

Voluntary Student Unionism

Monday, April 26, 1999

The Secretary,
Senate Employment, Workplace Relations, Small Business
and Education Legislation Committee
S1.61 Parliament House CANBERRA ACT 2600

Re: Higher Education Legislation Amendment Bill 1999 – Voluntary Student Unionism (VSU)

Dear Sir or Madam,

Please find ACHEA's response to the invitation to make a submission to the committee by April 27, 1999.

1. **Introduction:** The Association's position on reform of Student Associations at Universities in Australia is based upon its view of in the "distinctive integrity" of Universities, that is their educative vocation as higher educational institutions for "training in science". The reform of universities, and with that of student associations, can be just guided by this principle.
2. **Need for reform is not denied:** Universities, like all other social institutions, may need reforms of varying scale from time to time. Reform should always be driven by a respect to protect any particular institution's "distinctive integrity", its vocation. Reforms which are implemented for a change to the structure and management of the military, industry, commerce or social welfare will not be appropriate for the reforms necessary within the university, and vice versa, because the reforms themselves will need to be guided by a institution's "distinctive integrity".
3. **Reforms over the past two decades have been based on government policies in which the national interest is reduced to commercial and industrial restructuring. The resultant policies have been highly destructive of the distinctive character and contribution of the university as an Australian institution:** Universities gain their charters from Government legislation and award degrees on that basis. They

should, in principle, be allowed legal room to manage their own affairs and their own reforms. The principle of self-regulation should be applied to the reform of universities in a consistent manner respectful of their character. In Australia since the mid-1980s demands and manipulations have been foisted upon all sectors of higher education by Government with cross party support, the compliance of industry, commerce and the ACTU. This has meant an in-principle loss of respect for universities as higher educational institutions. Before Government proceeds to reform student associations there is a more important question concerning how we can rediscover this cultural and philosophical respect for universities.

4. **The university's reform of itself must help in the rediscovery of the calling and task of the university:** In times past universities have played an important part in the rediscovery of important insight basic to the interwoven fabric of our complex differentiated society. Universities have also been important for discovering basic and foundational questions that may have not been asked hitherto. The Protestant reformation in Europe, in which tradition ACHEA stands and affirms its Christian faith, was also a reform of learning and the places of learning, universities. A free and open student association has always been an important part of this reformation tradition and is a legacy that is worthy of careful protection. Universities should be active participants in their own reform, and to be so they need an organisational structure in which active student membership carries forward the university's work. This should be encouraged by government, industry, professions and the society at large. But the Government-imposed "reforms" of the last two decades have seriously prevented universities from reforming themselves in keeping with their own character, and have resulted in a serious declension in student life and culture.
5. **The basic question about the VSU legislation:** The basic question we believe should be asked of VSU legislation is whether it is going to help or hinder our nation's rediscovery of the "distinctive integrity" proper to universities and the student vocation? Will it continue the established pattern since the "Dawkins reforms" or will it begin a new reforming trend? Legislation concerned with the place of students in the university has wide implications and we must ask whether this legislation is going to

encourage students, as necessary members of universities, to contribute to the reform of universities? We believe it will not, and this is a serious failing because our universities are in need of a positive contribution from our nation's student population. Before any such legislation be implemented it might be appropriate to commission an "institutional impact assessment" of the impact of reforms since 1986 upon student life and associations in our nation's universities.

6. **Public statements by the minister indicate a lack of respect for students as necessary and integral members of universities. The comments indicate no change in the direction taken hitherto:**

Previous VSU legislation in Victoria and Western Australia have raised considerable difficulties for Universities in terms of management, provision of services and the availability and viability of student facilities as a result. But public statements by the DEETYA minister, Dr David Kemp, have not discussed these problems and have instead concentrated upon the "freedom of association" issue. He says that it is scandalous for a person enrolled in a course of study to then discover that s/he is in fact s/he is a member of something s/he has not consciously chosen to join. It is this kind of argument about student choice that is basic to the proposed legislation, but it is a specious argument. We explain why below.

7. **The proposed VSU legislation does not reckon with the many changes to student associations which have been forced upon them since the late 1980s and subsequently:**

We suspect that the legislation is aimed at *restricting* student associations. We wonder whether instead of aiming at the *reform* of student associations it is motivated by a desire to confine all university student corporate activities, outside of coursework, to the sphere of self-funding clubs which must be financed on an abstract "user pays" principle. Dr Kemp's rationale for this legislation also fails to respect the corporate character of the university and the contribution that Student Associations make to universities. The complex history in which the student body itself maintains its important place is effectively ignored.

8. **A brief description of the student association's place:** Universities year by year involve waves of new students who come to carry on the university's academic traditions, including the sometimes complex

organisational structures that have been built up by former students in “Student Associations”.

- Former students, in their own way, are also members of a university’s student body and constitute the university’s roll of graduates.
- Student Associations are an important means by which older and younger students from different parts of the one academy, from different times, can interact and develop student life as its members.
- There are aspects of corporate student life which can, from some angles, be viewed as “compulsory”. But one cannot become a student member of the university without becoming a member of its student body. That is not so much “compulsory” as something presupposed by the nature and character of the university as a social institution – it means that the Student Association should not be viewed in terms of “compulsory unionism” as in terms of a “non-voluntary” association. Membership follows from being accepted into the university community.
- In this view the choice to become a member of the student body was made implicitly when the student accepted the university’s offer of a place. *There is a case to be made for this choice to be made more explicit by the university and by the student, but this is not ground for basing any reforms on the rationale Dr Kemp gives for this legislation. Careful regulation from government might facilitate a better community awareness of what student membership in the university means, but attempt at “voluntary student unionism” are neither careful nor educative concerning the actual complex situation. To accept an offer, but to say that one does not wish to be a member of the student body, is a contradiction in terms.*
- The Student Association is a normal and legitimate means of giving effective formal expression to the fact that a university does not exist without students and that students should be given all encouragement in their student-to-student life to consider themselves as active members of the university community. True, the student who does not make a contribution to the student body is no less a member of the student body.
- Going to university is not an inevitability, and deciding that one will spend three years (at least) at a university of one’s choice is not made under any

legal compulsion. The “compulsory” aspects that follow on the decision to go to university are part of the “package” of university membership. To repeat, although students are accepted into particular courses in a highly competitive application process, they are not just accepted into courses, they are taken into membership of the university community itself. The university *presupposes* its student body as a necessary part of its fabric, and respect should be given by University administration to the importance of the formal organisation of the student body.

- Just because in some instances universities might be run in denial of this insight does not deny the fact. Universities become alienating places to the degree that they are run and managed as if they do not depend upon their students for their ongoing existence, as if student culture among the student body is of little account to the life of the academy. Students are students; they are not customers, nor are they clients and to formulate policies which imply that they are anything less than student members of the university community is to undermine the structure of the university itself. In fact government legislation and remedial action may be important ways of addressing some of the problems which cause student alienation.
 - An individual student may not wish to participate in the formal or informal life of the student body but membership in a university institution is not possible without membership in its student body. It is that membership which is at stake in any legislation which proposes to make membership of student associations voluntary.
9. **Student Associations exhibit considerable flexibility with respect to student choice, even of those students who may wish to opt out of aspects of a student life:** The student association exists to give expression to the fact that all students are members of the university’s student body. Student Associations may need to be reminded from time to time of students who, for “conscientious reasons”, do not wish to participate in the legitimate activities of the student body, or who may even not wish to be members of the association. But it is the student association which should allow for such students to opt out of particular dimensions of student association membership – for example by a request to withdraw a

component of their fees which are related to the financing of clubs and societies. Those who opt out of the student body altogether must drop out of the university. But by allowing members of the student body to opt out of “aspects” of the student association membership the regulation can allow such students to pay equivalent “fees” to, for example, a charity mutually acceptable to the student and the student association. The best body to formulate such regulations is the Student Association itself. After all, the student body, through its Student Association, carries responsibilities for the Student Body beyond the Association’s members, to the wider university, to other Student Associations in other universities, to the outside community at large. It is in this sense that Student Associations have nothing to lose in making flexible provision those who hold conscientious objections to Student Association membership *per se*. Student Associations are flexible, and can even be required by law to be flexible with respect to such “conscientious objectors”. But the Student Association is the historical body by which the university carries, maintains and reforms the student body’s traditions and organisations. Since a student cannot opt out of the student body without leaving the university altogether, the Student Association must ensure that it does not impose views and activities upon students that force students into making such unnecessary or unfair choices. That is also why a healthy Student association encourages the development of a structure of clubs where all kinds of views can be expressed. Government imposition that Student Association membership must be voluntary, and that “compulsory” fees must be banned, is a wrong way of getting at an important aspect of student life which can be better developed through Student Association self-regulation.

10. **Student Associations are not industrial unions.** It is perverse and poor public education on the part of DEETYA and the Minister of Education that the legislation should be referred to as “Voluntary Student Unionism”. Neither does it help the universities in explaining themselves to the public, nor does it enable the public, increasingly confused about the purpose of universities, to understand just what is at stake.

11. **The principle of self-regulation points in a better direction:** The current Government espouses the general need for “service providers”, in all sectors, to be self-regulating. It is preposterous that the VSU legislation should propose to take away the financial basis upon which Student Associations operate. The opportunity to effectively reform their own organisation and reform their own contribution to their university, would be removed if Government legislates in the way proposed. The route of Student Associations reforming themselves has not been tried. Guidelines which must be followed can be given to take into account members of the student body who have “conscientious objections” to Student Association membership in some way.
12. **VSU indicates an ongoing unwillingness by governments to promote genuine academic and student reform of the nation’s academies.** It is a sad day when politicians, graduates of the nation’s universities, contemplate legislation based upon assumptions which assume that universities and university students must become compliant with an industrial and commercial agenda. This is also not good for industry or commerce, let alone encouraging a university culture in which creativity and imagination can flourish. Science in all its disciplines will again be the loser from these proposed reforms, and universities remain massive government-funded job-training centres.
13. **There is, nevertheless, a historic logic at work in the VSU legislation.** If the primary reform model for universities is indeed the mega-mart then students’ membership of the Student Association will have to be interpreted as an unjust incursion upon the right of the consumer of client to simply buy the product the student wishes to buy. Just as one should not be forced to join a local consumer protection association if one shops at a particular Westfield supermarket, so also membership of the University Student Association (Consumer Protection Guild) should be left to the individual customer.
14. **Such a view is destructive:** Reforms driven by Governments’ perceptions of national-interest based on what sells in the market continue to view universities in this way. That large funding from the public purse is provided for universities “R&D” units, does not lessen the fact that this is in

principle a mishandling of public funds because it is no longer for universities as educational institutions for “training in science” per se but for an increasingly illiberal national unified system of job-training. The VSU legislation is not at all consistent with the traditional liberal ideas of increasing freedom of all citizens including students. To the contrary.

15. **Conclusion:** The misconceived contributions of Government-led reforms to tertiary education have been with us since 1986. Legislation directed at universities will continue to be to our national detriment as long as it is based on the faulty and ideologically-inspired assumptions that undergird the VSU proposals. Even if these same assumptions were held by all the powerful players in tertiary education, including both Labor and Coalition, the AVCC and the ACTU/NTEU, this would not ever make them right. These same assumptions, extended to these proposed “reforms” of student associations, simply avoid the responsibility of Governments to reform the assumptions undergirding legislation for universities. It is time for governments to respect the distinctive integrity of the university as education institution for “training in science”. It is time for governments to develop a new respect for the student vocation and for the roles that are implicit in the student associations of our nation’s universities.

16. **Proposals:**

- That Government remind universities that in the making of internal regulations which govern Student Associations they are to ensure that they remain as effective avenues for student life and culture of all students within the university community.
- That Government request universities to make suggestions to DEETYA concerning ways in which Student Associations can be better assisted by Government to fulfill their necessary roles within the university community.
- That Government requires Universities to exercise self-regulation in the management of Student Associations and that this include that Student Associations themselves are required to make provision for “conscientious objection” to full participation in Student Association membership. Student Associations should be asked to ensure that their constitutions maintain

the full rights of all students, conferred by the university itself, and that the place of “conscientious objectors” in the student body is fully protected even when such the students do not wish to avail her/himself of all such rights and privileges.

- That Government requires Universities, and Student Associations, to explain and defend membership in the Student Association, its rights and obligations, and to do so in a way that allows students to know the nature of membership in the student body when they apply for a particular course. The possibility of “conscientious objection” to aspects of Student Association membership should also be conveyed in this material. University administration and Student Association should be encouraged by Government to engage in a style of open government in the grounds upon which full membership of the respective student bodies are clearly stated, can be openly debated, and if necessary reformed by the Student Associations themselves.

[this submission was signed by the General Secretary and President of ACHEA and dated 26th April 1999. It was written of behalf of the ACHEA Board by the author.]

