

**University of Melbourne Student Union**  
**Advocacy & Legal Student Advisory Group**

**AGENDA**

**2:00 pm, 15.08.2019**

**Meeting 1 of Semester 2**

**Advocacy & Legal Divisional Office,  
Level 4 Union House**

Chair: Phoebe Churches, Manager, Advocacy & Legal  
Minutes: Michelle Almiron, Senior Advocate, Advocacy & Legal

**1 Welcome and Procedural Matters**

1.1 Apologies

Emily Roberts, Nadia Streistermanis, Alan Yang, Patrick Tidmarsh.

1.2 Attendance

Michelle Almiron, Isabelle Butler, Phoebe Churches, Cameron Doig, Emily De Rango, Paul Lewis-Hornsby, Donna Markwell, Elizabeth Tembo, Fia Hamid-Walker, Alanna Smith, Dom Ilagan, Vanessa Stanton.

1.3 Confirmation of previous minutes

A.S. confirmed minutes.

**2 A & L Service Reports**

2.1 Advocacy case work

P.C. spoke to the latest quarterly report and noted how remarkably consistent the primary presenting issues have been throughout the years. There has been a steady increase in the volume every quarter, but the proportion of students affected by each issue has been the same.

E.D.R. enquired whether the increase in contacts reflected the number of enrolled students at the University proportionally.

P.C. will check changes in enrolments to see if this has been the case. However, it was noted that any structural changes apparent at the University were immediately witnessed in the type of casework that became predominant.

P.C. noted that there had been some casework raising concerns regarding non-University (private) colleges. Regardless of whether the student is a resident in a private college, the University nevertheless owes a duty of care to students generally. However, there have been some cases where the University has not been willing or able to intervene with decisions made by colleges that have an effect on

the individual student's enrolment. These matters will be on the agenda for Patrick Tidmarsh who joined the UMSU Advocacy and Legal Service as the Sexual Harm Response Coordinator.

P.C. noted that in terms of casework, in the last quarter a government Minister intervened into a student's case on the basis that the treatment of the student's ongoing health issue by SEDS and the faculty was discriminatory. In their previous degree at Sydney University, the student went to the Human Rights Commission and was successful in securing academic adjustments from that university. That sort of individualist approach to advocacy is problematic as it does little to challenge the systematic issues.

There has also been an increase in assessment dispute contacts from students. In many of these cases, a relationship has been noted between assessment disputes and special consideration. Where students cannot get an equity break through special consideration, then they will try the assessment dispute tack. With WAM being so strict, there's no wiggle room for students. In the past, the GPA calculation would exclude the lowest two marks.

E.D.R. noted that there seemed to be word that the University is looking to change WAM where the entire first year is dropped from the WAM calculation because not enough undergraduate students were flowing onto the postgraduate degrees. This was mentioned at the SPC.

P.C. noted that this would go a long way to ameliorate these processes for the students.

P.C. also noted that there had been a run of assessment disputes stemming from the School of Design. Students were becoming more aware that they are entitled to meaningful and timely feedback. The policy provides that students are entitled to feedback and that this feedback should include information on how the mark was derived against marking criteria. The resulting feedback should allow a student to understand what they needed to do to achieve a H1. This has highlighted that in design courses they are not getting a marking criteria to begin with.

E.T. speculated whether the problem is that most of the students are receiving feedback from new sessional staff who were properly familiarised with the policy and/or did not get paid for marking sufficiently to do this well.

P.C. noted that studios were unique and marking seemed very subjective. Even assessment done orally or done by presentation turn on their own facts and there is a culture in design that is not exact (or against criteria). The University has to come to grips about what it's providing to students (that is, not a one size fits all approach to marking and assessment). It is important to do our best to mediate and manage expectations of students.

## 2.2 Legal case work

I.B. advised that Alan Yang, principal solicitor, will now be joining the Legal Service permanently.

I.B. noted that demand remained strong for the Legal Service. Tenancy was usually the main area of interest, followed by issues of employment, criminal law, and 18 students experiencing financial distress.

I.B. noted that international students were over represented because they were the most vulnerable group for obvious reasons.

P.C. advised that the Financial Counsellor position would become permanent after a two year pilot.

V.S. reported that the Clubs and Societies training was ramping up. The On track Travel Pass was also moving to the VCA on a rotating schedule. This has surprisingly taken a lot of negotiations. Demand remains strong in terms of individual caseload for the financial counsellor.

I.B. noted that student housing issues continues to progress. The University has recently been moved into providing student housing that it owns and operates. This accommodation raises a lot of legal problems as the University is exempted from the Residential Tenancies Act (RTA) – meaning its residents have few rights. Students living at this accommodation have different and inferior rights than if they were renting elsewhere. The biggest issue will be that the students will not know this, and this is especially true for international students. Unfortunately, the University has also been pushing their accommodation as the only option, removing the student housing noticeboard from its website.

This approach can be challenged legally but it is difficult because consumer law remedies are harder to achieve than tenancy law remedies.

There are also other competitors in the market who are trying to weaken the Rooming House Act who are driven to compete in an unfair playing field. For example, I.B. noted that the Legal Service was concerned that Urban Nest and Unilodge were affiliating with the University which will allow them to dodge the requirements of the RTA.

I.B. noted that in June, she would be meeting with Consumer Affairs Victoria and various Victorian tenancy stakeholders. Unfortunately, the conversation between government and housing providers had excluded the student's perspective. In addition to this, the Legal Service was awaiting a report from a barrister regarding these issues in law.

E.T. wanted to know if there was a way to provide information about tenancy issues to international students who were yet to travel to Melbourne.

P.C. stated that it was important to gather all the information first before launching into a public advocacy campaign. A briefing to Student Council was being prioritised and that briefing could potentially form part of a campaign kit.

### **3 Reports from Student Office Bearers**

#### 3.1 Items of interests related to Advocacy or Legal Services

n/a

### **4 Other Business**

E.D.R. suggested training should be extended to include examples of general misconduct which student panel members found particularly challenging cases. They're asking for increased support for those cases.

P.C. advised that this had been incorporated into the last training, and GSA Councillors should do a refresher if they have not been to recent training. noted that those students were encouraged to contact one of the advocates for advice in such matters. If one of the GSA reps was allocated a difficult case, they should call the Advocacy Service, so they can be briefed.

### **5 Next Meeting**

TBA.

### **6 Close**

3.10pm.

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### **Membership:**

**Executive Officer & Chair:** Phoebe Churches, Manager, Advocacy & Legal

2 representatives elected by and from the Education Committee;

2 representatives elected by and from the Welfare Committee;

2 representatives elected by and from the PoC Committee;

2 representatives elected by and from the UMSU International Committee;

2 representatives from GSA;

Education (Academic Affairs) Officer(s);

Indigenous Officer(s);

Welfare Officer(s);

President, UMSU;

Secretary, UMSU;

President, UMSU International;

Vice-President (Education and Welfare), UMSU International; and

Members of the Student Representative Network.