

UNIVERSITIES LEGISLATION AMENDMENT BILL 2016

Introduction and First Reading

Bill introduced, on motion by **Mrs L.M. Harvey (Deputy Premier)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MRS L.M. HARVEY (Scarborough — Deputy Premier) [10.03 am]: I move —

That the bill be now read a second time.

The purpose of this bill is to amend the Curtin University of Technology Act 1966, the Edith Cowan University Act 1984, the Murdoch University Act 1973, the University of Western Australia Act 1911 and the University of Notre Dame Australia Act 1989. The bill also consequentially amends 10 associated acts and repeals two acts. The bill contains template amendments that are common to more than one act and amendments that are specific to one act.

The bill amends the acts of the four public universities to provide for a common scheme for raising money, which will remove unnecessary administrative complexities. It also explicitly sets out the options available to universities when raising capital and provides for a university to need only approach the Minister for Education and the Treasurer if it intends to seek a guarantee on borrowings. It is this guarantee, and therefore contingent appropriation, that makes the bill a money bill.

Template amendments to the Curtin, Edith Cowan and Murdoch acts clarify their ability to engage in commercial activities. The provisions will allow for the universities to commercially develop or commercially use any facility or property of the university for the university's benefit, including generating revenue to fund the university's functions. A new division also provides for greater flexibility in the leasing of its lands for university purposes. These new provisions on leasing land for commercial purposes provide the universities with the option to seek and obtain ministerial approval to lease university land for purposes that would not otherwise be authorised by their acts. The use of this provision will remove any uncertainty about whether a proposed commercial lease is for an authorised university purpose.

Amendments to the size and composition of governing bodies are common to each of the four public universities and will reduce their maximum size to 17 members and each will have an identical composition—that is, three members appointed by the Governor, three ex officio members, one undergraduate student, one postgraduate student, two alumni, one academic staff member, one non-academic staff member, and up to five co-opted members chosen for their skills and expertise. These amendments are designed to increase the effectiveness and efficiency of university governing bodies in keeping with contemporary governance principles, while retaining representation from each of the universities' constituent groups.

Amendments will remove doubt about whether members of governing bodies are eligible for remuneration by resting responsibility for determining remuneration levels with the Salaries and Allowances Tribunal. The Salaries and Allowances Act 1975 will be consequentially amended to enable this.

In response to a request from the Joint Standing Committee on Delegated Legislation, the bill provides for uniformity across the public universities in the process for tabling statutes and by-laws in Parliament. Successive commonwealth and state government policy changes have resulted in changes to universities' ability to charge a services and amenities fee. However, the current acts do not enable the universities to respond quickly to these changes. Consequently, the universities requested amendments to address this. The bill retains the power to charge the fee in the acts but inserts this power into the general provisions relating to the making of statutes. Although this will enable the universities to make changes relating to the services and amenities fee without a change to their acts, the Governor and Parliament will continue to have oversight by virtue of the act requiring the statute to have the Governor's approval and, once approved, being able to be disallowed by Parliament.

Another template amendment relates to the penalty for by-law infringements, which is fixed in each act. Currently, the maximum amount is \$50 at Murdoch and \$500 at the other three universities. The bill proposes that the maximum penalty that can be set for an infringement be raised to \$1 000 for all four public universities. Each university will then have the power to set their penalties at a level up to this amount.

All university-specific amendments have been sought by the universities themselves and are mainly machinery amendments and address matters such as filling casual vacancies, the terminology for university officers, gender neutral language, and the repeal or amendment of obsolete provisions. University-specific amendments of a more substantial nature include changing the name of Curtin University of Technology to Curtin University; the repeal of certain provisions in the Curtin act to recognise the 2010 transfer of the Curtin Vocational Training and Education Centre to a separate institution under the Vocational Education and Training Act 1996;

amendments to the Edith Cowan act so that the boards of the south west campus in Bunbury and the Western Australian Academy of Performing Arts become advisory bodies without any management functions; and the sole substantive amendment to the University of Notre Dame Australia Act 1989, which deletes the provision that no state moneys are to be appropriated for the purposes of the university.

The bill's amendments tackle a backlog of matters raised by universities, government agencies and, indeed, a committee of this Parliament over many years.

These amendments modernise outdated provisions that currently hamper the universities' ability to compete in the national and international environment that they now operate in. The amendments will also increase consistency in how universities deal with government, resulting in greater efficiencies for state government agencies, while preserving the sector's autonomy and flexibility to conduct its operations in the best interests of the universities.

I commend the bill to the house.

Debate adjourned on motion by **Ms R. Saffioti**.