

Education (Freedom of Association) Amendment Bill — First Reading - 23 September 2009

Hon Sir ROGER DOUGLAS (ACT): I move, that the Education (Freedom of Association) Amendment Bill be now read a first time. If passed, I intend to move that the bill be considered by the Education and Science Committee.

I take the freedom of the individual as one of the ultimate yardsticks in assessing Government action. What does that mean? It means that at a fundamental level relationships between individuals in society should be based on consent, and that they should be based on voluntary cooperation. Freedom of association is an ideal that has, historically speaking, not necessarily been well served by this House. The best I can say is that over time Parliament has reversed many of the laws that forced individuals to associate with different groups. It ended forced association of Government employees with unions: we no longer force public servants to join a union. It ended the forced association of citizens with the army: we no longer conscript our young people. And it ended the forced association of employees with a union in the ordinary workforce: we no longer allow a majority of workers to compel the minority into a closed shop. In a free society individuals should be free to choose whether to join a residents association; they should be free to decide whether they should join the local tennis club or join the Automobile Association.

Over time we have come to respect the importance of freedom of association. We in this House have ratified the United Nations Universal Declaration of Human Rights, which guarantees to individuals freedom of association, and, I might add, explicitly includes the right not to associate. We have backed up that ratification by passing the New Zealand Bill of Rights Act, which also protects the freedom of association. Freedom of association protects not only individuals but also groups of individuals within society who wish to voluntarily join hands and work together towards a common goal. I suggest that associations are not truly representative of their members' convictions if those members are forced to join. They are, in fact, meaningless—the mere playthings of those who control them.

One group of individuals in New Zealand is still forced to join an association. One group of individuals have their money forcefully taken in order to fund the association they are forced to join. Every year individuals around this country are compelled to join a students association when they sign up to a tertiary institute. This simple fact is often lost in the sophistication that surrounds the issue.

I am sure you will hear from Labour and Green members of this House, many of whose MPs once funded their political causes from money forcibly taken from other students, that there are several reasons why the law does not breach freedom of association. The first thing they will say is that students can hold a referendum and end compulsory student membership. It is funny to hear Labour members argue that rights should be dependent on the whim of the majority. Should a majority, for example, be able to compel all businesses to join the Business Roundtable? I hope not. The principle of the matter is that no individual should be forced to fund any association at the whim of the majority.

The second thing they will say is that students can conscientiously object. By that logic, of course, the military draft was OK, as one could conscientiously object. There can be no

freedom of association without the capacity to reclaim the resources that fund those organisations. I may be able to exit the organisation, but if I cannot recoup the resources that were compulsorily acquired then the result is taxation without representation.

The third thing they will say, which is probably the most worrying of all, is that we are all compelled to pay taxes and rates. With that, of course, I can agree; as a statement, that argument is correct. But the fact that the Government uses its coercive power to force us to pay taxes is the reason why the exercise of Government power should be limited. The fact that Government has expanded beyond its role in a free society should not be used as an argument to allow those in the voluntary sector to force individuals to act in certain ways. In simple terms, a students association is not a Government.

Compulsory students associations are not necessary, as in a free society individuals can form them and allow anyone to join who wants to, if they so wish. This confuses the Labour and Green members because they do not care about the use of force by the Government. To the supporters of unfettered Government power, and in the words of the Rt Hon Helen Clark, the role of Government is whatever the Government defines it to be. However, some members in Labour get it. They are probably those who did not learn the ropes of Labour politics, which is to push one's personal agenda and at the same time claim to represent all students. A few Labour members understand freedom of association, and I will quote from just one of them. Clayton Cosgrove is one such member. In a radio interview with Radio New Zealand on 14 March 2008 he said: "Why should I as a politician tell you or anybody else what you should belong to? ... If you want to join the footy club, the workingmen's club, the institute, go for it. It's your choice,". Clayton Cosgrove actually gets it. It is worth repeating, because one could not say it better: "Why should I as a politician tell you or anybody else what you should belong to? ... If you want to join the footy club, the workingmen's club ... It's your choice,".

David Garrett: Who said that?

Hon Sir ROGER DOUGLAS: Clayton Cosgrove. He is quite a bright guy, I would have thought.

So why is freedom of association so important, and what is bad about forcing people to spend their money in a particular way? There are two main reasons. In the first place, requiring people to spend their money in a particular way requires that we first take their money off them. In other words, the idea is fundamentally based around the philosophy of coercion and force. In the second place, no one spends someone else's money as carefully as that person spends his or her own money. That is why students associations undertake the kinds of projects they do. That is why the Victoria University of Wellington Students Association offered a \$10,000 reward for the citizen's arrest of Condoleezza Rice. That is why it advocates such loony projects as fully taxpayer-subsidised tertiary education.

I finish by making it clear that I am not opposed to students associations. If students want to group together and advocate for nutty policy, they should go for it. The Greens are doing all right. If a students association wants to provide services to its members, it should go for it. The Automobile Association does it particularly well. Indeed, if students associations really

do such an amazing job, then many students will voluntarily join. But no individual should be forced against his or her will.