

Summary of Key Points in Response to the *Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009*

The following represent a summary of key points in regard to the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 and associated Guidelines. This summary has been prepared following hearings before the Senate Education, Employment and Workplace Relations Committee and publication of the Committee Report.

The following pages outline CAPA's key concerns in regard to the Bill as currently proposed. These fall broadly under the following headings:

- 1. Administration of student services and amenities fees**
- 2. Scope of the Student Services and Amenities Fee Guidelines**
- 3. Reporting and compliance obligations in the administration of fee revenues**

Recommendations included here are as they appeared in CAPA's Submission to the Senate Education, Employment and Workplace Relations Committee Inquiry into the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. Additional detail in support of these recommendations has been included where appropriate.

CAPA's aim in responding to the Bill and Guidelines as proposed is to ensure that postgraduates have access to a range of academic support services, academic and professional development activities and kind of vibrant, collegial atmosphere typical of world-class institutions of higher learning.

1 Administration of student services and amenities fees

CAPA is concerned that the Bill and the *Student Services and Amenities Fee Guidelines* together have the effect of simply allowing universities a new form of direct revenue, with little or no accountability as to how that revenue is used. Importantly, this revenue is comprised entirely of students' fees. If students are paying, students should have a direct say in how these additional fees are spent. They should be able to ensure the uses of these fees conform with the interests and needs of students. The best way to achieve this is for student organisations to administer these fees.

Student representation and academic advocacy can only be effective where it is provided independently. These cannot be independent where the university provides these services, or has discretionary control over 100% of student money under this fee: this clearly entails a conflict of interest.¹ CAPA therefore proposes that the *Student Services, Amenities, Representation and Advocacy Guidelines* should be able to describe requirements on higher education providers in relation to a fixed amount or proportion of the fee to be made directly available to organisations of students on a per-head basis by broad level of course (undergraduate and postgraduate respectively).

Postgraduates have bore the brunt of the impact of VSU. They have lost more dedicated facilities, services and support than any other group.² There is nothing in the Bill or in the Guidelines as currently proposed to suggest that there will be adequate measures in place to address this.

Recommendation:

That the following subsection be struck from the Bill:

19-67(3) However, the Student Services, Amenities, Representation and Advocacy Guidelines cannot require a provider to fund an organisation of students, or of students and other persons.

Recommendation:

That the Bill and Guidelines be amended to enable 100% of revenues from the proposed fee to be independently administered by student associations.

Recommendation:

Where 100% of the fee is not independently administered by student associations, a minimum proportion of 25% of the fee revenues must transferred to representative student associations on a per-head basis (dedicated for postgraduate and undergraduate services and representation respectively).

Recommendation:

That a per-head allocation of fees collected be dedicated specifically for services and representation for undergraduate and postgraduate students respectively.

¹ Senate Education, Employment and Workplace Relations Committee, *Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 [Provisions]*, March 2009, pp.9-11. Available at www.aph.gov.au/Senate/committee/eet_ctte/higher_ed/report/report.pdf.

² Senate Education, Employment and Workplace Relations Committee, *Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 [Provisions]*, March 2009, p.5. Available at www.aph.gov.au/Senate/committee/eet_ctte/higher_ed/report/report.pdf.

2 Scope of the Student Services and Amenities Fee Guidelines

Postgraduate associations have historically been a site of innovation in the development of programs, activities and academic support services for students. Many of the skills and professional development initiatives now hosted by graduate schools were originally developed by postgraduate associations, directly in response to needs identified among students.

Postgraduate associations have a history of participating in a positive and constructive manner in the development of quality services and support for postgraduates, and in support of continued improvements in quality and equity for postgraduates. This is achieved through participating as collaborative stakeholders in higher education, often by means of an original contribution through research.

Recommendation:

That the guidelines be amended to provide for the full range of support activities provided by postgraduate associations, in lieu of the proposed fee being properly administered on their members' behalf.

Item (n) of the *Student Services and Amenities Fee Guidelines*, entitled "Academic Support", currently appears to reflect a conflation of two quite different functions, namely advocacy services and skills training. CAPA is concerned that this item does not adequately provide for the full range of academic and professional development activities postgraduates currently have access to on many campuses.

CAPA recommends the *Student Services and Amenities Fee Guidelines* be amended to include the following activities:

- Academic support services (including advocacy and advice on academic issues and other academic support services)
- The production and dissemination of research on improvements in quality and equity for students
- Academic and professional development activities
- Collegiality building and student engagement activities

3 Reporting and compliance obligations in the administration of fee revenues

The purpose of the proposed fee is to sustain quality student services and representation over and above universities' existing obligations and administrative requirements. CAPA is concerned that the Guidelines allow significant university expenditures from the fee effectively "displacing" the ability to fund student-centred activities. The proposed fee guidelines may also allow universities to "double-dip" from revenue collected under the proposed scheme as well as from other funding streams to fund activities that may not be directly related to the purpose for which the fee was originally intended. Academic and administrative costs are already funded from other revenue sources. CAPA is concerned that providers may seek to make up for revenue short-falls in other areas by dipping into students' funds.

All revenues for services, amenities and representation should be administered in line with best practice transparency and accountability, and be subject to independent audit. Funds administration should be open to scrutiny both in terms of how those revenues are managed and the purposes for which those funds are spent.

One means of ensuring at least basic levels of transparency and accountability for all parties (including Government) is for all fees to be administered by a funding allocation body jointly convened between equal numbers of university and student representatives at each institution, with an independently appointed chair acceptable to all parties. The terms of reference for this body would include responsibility for all funding allocation and reporting requirements.

The *Student Services, Amenities, Representation and Advocacy Guidelines* form an important part of the proposed measures. There appears no justification for these to be any less binding on higher education providers as a compliance requirement than other measures in this Bill, or in the Act. As the Guidelines themselves include the provision that they only apply to providers in receipt of CGS funding, there appears no justifiable rationale offered to date for the exemption included in the Bill under 19-67(4).³

Recommendations:

That Providers must account transparently for all fees levied in support of student services, in the case of both international and domestic students.

That the scope provided by the Bill and Guidelines ensures that all revenues from the proposed fee are used in support of student services and representation consistent with the original intent of the legislation.

That the following subsection be struck from the Bill:
19-67(4) Subsection 19-65(1) does not apply in relation to the Student Services, Amenities, Representation and Advocacy Guidelines.

Where student services and amenities fees are not directly administered by independent student associations, elected representatives from student organisations should be required to "sign off" on the reconciliation of the expenditures to ensure adequate standards of reporting.

³ Parliamentary Library, *Bills Digest: Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009*, p.18. Available at www.aph.gov.au/library/pubs/bd/2008-09/09bd107.pdf.