

Liberal democracy and voluntary student union legislation

JUDITH BESSANT examines the implications for deliberative democracy, exchange of ideas and provision of basic services in universities.

REFERENCES

1. Malcolm Fraser, 'A Tortuous Test which Fails the Test of a Civilized Society', *The Age* (Melbourne), 19 May 2005.
2. Alastair Davidson, 'Citizenship, Sovereignty and the Identity of the Nation-State' in Paul James (ed), *Critical Politics: From the Personal to the Global* (1994) 111–25.
3. Mark Peel, *The Lowest Rung: Voices of Australian Poverty* (2003); Michael Pusey, *The Experience of Middle Australia: The Dark Side of Economic Reform* (2003).
4. Michelle Grattan, 'Senior Liberal Warns PM in Uni Fees Plan', *The Age* (Melbourne), 9 August 2000, 1.
5. Lenore Taylor, 'Student Bills to Test Muscled-up Senate', *Australian Financial Review* (Sydney), 8 August 2005, 4.

Threats to democracy are such that it can never be taken for granted, rendering our claim to live in a civilised and liberal democracy persistently fragile. In our current context, democracy is particularly frail. As former Liberal Prime Minister Malcolm Fraser recently said when responding to Deakin University's Professor Bagaric's argument that there is a right, and in some cases a moral necessity, to torture 'wrongdoers', there are certain tests a society has to pass in order for it to be considered a civilised liberal democracy.¹ Fraser notes that for any society to be called civilised, it needs, for example, to demonstrate that respect is shown for the wellbeing of individual citizens.

There are other tests that we need to pass in order to legitimately call ourselves 'a liberal democratic society'. These include a capacity to respect certain civil and political rights and to encourage participation in democratic practices. The rules for democratic participation or collective representation provide a useful, starting point for assessing the ethical and political health of our society. This is because such rules decide who will be included — or excluded — in the enjoyment of civil, political and social rights. In turn, these rules either create or sustain inequalities between human beings who live in the same society.²

The Howard government's reform agenda, framed by a blend of neo-liberal and neo-conservative values, has increasingly put Australia's traditional regard for a socially inclusive society and strong democracy at risk.

Recent changes to taxation and social security policies in the federal budgets of 2004–05 and 2005–06, for example, will deepen already existing inequalities in wealth and income by benefiting the well-off at the expense of those who are struggling, such as single parents, aged pensioners, low to middle income wage earners and the unemployed. Increasing inequality and social exclusion is one threat to our liberal democracy because it places at risk the wellbeing of those prevented from participating.³ It also creates new social divisions or widens those already in place. The spread of the belief that Australia is an unfair society can only threaten the long-term stability of that community.

The Howard government is also pursuing 'reforms' that threaten directly core democratic values. Early in 2005, the Howard government introduced the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005 to the federal Parliament ('Voluntary Student Unionism legislation'). The Bill, if passed, will have the effect of

making it illegal for universities to require students to be a member of a student union or to collect fees for student union membership unless the student has agreed to be a member of the student union. Furthermore, the Bill states that a university must not charge students fees for non-academic services unless the student has chosen to use the services. One result of this will be the near complete demise of student unions. There are two ways of thinking about the significance of this legislation. One relates to the ebb and flow of mundane political life, the other goes to the fundamental culture and ethics of a democratic society.

On the first point, and at the time of writing, there is some doubt as to the capacity of the Howard government to secure unanimous support among its own backbench for the legislation. The Voluntary Student Unionism legislation will test the political acumen and management skills of the government. Outspoken Liberal and National senators like Alan Eggleston (the government's deputy Senate Whip), Queensland Liberal Senator Brett Mason, National Senator Barnaby Joyce, and Senator Fiona Nash are but a few of those raising serious concerns about the legislation. The dissenters have drawn attention firstly to the likely impact of the legislation on rural and regional universities which will not be able to sustain student services on a user pays basis due to the relatively small populations in those areas. They have also pointed to the implications of the legislation on Australia's capacity to attract international students. Some Senators have also pointed to the likely negative consequences of the law on economically disadvantaged students who may not have the money to access student services. Moreover, National Senators like Joyce and Queensland Liberals like Mason have argued that the legislation is being driven by a desire to even up the score of student politics battles of the 1970s and 1980s. Mason observed, for example, that Australians have moved on since then and pointed to the value of recognising the profile and interests of contemporary students rather than being motivated by outmoded ideas of student life and a desire for retribution.⁴ Senator Joyce was similarly concerned with what he described as 'ideological zealotry on the part of some Liberals with no semblance of reason'.⁵

Whether these politicians have their way and manage to produce a compromise will be critical if student unions are going to continue providing the valuable services and opportunities for students that they have offered for so many years. One option is that

the legislation be modified to give students a choice about belonging to a student union, but which allows universities to charge 'service fees'. The outcome of the Voluntary Student Unionism legislation debate may not only point up the frailty of the government and its capacity to achieve consensus and maintain the new 'Senate majority', but it may also point to serious questions about our capacity to sustain a democratic culture.

The proposed Voluntary Student Unionism legislation is the latest in a line of 'developments' that place us dangerously close to failing the test of what it means to be a liberal democracy. What are those tests? There are at least three that are important.

Deliberative democracy

The first test of a liberal democracy is whether it embraces the principles of deliberative democracy, or the idea that effective and good policy depends on having those who are 'the objects' of policy participating in the decision-making process. It is a basic civil right in a democratic society that those who are directly affected by the policy decisions have a right to participate in those decisions. It is also critical that there be independent voices in important decision-making forums.

Student collective representation organised and supported by student unions has provided that capacity since the first Australian universities were established in the 1850s. Voluntary Student Unionism legislation will have the effect of winding back student unions, in turn directly restricting the capacity of such organisations to support and encourage student collective representation.

Passage of the Voluntary Student Unionism legislation will mean that increasingly students' voices and perspectives will not be heard in important university decision-making forums, like University Councils or Senates, as well as Faculty and School Boards. Moreover, either the disappearance of students from decision-making bodies, or the appointment of students by university administration or indeed any party besides students themselves, is likely to remove an independent voice from those arenas. Legislation that damages the capacity of a certain group of stakeholders to participate and thereby relegates some people to the category of non-participant/outsider weakens our claim to be a liberal democracy. The Voluntary Student Unionism legislation is inimical to the idea of deliberative democracy.

Diversity of political ideas

Isaiah Berlin, a well-known 20th century liberal theorist, pointed to the merits of a society having a plurality of values and political ideas. The second test of a liberal democracy is whether the political system encourages diversity and controversy or seeks to restrict the free exchange of ideas and values.

Does the Voluntary Student Unionism legislation encourage political controversy and political engagement from the left, centre or right? Once more, the answer in relation to the legislation is that it actively discourages political debate and activity. Indeed, one of the arguments supportive of the legislation is that it

will eliminate inefficient, time-wasting and un-economic activity called student politics. This is a peculiar position to adopt given that it was student union politics where political leaders like Costello and Abbott first cut their teeth — albeit in fee-free universities courtesy of the Whitlam Labor government.

Provision of basic services and infrastructure

A third central idea long associated with democratic culture is that for citizens to thrive they need a context of supportive social, cultural and physical amenities and services or what these days we call 'infrastructure'. Student unions have long supplied basic sporting, cultural and social services that ensure all students develop as much as they can. Student unions have built, funded and supplied basic infrastructure and services, clubs and societies to all the members of the university community. This has benefited both those who are disadvantaged and those who are better off by providing free (or low cost) legal advice, dental, medical, housing and job-seeking services and other facilities.

Arguments that the collection of student union fees is wrong because not every student uses the union swimming pool or the dental service might be credible if they were not so closely connected to other neo-conservative ideas about the 'immorality' of the basic principle of taxation. The collection of taxation embodies the idea that by way of taxation (or, in this case student union fees), a community operates to benefit all its members who do use or who may potentially use or need a service at some point. Ambulances, child care centres or needle exchanges that many of us may never use nonetheless form an important part of the collective life of the community. The fact that we pay taxes to build schools, roads and hospitals is evidence that we live in a decent and relatively caring society and that by paying taxes or student fees, we contribute to the 'good society'. Such provisions are important for a civilised society.

Voluntary Student Unionism legislation will mean that most of that infrastructure that helps sustain the life of the university will disappear. In a context where many students confront some degree of economic hardship and greater costs associated with obtaining a tertiary degree, this is something to be concerned about. And, in a context where increasing numbers of students are not connecting to university life because they are required to take on one or more jobs as well as full-time study, this is also a concern.

On a final note, the Voluntary Student Unionism legislation also sends contradictory messages to young people, many of whom are students. On the one hand, we hear incessant complaints about the alleged 'politically apathetic nature of youth' and considerable talk about the need for greater 'youth participation', and on the other, we have new laws that actively discourage or prevent the collective representation and political engagement of students.

In a number of important ways, the intentional demise of student unions in higher education will have a dramatic and immediate impact on the life of Australian universities. It will mean that those who are 'the objects' of policies will be less likely to participate