



# **NUS First Annual Report Into The Impact of Federal VSU Legislation**

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## **EXECUTIVE SUMMARY**

2007 is the first year when the full impact of voluntary student unionism (*Higher Education (Abolition of Compulsory Up-front Student Union Fees) Bill 2005*) was felt on Australian campuses.

This is NUS's the first annual report into the impact of voluntary student unionism, with a particular emphasis on student representation and advocacy. The data on the report is based on responses from campus student organisations to NUS's national VSU Survey, NUS's Next Steps Rankings with some gaps filled in from campus websites and phone conversations with campus presidents. The respondents are campus student organisation presidents (or in few cases someone intimately acquainted with the details of a particular campus).

The key findings of the report are;

- The VSU has failed to deliver what its proponents argued for – self sustaining student organisations just able to survive off voluntary memberships, investments and trading operations. Only two WA Guilds (UWA and Murdoch) are self-funded. In all other cases the organisations have either received substantial university funding, have collapsed or are surviving on limited reserves. Only two other organisations (Curtin Guild and UNSW Arc) look like achieving self-sufficiency in the next couple of years. (See pp 4-5)
- 25 out of 30 student organisations reported substantial or total job losses (See pp 7-8); much of these cuts have come in the area of professional support to student representatives
- Eight universities have or are planning to take direct control of the major student service provider at eight universities (Charles Darwin, Flinders, La Trobe, Monash Clayton/Peninsula/Caufield), Swinburne University, University of Canberra, University of New England, University of South Australia); arrangements are in transition at Macquarie University and University of Tasmania (See pp 13-14)
- On at least six universities the student rights advocacy support is now mainly conducted by the university or a university owned company (Flinders, Swinburne, Charles Darwin, Victoria University, University of New England and University of the Sunshine Coast) (See pp 9-10)
- 13 out of 18 organisations reported (See page 27) that they had made substantial or near total cuts to departmental or portfolio funding (ie campaigns, activities, support programs)

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# NUS First Annual Report Into The Impact of Federal VSU Legislation

## **1. Fee Arrangements and Levels**

The impact of the federal VSU legislation has not followed the script that VSU proponents predicted. VSU proponents argued that efficient voluntary student organisations would be self-funded and sustainable through voluntary member fees and their own trading and advertising income.

The Western Australian student guilds and some small regional campus student organisations have come closest to achieving this. The more typical outcome is that universities have either established funding agreements to use university revenue to prop up the organisations. In a few cases the university has instead directly taken over most of the student services through incorporating them into university departments or through establishing a university controlled company. Students generally still have the universal right to vote in student elections and universal access to welfare support and academic rights advocacy. While many campuses have a voluntary fee or subscription this is purchase additional privileges such as discounts at on and off campus services. Several universities such as the University of Queensland and Australian National University have made it a condition of their funding agreements that the respective student organisations must not collect a voluntary fee.

**No Voluntary Fee Student Organisations\*:** Australian National University Students Association, Central Queensland University Students Association, Charles Sturt University – Bathurst Student Representative Council, Sydney University Student Representative Council, Tasmania University Union, University of NSW Arc (but plans for fee in 2008), University of Queensland Union, University of Southern Queensland Student Guild, Wollongong University Students Association, Monash Union of Berwick Students

\* some of these organisations have provisions for a voluntary or solidarity donation but it does not form a significant regular income stream

**Table 1: Voluntary Fee Student Organisations** (for membership and/or subscription to discounts)

Victoria University Student Union	\$15 per annum
James Cook University Students Association	\$40 per annum
Swinburne Student Union	\$50 per annum
University of Technology Sydney Students Association	\$50 per annum

Griffith Gold Coast Student Guild	\$55 per annum
University of Ballarat Students Association	\$55 per annum
Southern Cross University Students Association Coffs Harbour	\$30 per semester
RMIT Student Union	\$80 per annum
University of Canberra Students Association	\$80 per annum
Murdoch University Guild of Students	\$100 per annum
Monash University Gippsland Student Union	\$100 per annum for Community Card subscription
Curtin University Student Guild	\$110 per annum
University of Western Australia Student Guild	\$120 per annum
Monash Student Association	\$150 per annum for Community Card subscription, ie not a membership fee
Melbourne University Student Union	\$264 per annum

**No Fee University Student Service Companies:** Flinders Campus Community Services, Griffith University Campus Life, Services UNE, Swinburne Student Amenities Association, University of Canberra Union

**University Service Companies Charging Voluntary Fee for additional privileges:** Wollongong University Unicentre (\$79 per annum for premium VIP membership)

## **2. Funding Agreements**

Prior to VSU most university councils had some oversight role over student organisation budgets. Usually they required that externally audited annual financial reports were presented to the Council or a delegated subcommittee and set the annual compulsory fee. Unless there was serious financial mismanagement the university did not try to micro-manage what students did with their own money. The principle of student control of student affairs was only fettered by normal legal and financial regulation. The introduction of Victorian VSU in 1994 led Victorian universities to establish formal funding agreements with student organisations to ensure that compulsory fees were only used for the range of activities approved by the legislation. A few universities outside of Victoria also began codifying their relationship with student organisations into formal service agreement contracts.

The federal VSU legislation has meant that most universities are now directly funding at least some of their activities. The funding is usually tied to delivering very specific programs and activities specified by the university rather than a block grant to the organisations. This obviously has the potential to seriously undermine 'student control of student affairs' but the ground rules are still evolving. At many campuses the funding arrangements are in a state of flux as 2007 was the first full year of operation under VSU outside of WA. Arrangements for 2008 will develop as the experiences of 2007 are reviewed by student representatives and university administrators.

The National Union of Students has been regularly monitoring the evolution of the funding agreements at its member affiliates and publishing rankings on its website. The

four tier rankings are based on five indicators: (1) independent advocacy services and support, (2) recognition of student representative function of student organisations, (3) student driven campus culture, (4) student control over governance and expenditure, (5) consultation, discussions and negotiations with student organisations regarding financial support. The most recent rankings (26 September 2007) are set out in attached Appendix One.

Respondents also commented on their perception of the university's attitude towards the funding agreement negotiations. The following is a representative cross-section of positive and negative comments:

(University of Western Sydney): *"Whilst some Board Of Trustees members have been receptive and quite willing to discuss funding the Students' Association, the BoT as a whole has generally been more interested in focusing on issues with money-handling by previous SRCs than on looking to the future. The university administration has kept UWSSA waiting for a response on their stance on funding us for number of months with little or no feedback on the processes and decisions being made."*

(Newcastle University): *"I have found the University to be co-operative and open to discussion on consultation, discussions and negotiations with NUSA so far this year, and reasonably prompt in setting meeting dates."*

(La Trobe): *"The University administration has been very open to consultation, unfortunately the consultation continually leads to more consultation and the formation of more committees as opposed to concrete decisions or action. The SRC has just undergone a university commissioned review by Phillips KPA and we are hopeful that when the recommendations are released, we will see a commitment from the university to long term sustainable funding for the SRC. If not, crucial services such as advocacy representation as well as programs that enrich student life such as clubs and societies and the La Trobe student newspaper will be under serious threat."*

(Swinburne): *"Dishonest in that they pretend they may be prepared to do a funding deal when really they aren't."*

(Melbourne University): *"Generally ok. No interference into internal affairs or expenditure. Funding is generally allocated to very broad themes that does not interfere with our governance process. It is known, however, that a portion (50k) of transitional funding for 2008 is to allocated at the discretion of the Provost, who refuses to meet with student union representatives. We have not seen this kind of tied funding before."*

(Victoria University): *"Fairly supportive, although all of our funding is tied to certain line items."*

(University of New England): *"A bit sensitive and quite often we only get the end product. Decisions are made without student consultation by UNE (not Services-UNE)"*

*and we are merely notified of their decisions."*

### **3. Staff Level Cuts**

One of the most overlooked aspects of VSU has been the impact on employees. In 2005 there were about 7000 employees in the student organisation workforce. Many have been loyal, professional and committed employees for decades. The role of staff in providing continuity is particularly vital in the context where the elected student representative management have only around for a couple of years. Unfortunately workers jobs have been the biggest victims of the Coalition and Family First's VSU legislation. 25 out of 30 student organisations reported substantial or total job losses.

The professional organisation for (non student) university managers (ACUMA) estimated that about a third of staff (2, 300) would be made redundant due to VSU. The cutbacks are hard for NUS to quantify until ACUMA releases new data from its new survey but the estimate seem to be in the ballpark. The raw numbers about reduced numbers of staff positions underestimate the real amount of disruption. A number of organisations retrenched all their permanent staff – short term funding agreements meant that some created a smaller number of positions with a different people in new positions on limited term contracts. The raw figures also do not reveal the stress caused to most staff with many months with the protracted of fear of redundancy hanging over their heads. The surviving staff often excessive workloads doing work that used to be handled by several, low morale due to decline in representative, departmental or collective activities, and struggling for direction in organisations where managers and student reps are internally focussed on next step of saving their organisation.

Only five organisations reported that they have made the transition to VSU without making substantial drops in staffing levels. The Curtin University Student Guild, Murdoch Student Guild, University of WA Student Guild had already cut their staff levels due to the previous state VSU legislation and had consciously not built back numbers in the brief hiatus between the state and federal VSU legislation. The Sydney University Student Representative Council and the University of Melbourne Student Union (none to the five core staff were lost although some cutback in casuals) were able to fund all the core positions from university funding agreements. Monash Union of Berwick Student (which went through a big restructure but maintained similar level) was able to do so because of the funding agreement that set out a distribution formula that increased its share of resources relative to the main Clayton campus.

At least eighteen organisations have made substantial reductions to their staff levels. The big variation in the size of the staff levels reflects that some were representative organisations, while others dealt with the whole spectrum of student services and Representation.

**Table 2: Known VSU Related Significant Staff Cuts (this is not sector-wide does not include figures for many commercial trading and sporting arms of split structure campuses)**

Adelaide University Union	13 staff cuts, 50% of core staff
Australian National University Students Association	Reduction from 8 full time and seven part time to just three part-time
Central Queensland University Students Association	Reduction from 42 staff to 15
Edith Cowan Student Guild	Loss of at least eleven jobs
Flinders University	16 jobs lost, substantial staff cuts in catering, administration and clubs with complete loss of all staff supporting student representatives
James Cook University Students Association	Reduction from 170 to 90
Launceston Students Association	Loss of at least 3 staff from a small organisation
Monash Students Association – Clayton	Reduction from 27 to 18
Monash University Gippsland Student Union	From 25 to 23 but many full time positions converted to part-time
RMIT Student Union (the representation and advocacy arm)	Staff cut from 39 to 12
RMIT Union (the commercial/sport arm)	Made all 89 full time and 142 casual redundant but has redeployed some in new changed positions
Southern Cross Lismore Student Representative Council	Six jobs (50% of staff)
Tasmania University Union	Excluding the 300 casuals there were about 70 FTE staff, core staff cut to 60 FTE
University of Canberra Students Association	Cut from 7 to 4
University of Newcastle	At least 23 staff from the various organisations at the Callaghan and Ourimbah campuses
University of New England	Nearly all staff supporting student representatives
University of NSW Arc	Reduction from 150 FTE in old structure to 65 FTE in Arc
University of Queensland Union	From 360 staff (including casuals) to 320, loss of half policy staff supporting student representatives
University of SA Students Association	Cut from 70 staff to about a dozen

A further seven organisations have lost all or nearly all of their staff. Notably that four out of the seven are regional campuses.



**Table 3: Known VSU Related Total or near Total Staff Cuts (this is not sector-wide does not include figures for many commercial trading and sporting arms of split structure campuses)**

Charles Darwin University Student Union	All seven staff made redundant including the student rights advocate
Charles Sturt University Student Representative Council - Bathurst	From 13 to zero although the university has picked up some positions
La Trobe SRC	From eight staff to two
Swinburne Student Union	Cut from 30 FTE to 1 FTE although some former staff have been employed by university company, Swinburne Student Amenities Association
Victoria College of the Arts Student Union	Had four core staff pre-VSU, will lose all staff by 2008
University of Sunshine Coast Student Guild	Five full time staff cut to three part time
University of Wollongong Students Association	From 12 mainly full time to two part-time, two casual

#### **4. Independent Advocacy**

Students academic rights were once left to the whim of faculty boards with faculty decisions reflecting the personality and prejudices of faculty board members rather than consistent university-wide practices. Over the last three decades student representative have successfully fought for consistent university wide practices with regard to a wide variety of academic related matters such as remarks, medical sickness on exam days, complaints about a supervisors behaviour, plagiarism accusations, appeals against final grades, and appeals to the university appeals body that the faculty had erred on ruling on the above issues. The bureaucratic processes can be quite cumbersome and complex. Sometimes the issues cannot be solved internally at the university and require an external process such as a court, equal opportunity commission or an ombudsman.

Student organisations at most campuses employed professional student rights advocates who could advise students on the whole gamut of student rights whether it was providing the student with information on how to apply for a remark through to assisting students with taking the university to an external court or ombudsman. There are good reasons why student rights advocacy should be run by the student organisation rather than the university directly. In serious cases that could not be resolved by the normal processes a university employed student rights advocate could be put in a position of conflict of interest (for example advising a student to sue the university). Even if the advocate was fearless and protected by a chart of independence from his employer there would still be many students who would simply not believe that the service was independent. The second reason is that casework informs the student representation. Systematic and recurring problems point to priority areas of policy work. The separation of casework from representation weakens one of the main drivers of positive reform within the university system.

Universities across the board have maintained some form of student rights advocacy. A James Cook University Students Association respondent commented: "*They are positive*

*about this. One of our KPI's (key performance indicators) is the level of (this) service that we provide to students. It isn't openly discussed largely but they accept the need for it and expect us to commit ourselves in providing the service."* A Queensland University of Technology Guild respondent said that the university support for this was: *"Quite strong. The bulk of the money allocated to the Guild by QUT is for this."*

Even universities that have offered only fairly limited financial support to student organisations have prioritised this. A Newcastle University Students Association respondent said: *"The University is currently funding a part time grievance officer/case worker for NUSA. They have indicated tentatively that they will continue to do so next year. Therefore I would describe their attitude as fairly positive."* A La Trobe SRC respondent added: *"they appear to understand the need for advocacy to be provided by a separate and independent body, and have committed limited funding to the SRC on this basis. However, the lack of financial support for the SRC's general administration costs has meant that the SRC's advocacy service is as threatened as the other services we provide."*

At least six universities no longer operate student rights advocacy through a student controlled body. At Charles Darwin it is run through the university equity and support office while at Victoria University advocacy is run through the university student services department. At the University of Sunshine Coast the loss of the full time staff member devoted to casework support has meant that students have to mainly use the university's student services department. At UNE, Swinburne and Flinders the advocacy service is run through the respective university run student service companies. It is difficult to make comments on the success of these operations as the student casework is confidential and have only been going for a short period of time. A couple of comments from respondents from these campuses do raise concerns about universities taking on advocacy:

(Victoria University): *"Independent advocacy and support as much as we would like to retain the department had to be handed over to the university at due to budgeting and staffing constraints, however now it is handled by Student Services which does allocated a healthy budget but the concept of having university staff mediate or advocate for students isn't working very well because of compromises being made by the Student Advocacy staff to keep both their employer (VU) and the students(clients) satisfied, which is affecting the overall morale of the objectives of this service."*

(Swinburne): *"Tokenistic in that the VC pretends to be concerned about it to the uni council to the point where he wrote a 'charter of independence' which the uni employed advocates are supposed to adhere to, yet he refuses to consult the student union in drafting it, it has nothing to make it enforceable other than a yearly review by uni councillors {which itself has no power to do anything}, and in its original form it didn't even allow students to complain about the lack of independence of the uni controlled advocacy service {new draft yet to be brought to council}"*

## **5. University Takeovers of Student Services**

This report is primarily focussed on student representation rather than other basic areas of activities such commercial trading outlets or sport. However, it is important to take account of the major changes that have occurred to ownership of the 'student estate'.

The third biggest public benefit that flows from universities (after the benefits of teaching and research activities) is those that flow from a student-driven culture. Just think about how many comedians got their start in a university revue, how many politicians across the spectrum were once student politicians, how many journalists started off editing the campus newspaper, and so on. Even those that stuck with the original vocation they first enrolled in were exposed to a more rounded education through being involved in a robust campus life. This benefit is even harder to quantify than teaching and research. However, it is clear that there is a huge difference is student being passive consumers of university run services compared with being active participants shaping their campus culture. Many of the positive attributes that universities like to claim for their graduates arise from this student-driven culture. Examples of student driven culture include clubs and societies (including administrative support and grants for clubs), student media and student control of venues, meeting spaces, art galleries, entertainment and theatres.

Several respondents noted that university administrators, particularly those at senior levels, were genuinely concerned about the impact of VSU on student-driven campus culture. For example a respondent from the Victoria University Student Union commented that the administration had been: *"Very positive. Having 11 campuses this is hard to maintain. This year has been the first real test since the legislation and we are working closely with the university to rebuild campus culture on all campuses."*

Some others found that the positive sentiments were not always backed up with resources needed to deliver. A respondent from the University of Western Sydney Students Association said: *"The university has encouraged this in theory, but has done little to help with this in a practical sense. Student activism (the spawn of a lot of student activities) is generally frowned on."* A respondent from the La Trobe SRC similarly commented: *"The university is not opposed to the idea of a student driven campus culture but has not committed adequate funding to the bodies that would provide it."*

The issues of university takeover of student services and university support of student-driven campus culture are particularly pertinent to many of NUS's member organisations as they were or are based on a guild structure where a single organisation delivered all the sporting and commercial services as well as the representative and advocacy functions. Even where there were multiple organisations the issue of university takeover of profitable commercial trading operations has become even more relevant in the context of VSU.

In Western Australia the decade of on and off state based VSU had left at least three of the Student Guilds best placed to survive VSU while maintaining their financial independence from their university. Their continued control of trading operations

provide profits to cross-subsidise representation and advocacy functions and also comprehensive discount incentives to join. Funding agreements with the university form only a small portion of their income and mainly cover transitional arrangements. Many eastern state student organisations were not in a financial position (insufficient reserves, paying off major capital works) to adopt the WA Guild response to federal VSU even if they were prepared to merge into a single campus organisation.

Even prior to VSU a number of campuses such as Griffith University's Brisbane campuses and Wollongong University had university controlled service companies running the non-representative functions. The VSU legislation has led the University of South Australia to take over the substantial commercial operations formerly run by the Students Association. There are also long term plans for Monash University take greater direct control of the commercial operations at several of its campuses. While there are issues with maintaining student culture in the new entities both universities have so far provided fairly generous financial support to maintain student representative and advocacy functions. The process has been reasonably amicable at both campuses.

At Charles Darwin University the functions of the former student union have been simple swallowed directly by the university or contracted to private providers. At several other universities the student organisations have been shut down (or defunded in the case of Swinburne) and replaced with a university service company governed by a controlling majority of university appointed or external directors. They are in the process of establishing some student elected councils but these will be merely advisory subcommittees.

Comments from respondents from campuses that have established university student service companies were either negative or as the University of Canberra respondent commented that the service providers were *"very supportive but misguided."* A Wollongong University respondent commented: *"Student driven culture is supported through 'UniCentre' which is the corporatised service provider on campus with minimal student representation. Student culture is very much for students to be able to add something to their CV rather than anything more spontaneous or traditional."* The University of New England respondent said that: *"Services-UNE has a positive attitude genuinely want students to fully experience university life. At times students feel UNE uses them as a marketing tool to promote UNE without having earned the privilege first. For example, the VC had a happy hour for students during the middle of exams."* A La Trobe respondent that the university's support for funding student-driven culture was: *"Not very good. The service provision body at La Trobe - the La Trobe Guild -has effectively been taken over by the university, with the student board now playing an advisory role only. The student legal service, previously operated by the (student controlled) SRC, has already been taken over by the Guild, and we fear their intention is to take more services out of student control."*

**Table 5: University Takeover of Student Services or Service Providers**

<b>Recent Major University Takeover of Student Service Organisations</b>	
Charles Darwin University	Student Union defunded, student services run directly by university or private contractors (for example cafe at Alice Spring campus supplemented with small business funding from DEST VSU Transition funding), student advocacy service run from university equity and support service
Flinders University	All representative and service organisations shut down, service provision through the university controlled Flinders Campus Community Services (the management council consists of a university appointed chair, five external university appointees, two appointed students and three elected students. There is a sixteen person elected student advisory subcommittee but there are no paid office bearers. The university is the sole legal member.
La Trobe University	The non-representative/advocacy services are now run by the new university student services company, La Trobe Guild. The elected student council that used to manage the former union is now just an advisory committee.
Monash-Clayton/Caufield/Peninsula	Long term plans for major commercial trading operations currently run under Monyx (a joint company of campus student organisations and the university) to come under direct university control
Swinburne University	The Student Union has been defunded but is still running on reserves. University has established a company Swinburne Student Amenities Association that is now funded to run many of the services previously run by Student Union including academic advocacy, university is the sole member and the Vice-Chancellor has made all the appointments to its initial Board of Directors, there are plans in the future for four of the nine directors to be elected students
University of Canberra	Non-representative and advocacy services are now run by a university services company, University of Canberra Union with the university being the sole legal member
University of New England	Student organisations shut down and replaced with Services UNE, a university company that runs the commercial services and offers academic and welfare advocacy, elected postgraduate and undergraduate representatives function as 'elected' subcommittees

University of South Australia	University has taken over commercial services and facilities, Students Association still runs representative and advocacy functions
<b>Pre-VSU University Takeover of Organisations</b>	
Griffith University	Campus Life
University of Wollongong	Unicentre
<b>Limited University Takeover or Outsourcing of Student Services</b>	
Charles Sturt University (Bathurst)	Tenancy Advice and Advocacy
James Cook University	Childcare centre and careers/employment staff now run by university, university takeover of stationery shop and gown hire, licensed café has been outsourced
Monash- Clayton	Long term plans for university to take over childcare
Monash Gippsland	Careers program now run by university
RMIT	Orientation Week activities now run directly university, legal service has been outsourced
University of Queensland	University has taken over all building and car parks previously owned by the Union
University of Wollongong	Childcare subsidies are now funded from university
Victoria University	University now directly runs the student advocacy service
<b>Basic Arrangements Are In Transition</b>	
Macquarie University	Total overhaul of student organisation arrangements
University of Tasmania	Merger between Tasmania University Union and Launceston Students Association

## **6. Student Representation**

Student representation on university and faculty decision making bodies has become a regular feature at most Western universities. Students participate in decisions over matters such as such as course fee costs, scholarships, university welfare provision, course approvals, access and equal opportunity processes, student grievance and appeals procedures, course material fees, student discipline statutes, library services, after hours access and safety, enrolment and orientation issues, and more broadly in the big decisions that shape the future direction of the university.

Students through affiliated national bodies like NUS, CAPA and the NLC also present the student view to the external bodies such as state and federal governments, education, welfare, immigration and public transport departments, quality agencies, parliamentary committees, Universities Australia and other peak sector bodies, and the media.

Student involvement in decisions that directly impact on the student body improve the quality of those decisions. Student organisations because of their relative autonomy from the university administrations also have been able to fearlessly raise matters that might be embarrassing to the university administration. For example student representatives regularly work closely with Australian Universities Quality Agency on their campus quality audits as one of the few campus voices independent of the university administration chain of command. Overall this will lift the quality of Australian higher education but along the way there will be some conflicts and disputes between student representatives and university administrations.

The process is as important as the outcomes. Student representative activities have an important practical civic education role for showing young adults that they can have a active voice in a democratic society.

Over the last decade there has been a push from the federal government to create a narrower corporate managerialist style of university governance. NUS recently conducted a survey of the composition of all university councils and found contrary to our expectations that there had been little or no reduction in level of student representation on university governing bodies due to VSU (see below).

**Table 5: Post-VSU Student Representation on University Governing Bodies**

<b>University</b>	<b>Student Representation on Governing Body</b>	<b>Part of University Act</b>
<b>NSW</b>		
Charles Sturt	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
Southern Cross	There is one student representative elected from the student body,	Yes
Macquarie University	There is one student representative elected from the student body,	Yes
New England	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
UNSW	There is one undergraduate representative and one postgraduate representative elected by their constituents for two year terms.	Yes
Newcastle	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
Sydney	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
UWS	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
UTS	There is one undergraduate representative and one postgraduate representative elected by their constituents. They have two year	Yes

	terms.	
Wollongong	There is one undergraduate representative and one postgraduate representative elected by their constituents. They have two year terms.	Yes
<b>VICTORIA</b>		
Deakin	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes although Act only specifies that there be two student representatives
La Trobe	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes although Act only specifies that there be two student representatives
Monash	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes although Act only specifies that there be two student representatives
RMIT	There are two student representatives elected from the whole student body	Yes
Swinburne	Dual Sector. There is one higher education student representative and one TAFE student elected by their constituents.	Yes although Act only specifies that there be two student representatives
Melbourne	There are two student representatives elected from the whole student body	Yes
Ballarat	There are two student representatives elected from the whole student body	Yes
VUT	Dual Sector. There is one higher education student representative and one TAFE student elected by their constituents.	Yes although Act only specifies that there be two student representatives
<b>QUEENSLAND</b>		
CQU	There is one student representative elected from the student body for a two year term.	Yes
Griffith	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
James Cook	There is one undergraduate representative, one postgraduate representative and a third position that is open to both constituencies. The entire student body is eligible to vote for the three positions.	Yes



QUT	There are two student representatives elected from the whole student body for two year terms.	Yes
Queensland	There is one undergraduate representative and one postgraduate representative elected by their constituents. In practice UQ seem to have interpreted this to allow the Union President to fill one of the positions.	Yes
Southern Queensland	There is one student representative elected from the student body	Yes
Sunshine Coast	Two student representatives elected from the student body. The Act specifies that in the case of a vacancy that the Student Guild Board may appoint a replacement.	Yes, although the Act only requires one position, but gives the Council the discretion to create an extra student position.
<b>WESTERN AUSTRALIA</b>		
Curtin	There is one undergraduate representative and one postgraduate representative elected by their constituents. While the election is conducted by the University the Guild President has always been elected to one of the positions.	Yes, 2 persons who are members of the Student Guild, one at least being a voting member of its council, and who are elected by the voting members of that council
Edith Cowan	Two persons elected from the student body	Yes
Murdoch	Two persons elected from the student body	Yes
Western Australia	There are two undergraduate representatives and one postgraduate elected from their constituents; while strictly not ex officio the Guild President is simultaneously elected to one of the undergraduate positions through the Guild election process; the Postgraduate Council also elects the postgraduate representative.	Yes
<b>SOUTH AUSTRALIA</b>		
Adelaide	There are two undergraduate representatives and one postgraduate representative elected from their constituents. The President of the Students' Association used to occupy one of the undergraduate positions <i>ex officio</i> but this has recently been changed.	Yes
Flinders	Three students, one of whom must be a postgraduate and one must be an undergraduate	Yes

South Australia	Ex officio model: The undergraduate representative is the Student Association President; the postgraduate representative is the Student Association's postgraduate officer	Yes, The Act specifies three student representatives who can be appointed or elected in a manner determined by the Council
<b>TASMANIA</b>		
Australian Maritime College (Commonwealth Act)	Explicit prohibition on student representation on Council	Prohibition is prescribed in the Act
University of Tasmania	There are two student representatives appointed by Council after consultation with student organisations. While not ex officio the positions are normally occupied by the TUU (Hobart) President and the Launceston Student Association President. There are concerns that the move to a single student organisation will lead to a loss of a position.	Yes including consultation with student organisations
<b>ACT</b>		
<b>Australian National</b>	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
Canberra	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
<b>NORTHERN TERRITORY</b>		
Batchelor Institute (A NT Act)	A student elected by students (could be higher ed or VET)	Yes
Charles Darwin (A NT Act)	There is one undergraduate representative and one postgraduate representative elected by their constituents.	Yes
<b>MULTI-STATE</b>		
Australian Catholic	A student elected by the Students Association	No, multiple state Acts – none that specify governance

Numerous respondents spoke of the continued presence and relevance of student representation within the university decision making structures (and some of the limitations they face):

(RMIT Student Union): *“The University supports the independence of the RMIT Student Union. From this I gather that the University has a good attitude towards the representative function of student organisations. There are two student positions on University Council, three on Academic Board and two on Policy and Programs*

*Committee. These positions are all filled by elected representatives. These three bodies are key to the governance of the University. While it is true that student representatives are always being marginalised on these bodies, at least the spaces exist for students to voice their concerns.”*

(University of Western Sydney Students Association): *“The university has stated that it appreciates the input of students and recognises the need for student representation, but once again it seems to want to have a say in the governance of this process, not recognising the need for autonomy.”*

(Victoria University Student Union): *“The university has provisions for appointing students to committees and has increased student representation on a key committee within the university on student experience but on the other hand has refused spots on a very important committee which affects students directly. Hence we can see a double standard”*

(University of Melbourne Student Union): *“The University of Melbourne Student Union has representation on most university committees, including Academic Board and University Council. While UMSU has a recognised formal role as a representative body, the attitude of senior managers and academics does not always reflect this. At various times this year, senior staff and managers have labelled union office bearers as 'undemocratic', threatened student representation on committees following a protest, etc.”*

On a formal level student representation seems to be as relevant as ever at most universities. However, one of the biggest impacts of VSU at many campuses has been to reduce the practical resources that make the student representatives able to operate as effectively as previously.

A respondent from the La Trobe SRC said that: *“because of inadequate funding from the university, the SRC has had to halt all spending on representative activities. At La Trobe, student representation is running on empty.”* A respondent from the University of Western Sydney Students Association said that: *“Due to the decreased number of student reps, which is a result of decreased funding and increased stress (and workloads), the number of student reps involved in checking quality and planning has fallen dramatically.”*

The decline in practical resources for student representation is difficult to quantify in precise quantitative terms. One clear trend has been the substantial drop in paid office bearer positions in student organisations with 12 out of the 18 surveyed organisations undergoing a substantial or total reduction. Another trend has been the decline of specialised and autonomous (or semi-autonomous) resources available for international and postgraduate students at many campuses. These will be looked at in more detail below.

A third trend based on more is the abolition or reduction in the number policy and

research staff devoted to provide professional policy support for the student representatives. These full time portfolios have either vanished or sometimes are just been dumped into the job descriptions of already over-worked student advocacy and welfare caseworkers (who were often employed on the basis of being good counsellors rather than policy analysts).

(Adelaide University Union): *“the AUU no longer has the capacity to adequately contribute to University submissions.”*

(Flinders University): *“Contributions to university quality and planning cycle have reduced significantly. Student representatives continue to be members of a variety of university committees, however many of them are inexperienced and do not have access to any support with regards to the committee's they attend. We have no admin officer and no research officer(s) to help with inductions for committees so the Student Council is hard pressed to contribute anything at this stage.”*

(Wollongong University Students Association): *“The advocacy and research officer is swamped by advocacy cases that the position has very little time to deal with a number of Uni policy and WUSA is only able to provide with little overtime as the funding was minimal to begin with. As WUSA is not involved or made aware of many of the Uni's future plans therefore we miss out on the chance to make submissions on University decisions.”*

(James Cook University Students Association): *“The student representative arm is 80% new and does not get any professional or expert guidance in making submissions or even being communicated of the changes to come.”*

NUS is particularly concerned about the support for student representation so far at six universities: Charles Darwin University, University of Sunshine Coast, Griffith University University of New England, Swinburne University and Flinders University. The worst outcome is at Charles Darwin where the functions of the former student union have been simple swallowed directly by the university or contracted to private providers. At the University of Sunshine Coast the university has stated its commitment to maintaining student representation but has provided little funding for staff to support the student representatives. The SRC at Griffith University faces a complete funding support vacuum. At the other three universities the student organisations have been shut down (or defunded in the case of Swinburne) and replaced with a university service company governed by a controlling majority of university appointed or external directors. They are in the process of establishing some student elected councils but these will be merely advisory subcommittees.

A Flinders University respondent explains the funding situation for a student council operating within a university company : *“Flinders University is willing to support the Student Council upon application. The Vice Chancellor has provided funding for specific expenses (paid for students to attend NOWSA and SOS conferences). The university is not willing to offer any permanent funding to the Student Council.”* The respondent

further explained that the student council receives \$17,000 from the FCCS – of which \$9000 is for campaigns and representation. This contrasts with the previous budgets of over \$500,000 for the student associations prior to VSU.

## **Paid Student Office Bearer Positions**

Since the 1930s some elected student office bearers have received an honorarium to compensate for the substantial duties involved with their position. It was not a wage or salary and was set at a level less than a salaried person would receive for those duties. Nevertheless it was some compensation, particularly where students need to defer their studies to fulfil their commitments.

Even prior to the introduction of VSU student organisations were heavily reliant on voluntary efforts of their members and unpaid office bearers rather than paid office bearers. However, since the 1980s student organisations have taken on many of the vital support roles within universities – welfare, employment services, housing services, academic rights advocacy – they had to employ professional staff and have a small core of elected students able to effectively manage their organisations consistently through the year. The limits of voluntarism often become evident in the lead up to exams and over the semester breaks. In recent years the heavy pressure to find paid work to supplement meagre student financial grants has dried up the well of volunteers prepared to commit consistently through the year. The use of honoraria, as well as freeing up office bearers from seeking paid work elsewhere, also acts as a mechanism for student councils to be able to make office bearers accountable for their performance.

In the 1970s and 1980s the typical portfolio of paid office bearers was a full-time president with a part-time treasurer, women's officer, activities co-ordinator and student paper editors. The early 1990s Dawkins-era campus mergers and the expansion in student numbers allowed many student organisations in the 1990s to expand the number of paid office bearers. The outcome of this expansion was that co-ordinators of most departments received at least a part-time honorarium, and that a core of paid office bearers could be maintained on each major site of the multi-campus post-Dawkins universities. The dual sector universities (such as Swinburne, RMIT, Ballarat, Charles Darwin and Victoria University) also had the additional complexity of providing representative structures for VET students.

A respondent from the La Trobe SRC sums up the difficult situation in the new VSU context facing many office bearers: *“The SRC's ability to contribute a student perspective to any university, local community or government decision making process has been adversely effected by office bearers need to focus on the survival of the organisation, while staff cuts have created a greater administrative workload for student representatives, honoraria has been entirely cut - so these factors in combination mean substantially less time available to spend on important representative work.”*

**Table 6: Impact of VSU on Elected Student Office Bearer Honoraria**

<b>Little Change</b>	
Curtin University Student Guild	
James Cook University Students Association	
Melbourne University Student Union	
Monash Union of Berwick Students	
Monash University Gippsland Student Union	
Murdoch University Student Guild	
Sydney University Student Representative Council	
University of Western Australia Student Guild	
<b>Substantial Reduction</b>	
Australian National University Students Association	From one full time and 12 part time office bearers to one part-time office bearer)
Monash Students Association – Clayton	From fifteen full time office bearers to one full time and fourteen part time
RMIT Student Union	Reduction from about 30 paid office bearers to 24
Tasmania University Union	From 2 full time and 24 part time to 2 full time and 15 part time
University of Canberra Students Association	From 10 paid office bearers to 3 paid office bearers
University of Queensland Union	
University of NSW	All organisations (from 10 paid full time equivalent to 6 paid full time equivalent in the new ARC structure)
University of Wollongong Students Association	From two paid to one paid
<b>Going</b>	
Swinburne Student Union	1 full time president and 32 part-time positions, positions still there when filled (about 70%) but running almost purely on finite reserves, no ongoing funding from university
<b>Gone</b>	
Charles Darwin University Student Union	At least one paid position to zero
Flinders University	All organisations (from eight paid positions to zero in the new Flinders Campus Community Services structure)
La Trobe SRC	Several paid before, now are unpaid
<b>Previously Unpaid</b>	
Charles Sturt University – Bathurst Student Representative Council	

## **Impact of VSU On Autonomous International and Postgraduate Organisations**

The Council of Australian Postgraduates Associations's survey of postgraduate student organisations found a similar pattern of sharply reduced funding for postgraduate representative and advocacy services.<sup>1</sup> Its key findings include:

- That at least eight universities no longer have an independent postgraduate student organisation;
- That eight out of the twenty responding organisations are receiving less than 50% of their pre-VSU funding, including four that are receiving less than 5%;
- While 70% have some funding support from their university, many have conditions attached including some that prevent the payment of honorariums and affiliation fees to CAPA;
- Staff numbers have halved with seven responding postgraduate organisations having no staff;
- 30% are unable to provide advocacy services;
- Three have been forced into mergers with other student organisations, while others must cope with continued pressure to merge and greater university control.

In a final cruel twist CAPA could no longer afford to keep employing the organisation's only full time research staff member (who had authored the survey report) due to loss of affiliation income.

The National Liaison Committee for International Students is conducting a survey of its own affiliates. Nevertheless the data already provided to the NUS surveys points to a decline in funding to student run support service and representation for international students. Substantial cuts have been made at Australian Catholic University, Curtin University, Murdoch University, University of Melbourne, Monash-Gippsland, QUT, RMIT, UNSW (some funding but barely functional), University of Queensland and the University of Tasmania. The International Students Association has been abolished at Flinders University and replaced with an unpaid office bearer on a student advisory subcommittee. The equivalent body at University of Canberra is non functional. Charles Darwin and the University of New England also lack a functioning international student body.

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<sup>1</sup> Council of Australian Postgraduate Associations, "The Impact of VSU on Postgraduate Students", August 2007 ([www.capa.edu.au](http://www.capa.edu.au))

## **7. New Definitions of Membership**

Membership of student organisations at most universities even prior to the passage of the federal VSU legislation in 2005 was not universal. Following pressure from the Fraser Government over 1977-8 some universities introduced conscientious objection provisions that allowed students some specified grounds to opt out of membership although the student were still required to pay an equivalent amount to a specified charity or university-run student service fund. This made genuine political or religious objection to membership possible without opening up the free ride option. The near-election of the Coalition in 1993 and the election of the Howard Government in 1996 gave considerable impetus for the other Vice-Chancellors to introduce conscientious objection provisions to head off voluntary fee models of VSU. Also the existing legislation in Western Australia and Victoria (even after the partial repeals) required that universities had voluntary membership (in Western Australia it was also a choice to opt-in rather than making an effort to opt-out). By 2005 the only university without formal conscientious objection or voluntary membership provisions was the new Charles Darwin University.

The implementation of the federal legislation over 2006-7 has in practice superseded the conscientious objections provisions. Voluntary student unionism proponents argued that well run student organisations would recruit members through offering packages of representation, advocacy, services and discounts. What has actually occurred is that the distinction between members and non-members has become somewhat murky. University administrations at most universities have made decision about the range of student services and representation that they are prepared to directly fund from university revenue. Typically they have entered into detailed service agreements with student organisations, although in some cases they have established their own university controlled companies to deliver student services. Typically these university funded services include professional welfare and academic rights support, orientation weeks and a paid student president to sit on university committees but in some cases also fund a wide spectrum of campus life activities. Students have universal access to use these core services without having to pay a voluntary membership fee or user pays charge. Commonly universities have retained some kind of formal opt-out/opt-in provision to comply with the act although it is now fairly meaningless with regards to free and universal access to these core services.

The 'voluntary' membership component arises from the payment of a voluntary contribution to access additional services and representative functions not funded by the university. This category of students are referred to as the 'members' at some campuses, while they are referred to as the 'financial members' at others. Typically members are recruited on the basis of members discounts (commercial trading outlets, concerts, gyms, second books), political solidarity or heightened opportunities to participate in campus life.

There is now considerable variation between student organisations around the country between the reliance on university funding compared with their own revenue through voluntary fees and commercial trade. This isn't a simple dichotomy between well run and



poorly run student operations. At many campuses the universities have taken direct control of the major commercial operations through their establishing their own companies or have outsourced to external contractors such as Spotless. Furthermore the Australian National University and University of Queensland has made it a condition of their funding agreements that the student organisations must not charge a voluntary membership charge. At the other extreme are stronger Student Guilds in Western Australia (Murdoch, University of Western Australia and Curtin) that generate nearly all their income from their student controlled commercial services and a modest voluntary student fee.

The evolution of this two tiered (financial and non-financial) model of membership has raised the issue of political enfranchisement (rights to vote in student organisation elections, right to stand for office). One view is that only those prepared to make a financial contribution to student organisations should be able to take part in the democratic processes governing that organisation. The other view that the effective operation of student representation is predicated on a universal franchise, ie that the student organisation president is able speak on behalf of the whole student body rather than a minority subsection.

Most student representative organisations have decided to retain a universal electoral franchise so that all students can vote. The University of Western Australia Student Guild and the Wollongong University Students Association are the exceptions to this. However, many student organisations have formed the view that if a person wishes to hold an office bearer position in a student organisation then they should have demonstrated some commitment to that organisations by becoming a financial member. This obviously does not apply at campuses where there is no voluntary fee.

## **8. Impact on Student Organisation Departments**

Students are very heterogenous. One way student organisations have met the challenge of the servicing the diverse needs and aspirations of student is by creating an array of departments or portfolios within the organisation that allows elected office bearers and interested students to concentrate on a specialised area. This might be for a disadvantaged subsection of the student body such as indigenous, women, disabled, queer, or women. External students, residential students or mature age students are also often represented through departments. The work often combines a mixture of campaigns, information programs, building support networks or collectives and developing policy reforms for the student organisation or university. The exact mix portfolio varies considerably between campuses and also changes over time as student priorities change.

Most student organisations have maintained a similar range of departments and portfolios as before VSU. However, this is true only a formal sense. Typically all that remains of

the department is an unpaid or low paid part-time office bearer with a vote on the student council and a much diminished budget to run programs and campaigns from. The reduction of departmental outputs was not just due to the loss of funding or support staff. Lack of administrative and media support and time spent by the office bearers on fundraising and university funding agreements were other significant factors at a many campuses.

13 out of 18 organisations reported that they had made substantial or total cuts to departmental or portfolio funding (ie campaigns, activities, support programs for disadvantaged students)

(Flinders): *“all student representatives at Flinders are unpaid volunteers and have found it difficult to run campaigns with little support. The Student Council (a sub-committee of FCCS Board) has no appropriate administrative support... Lack of student media has also contributed to a decline in membership of collectives, which has often resulted in office bearers having to run campaigns on their own.”*

(Newcastle University Students Association): *“Education collectives' output has been reduced, largely because so much energy is spent on funding negotiations and not on other education campaigns.”*

(La Trobe SRC): *“departments have had to spend considerable amounts of time fund-raising for their activities. while there are still high levels of participation in SRC collectives, the number of events the collectives run and their ability to impact on and involve the wider student community has been substantially reduced by lack of funding.”*

The negative impact on departmental outputs will increase as the full impact of VSU is felt:

(Australian National University Students Association) : *“departments had money left from last year so they have lived off that - the effects will be felt in future years.”*

(Curtin University Student Guild) : *“Yes. the budget is smaller this year, and looking to be smaller again next year.”*

**Table 7: Impact of VSU on Departmental/Portfolio Budgets**

Minor or Focussed Cuts	Substantial Cuts Across The Board	Total Loss or Minisicle Funding
University of Sydney SRC (some cuts to Queer department)	Australian National University Students Association	Flinders (tiny allocation to student advisory council within university-run Flinders Campus Community Services)
University of Western Australia Student Guild	Curtin University Student Guild	Griffith University SRC
Charles Sturt University – Bathurst Student Representative Council (low already)	La Trobe SRC	Swinburne Student Union (no ongoing funding, running purely on reserves)
Monash University Gippsland Student Union	Monash Students Association – Clayton	Charles Darwin Student Union
Monash Union of Berwick Students (some cuts to welfare programs)	Murdoch University Student Guild	University of New England
	Newcastle University Students Association	
	University of Melbourne Student Union	
	Tasmania University Union	
	Wollongong University Students Association	
	University of Canberra Students Association	
	University of Queensland Union	

## **9. Longer Term Future**

Unless the federal VSU arrangements are substantially altered next year student organisations will diverge considerably in their levels of service and representation and primary funding sources. This diversity is reflected in comments by respondents about the long term viability of their organisation under VSU:

(University of Sydney SRC): *"...we have no commercial stream and would have died out completely without considerable financial support from the university."*

(Australian National University Students Association): *"Our funding agreement is for one year only and is a verbal agreement which could be changed at any time."*

(University of Western Australia Guild): *"is very viable in the long term because of high membership take up, commercial activity and investments."*

(Curtin University Student Guild): *"The Curtin Guild whilst operating on a reduced financial capacity has the ability to survive through VSU. This is due to significant restructuring during the last VSU."*

(University of NSW Arc): *"University funding is for three years. In the interim we need to make the organisation sustainable."*

(Monash Students Association): *"funding agreement with university was for this year, given that we are meant to be doing essentially the same work with just over half the money I don't know how we are meant to be viable into the future."*

(James Cook University Students Association): *"Long term viability – another 2 years but after that – who knows ?"*

A substantial number of organisations will be mainly dependent on ongoing university funding with the associated issues of possible loss of independence and uncertainties associated with short-term funding cycles. On-going cycles of short term funding agreements may also hinder the ability of organisations to recruit and retain professional staff. Organisations that will continue to be almost entirely dependent on university funding include: Australian National University Students Association, Charles Sturt University – Bathurst Student Representative Council, Sydney University Student Representative Council, University of Melbourne Student Union, Monash Students Association – Clayton, Monash Union of Berwick Students, University of South Australia Students' Association and the RMIT Student Union.

At least two organisations, Curtin University Student Guild and the Victoria University Student Union have received one off transitional funding from their university instead of the prospect of recurring funding. Curtin Student Guild has substantial trading operations and a track record of getting significant voluntary fee revenue to survive. The long term viability of Victoria University Student Union (at a university where the university directly runs most of the non-representative student services) is harder to envisage without further university funding once the reserves are exhausted.

Another substantial number of organisations will be reliant on a mixture of substantial university funding and self funding mechanisms (mainly commercial trading, investments and voluntary members fees). These include: Adelaide University Union, University of Queensland Union, University of NSW Arc, James Cook University Students Association, Monash University Gippsland Student Union, QUT Student Guild, Edith Cowan University Guild and the University of Southern Queensland Guild. The new state-wide organisation emerging from the proposed merger of the Hobart-based Tasmania University Union and the Launceston Students Association is likely to fall into this category.

Only a small number of organisations will be mainly self-funded, notably the Murdoch Student Guild and University of WA Student Guild. Curtin University will fall into this

category once the transitional funding has expired. Several small regional organisations may also fall into this category but only because they only provide the small level of non-commercial services that can be sustained from trading profits and small voluntary student contributions.

Several student organisations will be in dire straights in the longer term unless their university administrations change tack. The Charles Darwin University Student Union has disappeared and the Griffith University SRC is struggling to maintain a presence with little resources. The Swinburne Student Union is surviving only on its own reserves as the university has decided to set up an alternative university service company. All the representative organisations at Flinders University and University of New England were shut down and replaced with an advisory student subcommittees with a miniscule budget. The Wollongong University Student Association has lost nearly all of its staff and funding – apart from \$27,000 grant for a part-time advocacy staff member the organisations is mainly running on own reserves. The University of Canberra Students Association is receiving university funding only for the advocacy service, the other activities funded from reserves and small sponsorships. There are some hopeful signs at Wollongong University, University of New England and University of Canberra in recent funding discussions for next year. The student union at the Victoria College of the Arts will be defunded by the University of Melbourne in 2008 (VCA was forced to merge with the University of Melbourne due to the massive funding cuts that campus received under the Nelson reforms). The Student Guild at University of Sunshine Coast could not afford the \$50,000 rent on its small building and has moved into a ‘student guild room’ in a 6 X 2 m demountable building.

In the long term the renewal of student facilities and other major capital works will also be an issue. Most universities used to levy first year students a small entrance fee that was set aside to fund these upgrade programs. It ensured inter-generational equity so that one generation of students didn’t get a free ride, while another generation had to make significant financial contribution when facilities needed a major overhaul. This levy was abolished by the federal VSU legislation. The Commonwealth’s VSU transitional funding provided a once off fix for sporting facilities but offers nothing after the existing programs finish in 2009. Universities will face another unfunded drain on their resources unless a fix can be found.

## **Conclusions**

The first conclusion is that the federal VSU legislation has failed. It has failed to deliver the self-funded voluntary organisations that the legislation’s proponents argued for. The Western Australian experience with state-based VSU legislation during 1994-2002 has not been replicated in the eastern states. Very few organisations have even flagged that they intend to go in that direction – the biggest exception is University of NSW’s Arc organisation which is aiming to be self-funded in three years time.

The comparative ease that Western Australian Guilds have had in 2007 in adjusting to VSU is not surprising. Since the state VSU legislation was partially repealed in 2002 the

guilds, in anticipation of future state or federal VSU legislation, had put the extra income reserves and did not significantly increase their outlays. The more interesting question is why were three of the WA Guilds (Murdoch, Curtin and University of Western Australia) in the 1990s able to create sustainable self-funded organisations when faced with similar VSU legislation ? (The fourth guild in the state (Edith Cowan) went into receivership and survived only with large university bail out).

Student activism in the west has been traditionally weaker than in the eastern states. Even the Vietnam War protest movement largely bypassed the Perth campuses. The lower level of student activism translated into historically smaller allocations to representation, advocacy and activist departments relative to the Guild's sporting, social and commercial activities. Representation, advocacy and activism all faced significant cuts in the late 1990s but the effects were less obvious externally at Murdoch and Uni of Western Australia. At Curtin the guild became almost exclusively focussed on commercial 'user pays' services the shift was more pronounced. Another factor was that all the Western Australian universities had unitary guild structures. This stopped them having to go through the lengthy legal and democratic processes associated with merging campus student organisations. It also didn't leave the window open for university takeover of commercial services (although the University of WA did takeover sports). A third factor was that the 1990s transition to VSU in Western Australia took place over 3 and half years. The legislation was passed in 1994 but the Commonwealth's 'SOS' funding meant that the full impact of VSU was not felt until 1997. This time around the implementation time frame was six months to a year.

This report has shown that the outcome at most campuses is not self-sustaining voluntary organisations. In the worst cases such as Charles Darwin University it has meant that there is no student organisation, barely one at the University of Sunshine Coast and Griffith University's Brisbane campuses, while at several others there is poorly funded rump within a university run student service company. The more typical outcome has been an organisation either substantially or totally dependent on university funding. The main impact of the legislation has been to create substantial new and unfunded drains on university revenue. This is simply poor public policy and should be reason enough in itself for scrapping the VSU legislation.

The VSU legislation has hit the representative, advocacy and student driven campus culture the hardest. Commercial trading has its own obvious income sources, while the VSU transitional funding has provided some buffer for sports and recreation facilities until 2009. VSU has significantly reduced professional policy and organisational support for representatives to do their jobs, it has reduced the range of activities and campaigns put on by departments, marginalised postgraduates and international students, destroyed hundreds of jobs, and generally eroded the ability of students to take part in university planning and quality processes. VSU has also seriously eroded many aspects of student driven campus culture such as student media and support for clubs and societies. The impact has not just been felt in term of diminished funding. It also mean that most of the now mainly unpaid office bearers have to spend the bulk of their time dealing with organisational consequences of VSU than doing what they thought they were getting

involved in.

Finally there is social dimension to allowing the current VSU arrangements to stay in place. The general pattern is for the sandstone universities to offer the most generous funding packages to keep a vibrant representative and student driven campus culture going. The outer suburban and regional universities have generally settled for losing a lot of what used to be offered. This partly reflects different funding contexts of Australia's highly vertically diversified higher education system. However, this also reflects the different implicit aspirations of universities – the difference between training up a professional workforce compared with developing the next generation of national leaders. The fact that the low SES enrolments at the sandstone universities can be as low as 5% means that there will be a strong class bias in who is able to access campuses that continue to offer life enriching experiences outside of the classroom. In this context VSU is another mechanism that reproduces cycles of inter-generational privilege.

The VSU legislation should be repealed.

# APPENDIX ONE

## NUS NEXT STEPS RANKINGS

26 September 2007

University Student Representation and Student Support  
PRODUCED BY STUDENTS FOR STUDENTS

### Introduction

After the passage of Voluntary Student Unionism, students at some universities are being left to represent themselves with little or no resources. Support for student representation and advocacy is crucial to maintaining the rights of students at university. As government policy continues to shape universities into income driven entities, the rights of students, especially paying students, are often eroded in the pursuit of increasing income. In this new environment, students must have a right to question and criticise the services they are being sold at ever increasing prices. The rights of students, who are contributing more than ever to the cost of their education, include but are not limited to: the right to representation and independent advocacy, fair and transparent assessment processes, fair and available appeal processes, regular and open review of course quality with organised student input. Well-resourced student representation allows for a consistent, effective and organized student voice and perspective within a university's planning and quality processes. Aside from accepting student voices, the treatment of student representation also demonstrates that university's regard for their own student cohorts and potential graduates. These rankings aim to provide an indicator for students seeking to go to university about the quality and recognition of student representation at various universities across Australia. How well will concerns and issues, whether academic or non-academic be received by the Universities or presented by students? It is noted that reducing government and public funding has been a key issue raised by university administrations that have been supportive in principle, but have been unable to provide any tangible support through resources. Not all universities are included in the rankings. Some University student organisations are either not affiliates of the National Union of Students or insufficient information could be collated in order to justify the categorisation of particular universities. The recommendation, to students considering applying to those Universities not in the rankings, is to research the availability of independent student controlled representation and advocacy.

### Category 1

#### Description

Universities in this category are extremely supportive of student representation and consult with students at every level. The culture of student involvement in decision



making permeates from governing board level through to student administration units. Students who have academic and non-academic issues at the university are given a fair hearing with the right to independent, student-controlled and directed representation. Student representation is well resourced with student submissions into University quality processes unchanged by VSU.

Campus student life is healthy and run and organised by the students of the university. Students at the university are engaged and active in the governance of their student organisations. The culture of student participation and involvement in the student organisation is vibrant and democratic.

The university is respectful of student organisation autonomy and independence, and is also extremely supportive in reviewing and increasing the organisational support provided to student organisations as the peak representative body for students enrolled at the university.

Students wanting to attend these universities can be assured that there is a strong student voice for complaints and appeals with no issue off-bounds for student organisations from these universities. There is almost little to no chance that students won't get the quality they paid for at these universities.

### **Notable movements**

The movement of Monash Clayton and the University of New South Wales upwards into category 1 from last year is the result of restructures and mediations about support concluding early this year. The University of Sydney is the only University to remain in the top category with its consistent university-wide support for its student representative organisations. The University of New South Wales established its new student organisation titled "ARC" with an independent Students' Representative Council. Monash Clayton Students' Association has finalised its support agreement with the university and is not only retaining its historically strong student representative functions but is increasing its service provision to students with the re-opening of a bar on campus.

### **Universities in Category 1**

University of Sydney

University of New South Wales

Monash Clayton

## **Category 2**

### **Description**

Universities in this category are supportive of student representation and independent student controlled advocacy. There is a culture of student involvement in decision making within the university and student issues are given time and consideration. Students who have academic and non-academic issues at the university are given a fair hearing with the right to independent, student-controlled and directed representation.

Student representation however, may not be well resourced and support for student representatives in developing and presenting organised submissions for university planning and quality is currently lacking. Campus student life is healthy although student involvement in the development of on campus life is mixed.

Students at the university are engaged and active in the governance of their student organisations. The culture of student participation and involvement in the student organisation is vibrant and democratic.

The university is respectful of student organisation autonomy and independence but support is still inconclusive on some key issues such as student representation resources. Students wanting to attend these universities should watch the monthly rankings for improvements in concrete support, but can rest easy that independent advocacy that is student directed exists, with the support of strong student representation that is currently still intact.

### **Notable movements up**

Notable movements include, University of Technology, Sydney, James Cook University, University of Tasmania and Newcastle University, where negotiations for support concluded late in 2006 or early in 2007. The University of Technology, Sydney is emulating reviews conducted by universities in the top category by going through an independent review to determine further areas of support. Expected to continue movement upwards. Newcastle University is also looking into further methods and areas where it can support its Students' Association. James Cook University has conclusively supported its student organisation, but there is still inconclusive support for organised student involvement in quality and planning processes.

The University of Tasmania is still concluding its organisational re-structure of student organisations, but has provided substantial financial support to student programs. It remains to be seen whether the University will attempt to replace student control from the governance of the new student organisation with token representation.

### **Notable movements down**

Despite support for advocacy and representation being extremely high, the University of Queensland has undermined its student representation through the takeover of student organisation controlled buildings as a condition of funding. This unprecedented move casts doubt on the overall respect for student advocacy at the University of Queensland. The Australian National University being the trailblazer in providing support for its student association has fallen behind by refusing to date, to fund clubs and societies effectively. With Clubs and Societies being the life-blood of most on campus student life, it is unclear why this has occurred at the Australian National University. The University of Melbourne who was also a trailblazer in providing support for its student organisations has also moved down, primarily as a result of increasing disregard for student voices in the university's planning processes. The University of Melbourne continues to provide substantial resources and support to the student organisations, but the independence of the representative student organisation has been diminished publicly by senior figures

within the University. These symptoms of cultural change within the University could possibly be an irregularity, developments leading up to the University's adoption of its annual budget will provide further insight into the University's regard for student representation and voices.

### **Universities in Category 2**

University of Melbourne  
University of Queensland  
Adelaide University  
Australian National University  
University of Technology, Sydney  
Queensland University of Technology  
Curtin University  
James Cook University  
Newcastle University  
University of Tasmania

### **Category 3**

#### **Description**

Universities in this category are appearing supportive of student representation and independent student controlled advocacy, however support is as yet inconclusive. Students who have academic and non-academic issues at the university are currently given a fair hearing with the right to representation, however some of these campuses do not have student-controlled advocacy as yet or future support for the student controlled advocacy is in doubt. Student representation is not well resourced and support for student representatives in developing and presenting organised submissions for university planning and quality is non-existent. Staff or non-students direct the campus student life. It is unclear what the difference is between on campus student life and that available from the local pub. Students at the university are still currently engaged and active in the governance of their student organisations, however the culture of student participation and involvement in the student organisation is at risk of folding due to lack of resources.

Some of the universities are respectful of student organisation autonomy and independence but support is still inconclusive for student controlled and directed services and support. Some of the universities are placing harsh restrictions and monitoring tightly the decisions made by student organisations and do not respect the autonomy of elected student representatives.

Students wanting to attend these Universities should watch the monthly rankings leading up to January to see if improvements are made in the level of concrete support given to student organisations. If issues arise at these universities, it will not be easy to reach a resolution.

#### **Notable movements up**

The University of Canberra, under new leadership has begun to discuss the available

options for support with the student organisation, which is a change of tone from the previous administration who refused to entertain any support for student organisations. It is anticipated that the University of Canberra will continue to move upwards into category two, however, negotiations have not concluded and support is still inconclusive. Macquarie University has entered the ranking as the university attempts to re-establish the student organisation. It is expected to continue moving up, however students wanting to attend Macquarie should be wary that they may have to put in some work themselves if they want a functioning student organisation that can represent any issues they encounter effectively.

The University of New England has also entered the rankings at this level as the University is also attempting to re-establish an independent student organisation. It is expected to continue moving up, however undergraduate students wanting to attend the University of New England should be wary that they may have to put in some work themselves if they want a functioning undergraduate student organisation that can represent any issues they encounter effectively. The University's attitude to student representation is good, but student involvement is still lacking. Possibly due to a low on-campus student cohort. It should be noted that the support for post-graduates in contrast is satisfactory and has active student engagement and involvement. Edith Cowan University is another addition to the rankings, which has committed resources to the student organisation for advocacy, however student representation is not currently regarded as important for the university and student concerns or issues are not currently fed into the university's planning and quality processes.

### **Notable movements down**

The movement of La Trobe University into category 3 from category 2 is a result of the previous Vice-Chancellor's inability to push negotiations forward towards a productive outcome, forcing independent student advocacy to the brink of insolvency. It is expected to return to higher categories given that discussion with the new Vice-Chancellor have been productive and La Trobe is emulating the reviews conducted by those universities in category 1. Flinders University's shift downwards is a result of a de-prioritisation of student representation within the University. Support for organised student representation feeding into university planning and quality is non-existent and the promise of the Flinders Campus Community Services organisation has not come to fruition, resulting in a sterile services corporation. A student representative organisation is still existent and there is opportunity for the expansion of the representation provided to students.

### **Universities in Category 3**

University of Canberra  
Macquarie University  
University of New England  
La Trobe University  
University of Wollongong  
Charles Sturt Bathurst  
Flinders University  
Victoria University

## **Category 4**

### **Description**

Universities in this category either do not have student controlled representative organisations and are not looking to establish them or repudiate the importance of providing paying students a right to representation that is controlled by students. Students wanting to attend these Universities should be wary. Student issues are unlikely to receive proper attention and support for student complaints is non-existent or likely to wind up if no support is provided to the student organisations.

### **Notable movements into this category**

The University of Western Sydney has moved into this category as a result of the University's inability to commit concretely to supporting student campus life and representation. Issues of financial accountability have been used to impinge on the independence and autonomy of the student organisation. It is likely that the University of Western Sydney could move out of this category, however active moves to place the student organisation in a difficult financial position present the possibility that the University will be void of strong student advocacy.

### **Universities in Category 4**

Swinburne University

University of Western Sydney

Griffith University

Charles Darwin University

*Queensland Government media release  
Peter Beattie - Premier and Minister for Trade  
Rod Welford - Minister for Education and Training and Minister for the Arts  
5 September 2007*

## **FEDERAL ANTI-UNIONISM POLICY KILLING SPIRIT OF UNIVERSITIES**

The Howard Government's introduction of voluntary student unionism in July last year had ripped the heart out of Queensland universities, Premier Peter Beattie told Parliament today.

Mr Beattie said the Department of Education, Training and the Arts had sought feedback from Queensland universities and student associations to measure the impact of the policy on university life.

"The Department has reported a number of disappointing trends to Government," Mr Beattie said.

"Essential services that are critical to students and their families, such as childcare, counselling, medical services, and legal and welfare advice have been scrapped or wound back at unis around the state.

"Many student associations are continuing to struggle on, despite the downturn in memberships, but often with a reduced number of staff.

"There have also been reports of a decline in 'community spirit' at university campuses because many activities are now going off-campus."

Mr Beattie said some examples of the effect of voluntary student unionism that had been reported included:

- Central Queensland University Student Association staff has been reduced from 42 to 15 either through redundancies or attrition, resulting in a loss of about \$1 million in wages in the local community.
- James Cook University Student Association was forced to retrench much of its existing staff and there has been a significant reduction in services, including sport and recreation, Orientation Week events and academic advocacy.
- The Schonell Cinema and a café were closed at the University of Queensland and two other refectories, including the only one at the Ipswich campus, are under threat of closure.
- An estimated loss of \$6.5 million in student association revenue at Griffith University, resulting in the University providing \$1.5 million from its own budget to help off-set the loss and maintain services.

"The student associations are doing a remarkable job to try and maintain some level of service, despite the Howard Government's anti-unionism stance working to destroy everything our universities stand for," Mr Beattie said.

Education and Training Minister Rod Welford said Queensland universities were at risk of becoming cold, sterile places stripped of services essential for university life.

“There’s a lot more to a tertiary education than attending lectures and tutorials, there’s also the social and recreational aspects to consider,” Mr Welford said.

“As more of these services are ripped out of our universities, we lose more and more of that ‘community spirit’ that is so integral to a university education.”

## APPENDIX THREE: BACKGROUND BRIEFING - PRE-VSU STUDENT ORGANISATIONS

The first post-Renaissance student organisations developed in Scotland at the end of the 18th century. 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. A range of voluntary student organisations were established on Australian universities in the 19<sup>th</sup> 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 membership fee on students for campus activities other than tuition. This principle of universal student membership became generalised 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. This led to the creation of the first 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 to determine for themselves. Like their counterparts at other good international universities such as Oxford, Cambridge, Princeton and Colombia the principle of universal membership of student governance bodies was seen as part of a getting a well rounded education. One of the key reports during the Liberal 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.”*

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 which 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.”*

The post 1974 framework was that the Commonwealth provided the funding for universities for its core teaching, research and infra-structure activities while the students maintained their independent self-governance over their representation, services and facilities through a universal student amenities fee. The expansion in student numbers since then has allowed the ‘student estate’ to expand and take on many core university activities such as welfare and employment services and professional academic rights advocacy.

## **A Snapshot of Student Organisations In 2005**

In the final year before VSU (2005) Australian universities collected \$172.8 million from the universal student service and amenities charges. The student organisations received \$122.7 million (70.1%) of the funding, with \$24m (\$13.9%) kept by the university to run its own student services, and \$26.1m (15.1%) going to others (such as private providers).<sup>2</sup>

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<sup>2</sup> Australian Vice Chancellors Committee, media release, 17 June 2005

Service Provided	\$ spent by student organisations (2005)	%
Sporting Facilities	23.80 million	19.4%
Health & Welfare	11.77 million	9.6%
Accommodation	0.8 million	0.7 %
Computing & other study Assistance	7.7 million	6.3%
Specialised International Student Services	3.0 million	2.4%
Clubs and Societies	7.9 million	6.5%
Advocacy, Representation and Political Activity	21.1 million	17.2%
Other services – non political	46.6 million	38%
Total	122.7 million	100%

The student services and amenities fees varied from just over \$100 at the Western Australian campuses (which had been affected in the recent past by state based VSU legislation) up to \$481 at Sydney University. This did not include the building levy that was charged to first year students. The following lists the full time annual fees for internal students studying at the main campus of a university around 2005. Fee levels at most campuses were significantly discounted for part-time students, external students and for students at small satellite campuses with limited service provision.

	2005 full time annual fees for internal students at main campus(es)
Australian Catholic University	\$400
Australian National University	\$220
Charles Sturt University	\$272 (2004 figure)
Curtin University	\$110
Deakin University	\$261
Edith Cowan University	\$100
Flinders University	\$373
Griffith University	\$240 at Brisbane, \$256 at Gold Coast
La Trobe	\$360
James Cook University	\$275
Macquarie University	\$356
Monash	\$428 at Clayton; \$375 at Gippsland and Peninsula; \$358 at Caulfield; \$187 at Berwick, \$100 at Parkville
Murdoch University	\$70
Queensland University of Technology	\$242
Southern Cross University	\$350 at Lismore campus
Swinburne University	\$304
University of Adelaide	\$327
University of Ballarat	\$258
University of Canberra	\$270
University of Melbourne	\$392
University of New England	\$370

University of Queensland	\$272
University of South Australia	\$274
University of Sydney	\$481 for undergraduates, \$351 for postgraduates
University of Sunshine Coast	\$210
University of Tasmania	\$264
University of Technology Sydney	\$420
University of Western Australia	\$110
University of Western Sydney	\$364
University of Wollongong	\$374
Victoria University	\$300

Prior to the introduction of federal VSU legislation in 2006-7 the student organisation structures on campuses differed considerably. For example at Flinders University there were six organisations (a Students Association, a Postgraduate Students Association, an International Students Association, the University Union, a Clubs and Societies Association and a Sports Association. At the other extreme were the Guild structures, for example at all the Western Australian campuses where all the different functions were bundled into a single organisations governed by a central elected student council. Regardless of the campus variations in organisational structure there was a common pool of representation, activities and services that students were responsible for governing or delivering at most universities.

### **Services**

Student organisations provided a broad range of services to students and the university community as a whole. Analogous to local councils, student organisations received financial contributions from all students in the form of non-academic service fees. These funds were pooled, and students democratically determined which services were to be funded. On a typical Australian university students had access to the following services:

### **Education Support Services**

A vital role of student organisations (often closely linked to student representative functions) relates to student rights/advocacy on behalf of individual students. Student representatives or more commonly professional staff of student organisations assisted tens of thousands of students to the university committees around academic problems or grievances every year. These included support and advocacy around the following issues:

- o academic rights appeals over assessment, remarks, supplementary exams due to medical or personal hardship, plagiarism or academic misconduct allegations
- o issues affecting enrolment such as admissions, preclusions and exclusions
- o illegal course material fees
- o disability access and support
- o discipline hearings
- o research supervision problems
- o intellectual property disputes
- o degree confirmation
- o applications for recognition of prior learning

### Equity and Welfare Services

- o financial counselling
- o income support advice
- o employment services
- o student housing services
- o childcare
- o international student support and integration programs
- o personal counselling
- o legal advice
- o mature age and part-time students integration programs
- o sexual harassment advice

### Cultural/Arts Services

- o orientation weeks
- o clubs and societies
- o student theatre
- o multi-cultural events
- o bands and other lunch time or evening performers
- o debates of current issues
- o art galleries and exhibitions

### Student Media

- o weekly information sheets
- o student newspapers
- o student radio
- o student television (only at a few unis)
- o student media and art prizes

### Sport

- o sporting events and clubs
- o sporting associations
- o participation in inter-varsity sports including the national "University Games"
- o access to sporting venues
- o subsidised campus gyms

### Campus Life Infrastructure

- o student lounges
- o bars, taverns and food outlets
- o sporting facilities
- o union buildings
- o meeting rooms
- o religious centres

### Other services

- o subsidised food
- o second hand books
- o tool libraries
- o cheap minibus hire
- o computer labs
- o international student peer mentoring schemes
- o study skills programs
- o safe sex programs
- o cheap photocopying and fax services
- o freecall phone and fax for external students
- o locker hire
- o discount ticketing
- o academic dress hire
- o work rights advice

## **Representing Student Interests**

Student organisations had elected student representatives of students who acted to improve policy and service delivery at their campus. Student representation has had a long history and vital place in university decision-making structures. Most of the early Australian universities had established some form of student representative councils by the 1920s. University staff and management have long recognised the value in student views being 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. The creation of the national universities quality agency that carries out quality audits of universities has created a new important function for student representatives. Student representatives are often the only people semi-independent from the university chain of command able to provide a different angle on the quality claims from the university administrations.

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

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

Quite a few universities had postgraduate student organisations that were separate from the student union or guild, while other universities have postgraduate committees or associations existing within the guild/union structure. Often there were separate postgraduate representatives on university committees. In most cases, postgraduate organisations maintained 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. Examples of programs and services offered to postgraduates by postgraduate student organisations include:

- o Professional caseworkers to assist research students to establish a good working relationships with their supervisor, and offer advice when problems arise;
- o Seminars on thesis preparation and publication; assistance with material production of theses
- o Support for student-initiated conferences, including interdisciplinary conferences and inter-university conferences;
- o 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)

NUS believes that the best practice for effective student representation needs:

**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. Properly Resourced and Independent Funding.** 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 need to make use of resources provided by their organisations. Student organisations generally employed research and administration staff to professional support student representative work on university committees. The use of student fees to fund student representation gives greater confidence that the reps could fearlessly advocate for students without facing later funding threats.

## **APPENDIX FOUR: BACKGROUND BRIEFING – THE 30 YEAR VSU BATTLE**

### **Opening Skirmishes and Court Cases**

Universal student organisation fees did not become controversial because student organisations had suddenly become irrelevant to contemporary student life. Quite the contrary student organisations over the last couple of decades have been less about rigger, beer and debating - and a lot more about welfare, academic rights and having a real impact on university committees. The leading public and private universities round the world such as Harvard, Oxford and Cambridge all continue to charge substantial student organisation fees and require all their students to become members of their student organisations. In fact amongst all the countries whose higher education system is derived from the European-North American style of university Australia and New Zealand are virtually unique in having non-academic service provision at universities being subject to government interference to prevent universal contributions. The discourse of 'voluntary student unionism' is a totally artificially ideological construct which has not been taken up by conservatives elsewhere in the world.

The first voluntary student unionism legislation was introduced in 1977 by the Western Australian Liberal Government after persistent lobbying by the Australian Liberal Student Federation, at the time the hard dry minority wing of the campus Liberal clubs. The only real impact of the legislation was to prohibit campuses student organisation from paying affiliation fees to the Australian Union of Students because of its perceived engagement with the left socio-political causes. Similar legislation was passed in Victoria and the federal parliament which at the time had direct jurisdiction over the two ACT universities.

While many campus conservatives supported the campaign to disrupt and destroy the Australian Union of Students, only a small minority wanted to proceed further and attack the principle of universal membership of student organisations. This extreme view was opposed by Fraser government that took the position that campus conservatives should instead focus on winning the campus political debates and elected positions. This was the era when Peter Costello, Tony Abbott, Joe Hockey and Eric Abetz were all paid student organisation presidents. The government, however, did encourage Vice-Chancellors to introduce conscientious objections provisions on campuses with regards to formal membership (but not a free ride so that the student paid an equivalent amount to a charity or university fund). The election of ALP governments federally and in most states over 1982-3 led to the repeal of the limited VSU legislation.

During the 1970s and 1980s a number of conservative students mounted various legal challenges against universal membership through the NSW Equity Court, the Victorian Supreme Court, and the South Australian Supreme Court. The arguments advanced by VSU proponents included: that their rights of freedom of association under the UN Declaration of Human Rights was being violated, that they were forced to be associated

with radical causes that did not support and that that universal membership was analogous to a trade union closed shop and that universities did not have the legislative authority to charge a levy (tax). All the cases were unsuccessful, apart from the initial Victorian Supreme Court case which was later overturned by the Full Bench. In 2002 the Australian Competition Consumer Commission considered whether a universal membership fee was in breach of the Trade Practices Act. A brief synopsis of the outcome of cases is outlined below.

**Clark v Melbourne University No. 1, 1977, Victorian Supreme Court.** The "Kaye" judgement. Liberal student Robert Clark challenged the power of Melbourne University to collect the student service fee, the right of University Council to pass some of this money on to the SRC, and the right of the SRC to pay some of that money to AUS. Kaye ruled that the student service fee was not a fee for services provided but was in the nature of a levy of a tax or charge. Kaye also ruled that the University was a 'public authority exercising legislative powers' (ie governmental). To levy a tax or charge a public authority requires specific legislative authority from parliament. In the absence of this specific approval it was *ultra vires* (beyond the powers) for Melbourne University to collect a student service fee as a condition of enrolment.

**Farrell v Mulronev and others, 1978, NSW Equity Court,** The "Rath" judgement. UNSW Liberal student Mike Farrell tried putting on UNSW a similar writ to Robert Clark's. Farrell argued that the university could only levy a charge for services provided by the university. The judge ruled that the university was made up of bodies with different interests (students, academics, administration). Therefore a facility provided by a student union was as much a part of the university as a service provided by the university administration. The judge also emphasised the political/representative side of student organizations which he argued were established features of university activity and were clearly part of a 'nexus' consistent with the objects and purpose of the University. The judge ruled against Farrell and awarded costs against him.

**Clark v Melbourne University No. 2, 1978, Full Bench of Victorian Supreme Court.** This case has become the established legal precedent. It overturned the Kaye judgement. The Full Court ruled that Kaye had erred in ruling that Melbourne University required specific legislative authority to charge a student service fee as a condition of enrolment. Instead it found that the University was empowered to do everything necessary for the proper maintenance of affairs of the university so long as it did not conflict with existing statutes. The Full Court also rejected Kaye's definition of university governance as being 'governmental' in nature. Instead it exercised powers of self government affecting only those who chose to become members of the university through enrolment or the acceptance of employment or office within the university. In essence the Full Bench ruled that the individual opts to enter the university, in this case through enrolling as a student, and as such accepts the conditions of participation, which includes the student service fee. The element of voluntarism, so crucial to the VSU case was ruled to be at the point of entry to the university since no-one is compelled to make that choice.



The defeat of the Liberal students in the Rath judgement and the appeal against the Kaye judgement put a stop to the wave of juridical action for a time. The Liberals switched their focus to smashing AUS through legislative and political means. The AUS finally collapsed in 1984. The formation of National Union of Students in 1987 and the predominance of pro-student union ALP Governments saw a couple attempts by conservative students to set a new legal precedent for VSU in the late eighties.

**Harradine v University of Adelaide No. 1, 1988, South Australian Supreme Court; Harradine v University of Adelaide No. 2, 1989, South Australian Full Court.** Law student Brendan Harradine, who appears to have been an aggrieved individual rather than a Liberal, argued that the university lacked the power to charge a Union Fee because (a) this constituted compulsory unionism, (b) constituted a tax, (c) contravened the Universal declaration of Human Rights on Freedom of Association and (d) were *ultra vires* because the University had no express power to use its powers over another incorporated body (the Adelaide University Union). The judges rejected Harradine twice and reaffirmed the key points of *Clark v Melbourne University No. 2*, and ruled that the United Nations Declaration is not part of domestic law in any Australian jurisdiction.

**Kenmar v Pritchard and Monash University, Victorian Equal Opportunity Board, 1989** Stephen Kenmar claimed that he was discriminated against by compulsory student unionism which obliged him to pay fees which were in part payable to the Monash Association of Students which pursued political lines he was opposed to. The University had refused his enrolment because he refused to pay that proportion of the fee that went to the Students' Association. Kenmar's legal representative was Peter Costello (now the Howard Government's Federal Treasurer). The EO Board ruled that Kenmar had not been unlawfully discriminated against on the basis of his political beliefs. Kenmar's application for enrolment was rejected not because of his political views but because there was a rule that applied to everyone enrolling that they had to pay the prescribed fee. The Board was not satisfied that refusal to join the Students' Association constituted a political activity in itself.

**Australian Competition and Consumer Commission ruling in James Cook University** During 2002-3 Australian Competition and Consumer Commission (ACCC) considered whether universal student amenities fees were illegal under the *Trade Practices Act*. The act prohibits certain types of anti-competitive conduct. Section 47 of the Act deals with exclusive dealing (a person placing restrictions on another person's freedom to choose who to deal with). 47(6) and (7) of the Act deal with a specific form of exclusive dealing called third line forcing. Third line forcing involves conduct where a supplier supplies goods or services on the condition that the purchaser on the condition that the purchaser acquires goods and services from another person. It was argued that James Cook University may be engaging in unlawful activity by making the membership of the James Cook University Students' Association and payment of the association's services fee as a condition of enrolment at the university (albeit subject to existing exemptions on conscientious and religious grounds). In short it was argued that the James Cook University may be unlawfully coercing its students into being members and purchasing service from another body, the James Cook University Students' Association

(This is predicated on the notion that Students' Association is not considered to be part of the university for the purposes of the Act). James Cook University applied to the Australian Competition and Consumer Commission (ACCC) for immunity from possible litigation on the grounds that the public benefit arising from its conduct outweighs any public detriment (notified conduct). The University argued that the Students' Association provided a range of services and activities that were essential to the functioning of the university such as academic support, welfare services, student representation, childcare, legal advice, sport and recreation facilities, meeting rooms and food outlets. The university received a temporary exemption from possible litigation while the ACCC considered the matter but had an unfavourable initial ruling. NUS, James Cook University Students Association and James Cook University launched an appeal in late 2002 that won the following year. As well as welfare support the key for the ACCC was the independent representation provided by the 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.*"<sup>3</sup>

The legal case for VSU had been thoroughly tested in various courts and commissions and was found to have no legal merit short of the passage of specific VSU legislation. This remains relevant as it demonstrated that there should be no extraneous legal impediments to a repeal of VSU if a federal future parliament decided to scrap the specific legislation.

### **VSU in Western Australia post 1993**

Specific VSU legislation was introduced by the conservative governments in WA and Victoria during 1993-4. The Victorian legislation retained a compulsory fee but specified the range of activities that could be funded from the fee (student representation and student media were excluded). The Western Australian legislation for the first time made the entire fee a voluntary charge.

*Acts Amendment (Student Guilds and Associations) Act 1994* (WA, so called 'full blown 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

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

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<sup>3</sup> Australian Competition and Consumer Commission, 30 April 2003

'protect the right of higher education institutions to decide the most appropriate range and level of services and amenities for their students'. The Commonwealth would compensate 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.

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.

A change of government in WA led to a partial and protracted repeal of the VSU legislation. There was a common view amongst Labor 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*.

- 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 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%

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.

Interestingly where the Guilds initially tried to recruit members on the basis of being an apolitical service provider (Curtin and Edith Cowan) the take up rates were low, while at Murdoch where the membership drive was more political, based on fighting for student rights, the take up rate was much higher. UWA went with a mixture of both approaches and ended up with the middle range of membership despite having the most extensive range of services.

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%

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. At the University of WA Guild the department budgets were reduced in line with the membership take-up rates which meant across the board cuts of about 70%. 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 Senate Inquiry that in 1998 the university had provided \$100,000 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.

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.

## **VSU in Victoria post 1994**

Victoria had an alternative form of anti-student organisation legislation. When the Kennett government was elected in 1992 it pursued a different path from Western Australia. 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. 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.

The election of the Bracks ALP Government in 1999 did not lead to a repeal of the legislation as the balance of power in the upper house was held by several conservative independents. 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.

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 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.

When the initial Kennett legislation was in operation from 1995 to 2000 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. 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. In effect the university administrations were turned into the watch dogs and enforcers for the Kennett Government.

As in Western Australia the Victorian campuses were initially eligible for the Student Organisation Support Program (SOS) compensatory funding from the Commonwealth. 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. 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 with an opt in membership question at enrolment (but a compulsory fee) rates were as follows:

**Opt in membership for 1995 and 1996**

	<b>1995</b>	<b>1996</b>
Melbourne- MUSU	82%	85%
Deakin- Toorak	c. 65%	c. 75%
Deakin- Rusden	c. 60%	c. 50%
RMIT- SUC	Universal	73%
RMIT- Union	Universal	69%
Swinburne		c. 10%-15%

Some campus organisations restructured their operations so that students only had equal representation with the university appointed directors at the top level. The 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, clubs and societies support, honouraria for student representation, conduct of student elections, political campaigns and payment of affiliation fees to bodies like NUS and CAPA 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 defunded. 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 students was much less affected than in WA. Since that time several campuses no longer run the major commercial services thus ruling out the option of cross-subsidising political-representative activities.

### **The Federal VSU Act**

On the final sitting day of 2005, December 9, the Howard Government with the assistance of Family First passed the *Higher Education (Abolition of Compulsory Up-front Student Union Fees) Act 2005*. The legislation for the first time since the 1920s made both the membership of student organisations and the requirement by students to financially contribute to the provision of student organisations and campus student services a purely voluntary matter.

Similar legislation had stalled and then lapsed in the Senate in 1999 and 2003 due to the opposition of most non-Coalition parties and independents to VSU.

The Act prevents universities from requiring a student to become a member of an organisation of students. Furthermore the Act prevents universities from charging any fees for an amenity, service or facility that is not of an academic nature unless the student has chosen to use the amenity, service or facility. The Act does not prevent a university from collecting any voluntary contributions from students. It took effect from the middle of 2006, although universities with annual fee collection arrangements were able to charge for a whole year at the beginning of 2006. 2007 is the first year when all universities are operating on a voluntary fee basis.

### **International Students**

Universities and other registered education providers have additional responsibilities to overseas under the *Education Services for Overseas Students Act*. The national code requires that registered providers are required to provide support services for overseas students such as those that assist them to make the transition to a new life in Australia, legal services, health services, complaints and appeals processes, and a student contact officer. Student organisations have traditionally had a major role in some of these functions such as orientation and induction programs and in providing caseworkers to

assist international student with grievances and complaints. Universities usually fund international student services (and the marketing/promotional to recruit the students) by charging them a higher tuition fee than domestic full students in similar courses. However, there is no requirement for universities to pass any of this revenue to student controlled organisations. The peak body for overseas students, the National Liaison Committee for International Students (NLC) is conducting its own survey on the impact of VSU on its affiliates. The clear trend is that universities are reducing their funding of international student organisations to boost their own university run services. The NLC will be examining trends in overseas students satisfaction with university run services compared to student run services.

### **The Commonwealth's VSU Transition Fund**

The National Party was put under pressure from regional communities that they would be losing access to facilities that were often the only ones in town (such as sporting and gym facilities open to the general public). The small concession that the National Party extracted from the Liberals was a VSU Transition Funding for Sporting and Recreational Facilities. \$80m was allocated for three years commencing in 2007. The stated aim of the fund was to provide higher education providers with transitional funding from the Commonwealth to offset the impact of lost fee income while universities developed alternative income streams to maintain and construct expensive sporting and recreational infra-structure. The unstated political purpose of the fund is to firewall the regional Coalition MPs in the next two federal elections from any local backlash over loss of community sporting services due to their support of VSU.

Student organisations are not allowed to apply for the funds even though in most cases they are the body that is responsible for running sport and recreation on campus. The fund cannot be used for transitional arrangements for other areas that universities and students see as core student services such as representation, welfare and academic rights advocacy