

students the resources to advocate for themselves effectively.

I come back again to the case of international students. If there were a well-funded student organisation on each campus that could advocate for the needs of their international students, I do not believe we would be in the mess that we are today with the international student sector.

We would also like to see all fees levied in support of the restoration of student services open to scrutiny, accountability and transparency, as I have said. The Greens support the Council of Australian Postgraduate Associations' concerns that item (n) of the Student Services and Amenities Fee Guidelines, entitled 'Academic Support', does not adequately provide the full range of academic and professional development activities postgraduates currently have access to on many campuses. Specifically, we would like to see the guidelines broadened to include academic support services, including advocacy and advice on academic issues and other academic support services.

**Sitting suspended from 6.30 pm to  
7.30 pm**

**Senator HANSON-YOUNG**—As I was saying, if student bodies were allocated funding through the proposed student services fee or, at the very least, identified and guaranteed representation through the proposed guidelines, they could properly represent the interests of their members, whether they be undergraduate, postgraduate or international students. Currently, the legislation does not guarantee that students have a say in how their money is going to be spent. We need to ensure there is a guaranteed student voice if this bill passes the Senate.

It is clear from the recent issues surrounding international students in Australia that the need for effective advocacy and representation has been lost under the current system

of voluntary student unionism, with students increasingly finding it more difficult to know their rights, to voice their concern and to indicate their need for certain services. The Greens have a proud tradition of supporting accessible, affordable higher education and, in principle, support the move to remove the Howard government's draconian VSU provisions to allow universities to again ensure that they offer a wide range of services and facilities, offering students a holistic educational experience where they can maximise the opportunities they are given.

I welcome the constructive negotiations we have had with Minister Ellis and her office over the past few months. I hope the Greens will be able to come to some agreement to ensure that students have the right to effective advocacy and the right to quality education, student welfare and support services through both access to and support on university boards and in various levels of government. In particular, I will seek assurances from the government when this bill reaches the committee stage that, at a minimum, there are appropriate safeguards and transparency in the administration of the fee guidelines and that the fees are collected and directed through student services for undergraduate, postgraduate and international students respectively. As I flagged before, I will be moving amendments to address these concerns. Currently, the legislation does not ensure that the \$250 that a student will pay will go to their advocacy; it is up to the goodwill of the university. That is simply not a good enough guarantee.

**Senator XENOPHON (South Australia)** (7.32 pm)—A vibrant and vigorous higher education sector is vital to the health and welfare of any society and plays a key role in our democracy. This vitality goes beyond sheer economics. A strong sector is central to Australia competing in the global economy. Young and not-so-young Australians need to

be developing skills and fostering careers that will keep us at the forefront of research, innovation and learning. We need to be utilising these skills internationally so that we might prosper as a nation. We also need to be facilitating careers that take world-leading ideas to the world so that we can compete in the global marketplace. Of course, we need the revenue that a high-quality higher education injects in our domestic economy not only through the important revenue that international students provide but also through an appropriately skilled professional workforce to support the needs of businesses.

However, there are other important contributions by the higher education sector that are vital to a democracy. We all benefit from the broader world view and critical analysis skills that higher level learning can contribute to informed and engaged democratic citizens. We also benefit from the independent and alternative views that academics can bring forth in the public domain. Sometimes, such awkward or contrary views are not welcomed by government, ministers or departments, but we as a democracy are made all the stronger by the rigorous debate around competing ideas.

There is also a benefit that comes from the production of high-quality research. In my work, I often rely on the research expertise of publicly engaged academics such as Professor Mike Young, from the University of Adelaide, who is a world renowned expert on water and water economics, and Associate Professor Frank Zumbo, from the Australian School of Business at the University of New South Wales, who is a leading expert on competition law in this country and a great consumer advocate. It is important to hear from people like that to inform my response to public policy proposals.

However, the situation facing students today has changed a great deal from the one I

and others of my generation experienced. When I was at university, it was a lot cheaper to be a student. Tertiary education, for me, was free as a result of moves by the Whitlam government a couple of years before I got in to university. With the introduction of HECS and its steady increase over recent years—something, I note, that has had bipartisan support—students are no longer spending their spare time around university until they find their vocation. They just cannot afford to.

For many university students, balancing work and study is not an optional, added challenge; it is a necessity for survival. So the imposition of a new fee, even if delayed by a loan-style deferral, is no small matter. Another difference is that, when I was at university, uni life and student services were much more politicised. I disclosed in my first speech, and again last week during the CPRS debate, my youthful indiscretion of being involved with the Adelaide University Liberal Club and Liberal politics.

**Senator Stephens**—Shame!

**Senator XENOPHON**—‘Shame!’ says Senator Stephens, but she says it with a smile on her face. That included being involved in litigation against compulsory student fees at a time when student politics was polarised and highly politicised. There were genuine concerns over the transparency and accountability of how those fees were spent. While the contributions of some senators to this debate seem to indicate that they think university life is still like it was when they were at university, frankly, it is not. The introduction of voluntary student unionism dramatically changed the university landscape.

While I acknowledge that student fees should not be used to fund overtly political activity or ‘beer appreciation societies’, as I think Senator Mason has stated, the VSU was a very blunt instrument that, I believe,

cut too deep. It is going too far when orientation programs are dropped, student academic advocacy is stalled, regional students are disadvantaged and counselling services cancelled. This, as I am reliably informed, is what is happening in Australian universities today. I wish to make it clear that I do not support the continuation of voluntary student unionism. However, ending the VSU is not a solution in itself. The question remains: is the government's plan the best way to end VSU?

If students are going to be asked to pay, will they be assured that what they pay goes into student services, not university coffers? If they pay, will they be guaranteed transparency and value for money? And will the services they receive be fairly and appropriately distributed? These are the key principles in considering this bill.

Briefly, this bill is part of the government's broader higher education reform effort, and one of a number of bills soon to come before the Senate in response to the Bradley review into higher education. Schedule 1 of this bill provides for universities to levy an annual services and amenities fee which is capped at \$250 but then indexed according to parts 5 and 6 of the bill. Students who cannot afford this fee can access a loan through a new component of the higher education loan program called SA-HELP.

Schedule 2 amends the VET-FEE HELP scheme provisions to broaden guideline-making powers, while schedule 3 addresses safeguards in the processing of students' information by tertiary information centres. I believe it is fair to say that these latter two schedules are largely uncontroversial. However, schedule 1 of the bill has been the subject of interest by a number of groups with whom my office has consulted. For instance, David Barrow from the National Union of Students expressed concern that university

bureaucracy might prevent students getting best value for money for services. NUS argued that although universities may collect the revenue there needs to be transparency in how it is spent, because universities do not always fully understand the needs and interests of students.

This is a point reaffirmed in communication from Flinders University Campus Community Services, who provided a number of recent examples where there had been some misunderstanding between what the university bureaucracy was doing and student needs. They, too, called for more student input into how services were provided.

Further, Professor Alan Robson, chair of the Group of Eight universities, drew to my office's attention a concern that had been raised with the minister over the lack of provision for student representation at a national level. I also received a useful submission from the Adelaide University Union, which outlined very clearly the impact of VSU on student services. It also advocated a funding mix, where a university would provide non-essential services, government would provide essential services and student unions would provide advocacy services. They also advocated greater auditing and transparency.

There are two further conversations that I feel I should also note in relation to the importance of service provision not disadvantaging any group. Firstly, the Deakin University Students Association clearly articulated the challenges facing regional campuses in their attempts to provide quality services. This is an issue that I know is of shared concern by colleagues. In particular, Senator Joyce has previously raised these concerns. Secondly, Nigel Palmer from the Council of Australian Postgraduates Association highlighted that the unique needs of postgraduate students—those who will be our researchers and experts in the near future—can be over-

looked by first-year focused university bureaucracies. Put succinctly, he argued that there should not be new revenue without new accountabilities.

It was with these matters in mind that my office started discussions with the minister's office early this year. I am grateful to Brenton Prosser from my office who met with representatives of the minister in early March this year.

I would like to say from the outset that the efforts made by the minister for youth and sport and her staff were an example of how good consultation by government should occur. Over the following two months the communication between our offices centred on a number of central themes: firstly, the accountability measures placed in universities to ensure that this revenue is spent on appropriate student services; secondly, that information will be made publicly available and that there be independent auditing processes; thirdly, that any changes in relation to political activity would not impede legitimate advocacy on behalf of students; and, fourthly, that there be appropriate future review.

The minister responded to these concerns by a letter—it happens to be undated but it was received by my office in May of this year—through which the government offered, firstly, to monitor compliance in the context of its power to revoke the university body's approval; secondly, to publish fee revenue and expenditure in the annual reports of the department; thirdly, to provide transparency by requiring each university to issue an annual compliance certificate that will stipulate the revenue raised and the specific services on which it is spent; and fourthly, have DEEWR monitor and report information on fee revenue and expenditure. I will later seek leave to tender a copy of the letter from the honourable Kate Ellis, the

Minister for Early Childhood Education, Childcare and Youth and Minister for Sport, together with a two-page annexure headed, 'Monitoring compliance with the proposed student services amenities fee provision of the Higher Education Support Act 2003 and guidelines arising from the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009.

This response from the minister was considered in the context of submissions made to my office by universities, including the Australian Technology Network. I do not believe that this requirement to report on how services are provided is onerous. It is far less onerous than the establishment of, and reporting to, a separate complaints body, about which the ATN expressed concern. Consequently, I indicated to the minister that I believed that these commitments go much of the way to addressing the concerns raised with me, and I indicated that I would give the government my provisional support. My support is provisional on the minister responsible in this chamber detailing, or at least confirming, this commitment to the Senate in the context of what Minister Ellis has put to me in relation to these 'accountability' provisions. With this in mind, I indicate that I will be supporting this bill at the second reading stage, but I will reserve my final position until I have had an opportunity to consider the arguments put forward by my fellow senators in support of their amendments to this bill.

I believe that the future of our students, of our universities and of our nation deserves nothing less than a vibrant and vigorous higher education sector, and I believe the end of VSU is a positive step in this direction. I am not sure whether the coalition is in a position to consent to the document I referred to, being tabled. If there is still some uncertainty in relation to that, I am more than

happy just to read—I think I have enough time—the letter from the minister. I seek leave to table the letter and annexure.

Leave granted.

**Senator XENOPHON**—That saves me reading the entire document, which would take up another eight minutes. Thank you.

**Senator McGAURAN (Victoria) (7.45 pm)**—I accept, indeed I even respect, Senator Xenophon's approach to the **Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009** bill, in an attempt to put forward amendments to clean up the government's true intent. The true intent is to return compulsory student unionism to universities. I will leave it to the shadows to study and scrutinise the amendments, as you invited us to, Senator Xenophon; I will leave it to more authoritative persons to speak to you about that, but as I heard them—and you have been around a long time—you were seeking nothing short of Labor Party commitments. I did not think there was anything written into the legislation for what you were seeking. You sought commitments, but there was a commitment at the election to not even introduce this legislation—to maintain the VSU, voluntary student unionism, as passed in 2004 by the previous government. That was a commitment and it was overturned, as so many of Labor's election commitments are overturned.

So, Senator Xenophon, I warn you—I feel I must because even you need jolting from time to time—do not fall for commitments. You need more than a commitment, because the intent of this legislation is clear. Every one of my colleagues that stood up—and there has been a long list of speakers—came to the same point. We have debated the fundamental principle in this bill, and that is: should there be freedom of association or compulsory association? That is the guts, if

you like, of this bill. We have debated it. We have set out our beliefs—there is no secret to them. Not one speaker from the other side—and I have been listening intently, boring and laborious as many of them have been, and most reading off the same script—has come to the fundamental principle of this bill: freedom of association versus compulsory association.

That is a pretty basic principle in our society. It has a cascading effect in just about everything we do. If you cannot get it right at the universities, if you enforce association at universities, if you deny individual choice at universities, what else does that mean? Well, of course, for the Labor Party, it is a basic cornerstone belief. They would like to see it—if they thought they could get away with it with the adults—in the union movement itself.

So I come to this debate, like all of my colleagues, to reject it out of hand. The \$250 per year, amounting to over \$1,000 for a degree, is nothing short of compulsory payment—all dressed up, of course, in new terminology, such as 'amenity fee'. We are to believe that, under the cover of this legislation, it will be raised, collected and controlled by the university administrations. The university vice-chancellors would have us believe that they will responsibly administer the tens of millions of dollars that the universities will raise, that they will allocate it to sporting clubs and other campus activities as they see fit, whilst maintaining an audit control over it all. That is what they would have us believe. The truth is that that will not happen. It has never happened in the past—why would it change?

It is quite clear where the vice-chancellors stand on this matter of principle. There is no misunderstanding what vice-chancellors have said before, at every Senate committee, the most recent one in 2009. At the commit-