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## Higher Education Funding Amendment Bill (No. 3) 1989

Date Introduced: 2 November 1989  
House: House of Representatives  
Portfolio: Employment, Education and Training

### Digest of Bill

#### Purpose

To provide as a condition of Commonwealth funding of higher education institutions that a State is not to prevent governing bodies of institutions from imposing or collecting fees for student organisations and to allow the Minister, where the condition is breached, to set amounts to be repaid by a State and paid by the Commonwealth to institutions for student organisations.

#### Background

In most Australian tertiary institutions membership of a student union and payment of union dues is compulsory and is a precondition of enrolment. Generally this is effected by the institutions by—laws or statutes made pursuant to the powers vested in the institutions governing body by the legislation establishing the institution. In those cases where membership is voluntary, for example, the Australian National University and the University of Canberra (formally the Canberra College of Advanced Education), students are still required to pay to the institution a services and amenities fee which is passed on to the student union to provide for services available to all students at those institutions.

In recent years there has been controversy over the use of compulsory fee income by student unions, in particular, the making of payments to the the National Union of Students (formerly the Australian Union of Students), and the giving of support for various political and social campaigns that are not of a direct benefit to the institution concerned.

In March 1989, the former Queensland Government announced that it would legislate to remove the compulsory union membership element of tertiary institution enrolment. The NSW Premier had also committed his Government to the same move two years ago. In October 1989, the Minister for Employment, Education and Training announced that the Commonwealth would withhold funds to States that introduced legislation banning compulsory membership of student unions. The Minister said that the operations of student representative bodies was a matter for higher education institutions and not State governments and that it will be a condition of receiving federal funds that a State undertake to keep out of institutional affairs regarding student organisations.<sup>1</sup>

## **Main Provisions**

Clause 3 provides that it will be a condition of Commonwealth funding of higher education that a State is not to prevent or hinder the governing bodies of higher education institutions from imposing or collecting fees for student organisations. Where a State breaches the condition, the Minister may set an amount to be repaid by a State and paid by the Commonwealth to an institution for a student organisation. Commonwealth payments to institutions are not to exceed amounts repaid by a State. Commonwealth payments to institutions may be made from the Consolidated Revenue Fund.

## **References**

1. *Financial Review*, 19 October 1989.

For further information, if required, contact the Education and Welfare Group.

17 January 1990

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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