, despite the fact that we make up the majority of the university population. We will continue to defend full and independent funding for student organisations because we believe that student organisations are better placed to represent student needs than the corporate representatives who have the greatest representation on University Councils. The vast majority of corporate representation on these bodies quite blatantly perpetuates the concept of Universities as a profit making institution, rather than a place for the critical inquiry of knowledge. This fundamentally flawed neo-liberal ideology that has besieged our education system has resulted in Australia becoming one of the only Western nations in the world to actually decrease public funding of tertiary education.

Conclusion and Recommendations

This submission has been written honestly and frankly, without any illusions that it is likely to convince the government to change its position. Perhaps if we succeed in defeating the current legislation the government will take note of the logical fallacies implicit in pursuing "radical centre" policies in the future.

NUSA requires:

- That the proposed *Higher Education Legislation Amendment Bill 2009* be abandoned.
- That the *Higher Education Amendment Act 2005 (Cth)* be fully repealed.
- That students be left to control student affairs and that universities support and encourage student associations' autonomy.
- That students be allowed, via democratic and participatory processes, to make their own decisions on whether or not to adopt VSU and how any student charge is to be structured and implemented.
- That student representation on University Councils and other decision-making bodies be increased to match the proportion of students on campus.
- That the Higher Education Contribution Scheme (HECS) be abolished and be supplemented by federal funding.

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