



**Adelaide University Postgraduate Students' Association Inc.  
Adelaide University Overseas Students' Association**

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To: The General Manager, Adjudication Branch, Australian Competition & Consumer Commission

From: Anthony Long, PGSA Research Officer

Subject: Draft Notification No. N90962

Date: December 9, 2002

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## **Introduction**

The Adelaide University Postgraduate Students' Association (PGSA) and Adelaide University Overseas Students' Association (OSA) welcome the opportunity to respond to the Australian Competitions and Consumer Commission's draft ruling that proposes to revoke the immunity that James Cook University enjoys from the *Trade Practices Act (1974)*. Given the impact the draft decision threatens to have on student services at universities across the country, the PGSA and OSA acknowledge the need to address the issues raised in it.

The PGSA is the peak body representing the rights of postgraduate students at the University of Adelaide. Current PGSA membership is in excess of 3500 students. The OSA is the peak body representing the rights of international students at the University of Adelaide. Current OSA membership is in excess of 2000 students.

This submission is designed to offer support to those from other organisations that have similar views; it is not intended to be a detailed analysis of the issues at hand, given that other bodies have already conducted such work admirably.

## **The View of the PGSA & OSA**

The PGSA and OSA do not support the draft decision of the ACCC, instead supporting James Cook University's wish to be granted an exemption. As two of the peak representative student bodies at the University of Adelaide, both organisations are acutely aware of the roles that they play in serving their respective student members.

Both the PGSA and OSA dispute the claim that student associations are not accountable to their members. Whilst it may be correct to state that, on occasion, student associations do not utilise fully the resources at their disposal, students do have the opportunity to reject activities and campaigns in which student associations engage. Every student association holds annual elections, at which time their members are given the opportunity to endorse or reject candidates, particularly those seeking re-election. In addition, student associations hold regular meetings and provide other feedback mechanisms through which their members can express their concerns. Indeed, the effectiveness of such forums is demonstrated when students disagree

with the services and facilities their association provides: the fact that most students choose not to use such opportunities highlights that most students are at least content, if not actually happy, with the services they receive.

The draft ruling refers to the claim that compulsory membership of student associations limits the freedom of association for students. Both the PGSA and OSA do not agree with this assertion, given the nature and type of facilities and services that student associations provide. Membership does not preclude students from using other services, and student associations do not force students to use those that they provide or penalise them if they do not.

Another area of concern, were Australian universities to instead provide services offered by student associations, is a perceived and actual reduction in the independence of advocacy and representative services. Whilst it is correct that universities could provide certain services and facilities that student organisations provide, including catering and sporting facilities, this is not the case for student advocacy and representation. An important aspect of what comprises student advocacy is the independence of such services from universities. Indeed, there have been many such examples when student associations have rejected the policies of the universities at which they are based. One such example is the lobbying of the University of Adelaide by its student organisations to improve the level of security on its campuses. University management has, to date, failed to realise the importance of security as an integral service that cannot be reduced, in order to save money at the expense of the personal safety of the University's staff and students.

Similarly, commercial enterprises are not likely to provide representative and advocacy services. As a number of submissions to the ACCC have highlighted previously, such services do not generate a profit and are likely to cease existing, were student association membership to become voluntary. During 2002, the PGSA has been contacted in excess of 600 times by students, who have sought information, advice and advocacy from the PGSA on a diverse range of issues that concern all areas of postgraduate study and life. In addition, there are thousands of accesses to the PGSA web site, which is an alternative source of information. Similarly, the Adelaide University Union's (AUU) Education and Welfare Officers deal with between 140 and 230 contacts daily about a wide range of issues, and the AUU's Employment Officer deals with in excess of fifty student contacts daily. Given the current situation in Western Australia, such services will not exist in their current form if student association membership were not compulsory for all students.

Of particular concern to the OSA is the level of independence from universities that student advocacy services have. International students are concerned that without student organisations, student advocacy will lose its independence from universities. Anecdotal evidence the OSA has suggests that international students fear that they will not be adequately and fairly represented if student advocates are paid by universities. This concern is particularly apparent amongst students who originate from countries that do not have a strong, consistent history of democratic government. Given the emphasis the Federal Government places on attracting international students to Australia, this concern must not be ignored.

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