

**UNIVERSITIES LEGISLATION AMENDMENT BILL 2016**

*Second Reading*

Resumed from 15 September.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [11.33 am]: I rise to indicate that we will be supporting the Universities Legislation Amendment Bill 2016, although there are some amendments in my name that I will get to in due course. I have some questions for the minister about one other matter as well.

This bill amends the five Western Australian universities acts to give effect to some common amendments relating to commercial activities and financial borrowings arrangements, the make-up and remuneration of members of the respective governance bodies, the student services and amenities fees and the tabling and disallowance of statutes. The bill also contains some amendments that are specific to certain universities—for example, with respect to Curtin University, a name change and its vocational education and training operations in Kalgoorlie; with respect to Edith Cowan University, the Western Australian Academy of Performing Arts board and the Bunbury campus boards to change their role and function to become advisory bodies only; and, with respect to Notre Dame University, Western Australia's private university, the deletion of provisions relating to whether state money can be appropriated for the university.

Briefly, with respect to the commercial activities and financial borrowings arrangements, in the relevant section that relates to the functions of each university, there are restatements of the university's core functions around teaching, research and community engagement and then proposed new subsections are inserted to remove doubt about whether the university may use its assets commercially and generate revenue for the purpose of funding and carrying out its core functions. The process of getting ministerial approval to lease university land for commercial purposes will be streamlined to include essentially three potential steps—approval in principle, advance determination and, finally, approval. The provisions contain mechanisms by which steps 1 and 2 can be skipped if certain conditions are met. The bill provides that the minister can vary the terms of approval from that which are sought. It introduces a payment agreement; that is, the government can charge a fee to the respective university if, in determining whether the approval sought is to be granted, the state is required to engage in complex examination of commercial arrangements. With respect to the power of universities to borrow, the legislation broadens the power available to a university beyond borrowing to include other ways of raising money if it does intend to borrow money and seek a guarantee for that borrowing to give the minister reasonable notice of the university's intention to do that. These are the provisions that the four public universities are most keen to achieve, certainly in their conversations that they have had with me. It is arguable whether the University of Western Australia, our first and oldest university, technically needs the changes. Certainly the other three public universities do. Curtin University and Murdoch University, in particular, have master plans that are reliant on these changes occurring at a reasonable pace. These provisions are consistent with the policy that WA Labor took to the 2013 election. I will come back and talk about that in a minute.

I turn to the make-up and remuneration of the respective governing bodies of the universities. The size of the governing bodies, most commonly referred to as senates, will be reduced from 24 to 17. There will be three Governor's appointees instead of six. The appointee of the Minister for Education will be deleted. The vice-chancellor position on the governing body will be retained *ex officio*. It is proposed that the number of elected academic staff on the governing bodies be reduced from two to one and that the two elected student members be retained. One elected salaried staff member will be retained. One elected alumni association member will be replaced by two graduates of the university, the chancellor will be retained and co-opted members will be increased from three to a maximum of five. The amendments on the supplementary notice paper in my name relate to keeping the size of the governing bodies at 17 but changing the composition of the 17 members to allow for additional representation by staff. I will talk about those proposed changes when we go into Committee of the Whole and discuss the amendments. It is important to note that the essential core business of a university is its academic staff. It is important to make sure that those greatest deliverers of the services that taxpayers expect universities to deliver are properly and adequately represented on the governing body. The final composition with those numbers represents something of a compromise, as certainly all the original drafts had either all staff and student representation removed—in the versions that I saw—or appointed rather than elected. I understand that stakeholders are generally happy with the compromised position of 17 and the make-up with the exception of academic staff.

Currently, only one of our universities, Curtin University, remunerates members of the senate. The existing legislative arrangements are silent on remuneration for members of the senate. This bill provides enabling provisions for members of the senate to be paid and allows the rate of remuneration to be set by the Salaries and Allowances Tribunal.

The arrangement for student services and amenities fees was a fairly contentious part of the original bill when it was presented to the Legislative Council. This is constantly a point of difference between the Labor and Liberal Parties in particular. Without going over the long and sordid history of changes around this, as a former student politician back in the early 1980s, it is fair to summarise it this way: these fees are covered by both state and commonwealth legislation. The original version of this bill proposed to delete the existing provisions and replace them with only an enabling power for universities to make their own statutes on the arrangements relating to the amount collected and paid to student guilds and the student expenditure of those funds. Changes at a commonwealth level by the then Labor government back in 2011 changed the arrangements that had been put in place by the Howard government by legislation. The 2011 Labor arrangements at a federal level imposed a fairly narrow regime on how the money could be collected from students and expended by the universities and go through to the student bodies, and held the universities directly accountable for all expenditure by those student bodies and liable to penalties if breaches occurred.

The commonwealth arrangements require universities to certify on an annual basis that they charge student services and amenities fees strictly in accordance with the Higher Education Support Act 2003 and the administration guidelines. They also need to confirm that the revenue from the fees was spent strictly in accordance with the commonwealth act and the representation guidelines made under that act, and only on allowable services and amenities. It listed some 19 services that money could be spent on. The state provisions state the money can be spent on student amenities and services in the manner agreed by the university and the guild, and the commonwealth act provides that very detailed consultation must occur between the universities and the student bodies on these matters.

The real point of contention, however, was that the first draft that appeared in the Legislative Assembly omitted the existing provisions to allow for at least 50 percent of the fee revenue to be passed on to the guilds and that —

**Hon Peter Collier:** I saw the light.

**Hon SUE ELLERY:** Good. That was changed in the Legislative Assembly by way of a government amendment, and I am pleased that that happened. The words are still slightly different. It used to be “at least” and it is now “no more than”. I think that is the change. I will find the provision when we go into Committee of the Whole. In any event, the issue that was of most concern to the student representative organisations—I consulted all of them—was that 50 per cent and making sure that that that was protected. I am pleased that the amendment in the Assembly supported that change.

That canvasses the range of changes that are before us. One matter that was not canvassed in the second reading speech—but I will invite the minister to make some comments about in his reply—is the retrospective authorisation of certain commercial activity undertaken by Murdoch University. The proposed section that deals with Murdoch University, part 6 on page 138, sets out what is described as validation and transitional provisions. It sets out a table of leases between Murdoch University and receptive organisations such as Winthrop Baptist College, Serco and the Minister for Health. Part 6 of the bill refers to the state Animal Resources Authority, Wesfarmers Energy, Murdoch Retirement Services, Murdoch Retirement Services, Aged Care Services Australia and Campus Living Villages Murdoch. It names leases that have been entered into between 1996 and 2012. The essential clause on page 141 states —

- (3) University land the subject of a relevant lease is to be taken to be, and since the commencement of the relevant lease to have always been, used for university purposes for the purposes of —
  - (a) compliance with any conditions, restrictions or limitations ... attaching to the vesting of the land in the University ...
  - (b) any provision of any written law that specifies that something is to happen or not to happen ...
- (4) The rights, obligations and liabilities of all persons under a relevant lease are to be taken to be, and since the commencement of the relevant lease to have always been, the same as if the University land the subject of the lease is, and since the commencement of the relevant lease has been, used for university purposes.

I welcome the minister’s comments on that essential part of the proposed section. That is an element of retrospectivity, which is not something we normally engage in as a general principle. There may well be, and I am sure there are, very sound reasons for doing that, but I welcome the minister’s comments and then, depending on what he says, I might ask some questions about that when we go into Committee of the Whole. I suspect that I know the reasons for that and it goes to why all the universities want this legislation to make explicitly clear that their engagement in commercial activities is indeed part of the functions that they are allowed to carry out under their respective acts. But I think we need to be clear that this bill before us contains

a retrospective provision and we need to understand exactly why we are doing that, so I welcome the minister's comments on that.

I want to talk in particular about why I think supporting the commercial provisions in the bill is important. Our universities still provide us with a really significant array of economic levers to adjust and diversify our economy and I think that there are still many untapped opportunities ahead. To the extent that the universities are able to raise additional income to ensure that they can get on with the business of teaching and research and community engagement activities, we will be better able to move those levers by ensuring that they have the resources they need. I could spend a lot of time going through the debacle that is the federal government's attempt at changing the financial arrangements applying to tertiary education, but I will not.

**Hon Peter Collier:** I would probably agree with you.

**Hon SUE ELLERY:** I reckon most people would say that it is a debacle regardless of whether they agree with the points that were being put by the relevant ministers at the time, whether it was Christopher Pyne or others.

**Hon Stephen Dawson:** You have to say his name properly—Christopher Pyne!

**Hon SUE ELLERY:** I am not sure Hansard will pick that up. For about four years there has been a huge degree of uncertainty hanging over the universities because they still do not know what will come out of the federal government. Who knows anyone's ability to predict now what will happen with any legislation on any given day in the federal Senate; it is pretty hard to predict how universities are going to be funded per student and all the arrangements from the commonwealth. If they are going to continue to grow and deliver the kind of leverage that our economy needs, they need to be looking at alternative sources of revenue. The arrangements in the legislation for commercial opportunities will be an important way to do that.

We talk a lot about diversifying the economy. In 2012, before the last state election, WA Labor identified the importance of reform to universities, because even back then universities generated \$1.2 billion worth of education exports. They also create jobs and drive innovation. All the things that were important in 2012 are no less important now; in fact, they are more important in 2016 and as we head into the 2017 state election. One of the differences between the two major parties is what we say will deliver diversity in the economy. We believe universities play a critical role in assisting us to do that. For people who are interested and who want to take the time, I recommend they read WA Labor's "Plan for Jobs". There are a number of references in that document that go to how to improve the rule —

**Hon Martin Aldridge:** Do you want to read it?

**Hon SUE ELLERY:** Does the member want me to read it to him?

**Hon Martin Aldridge:** Yes.

**Hon SUE ELLERY:** Does the member want me to read those 138 pages to him now? How about I table the document and he can read it himself. I will table that document. Do I need to seek leave to do that?

**The DEPUTY PRESIDENT:** Yes, you do. You may want to do that at the end of your contribution.

**Hon SUE ELLERY:** I will do that at the end.

**Hon Martin Aldridge:** Can you table your policies as well?

**Hon SUE ELLERY:** I will table all sorts of things between now and the next four weeks, in between dealing, no doubt, with the extensive legislative agenda that the government that the honourable member is a part of is going to bring before us. I cannot wait to see that. We have four weeks to go and I cannot wait to see the extensive legislative plan of the government to turn the Western Australian economy around and fix all the things that are broken. We will wait for that, but I suspect I probably should not hold my breath.

I was making the point that not only the teaching role of universities, but also their research and innovation role and their capacity to partner with industry and other sections of the community are a very important component and set of levers for diversifying the economy. That is in part why this legislation is so important.

I want to touch briefly on why I want to move my amendments. I have already canvassed that a little, but I want to talk about it a bit more. We agree that it is right to reduce the size of the respective councils, or senates, from 24 to 17. In whatever organisation a person is involved, the more people who are around the table making decisions, the harder it is to make decisions or to reach consensus. However, we think that the view put very strongly to us by the National Tertiary Education Union is proper, which is that it is not a good idea to reduce the representation of core academic staff at universities who deliver the services universities provide. For each of the relevant universities listed in the legislation, the representation has been reduced to one. We think it would be

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a backward step to not have two academic staff members on the council. The proposal in the amendments that have been tabled in my name does not change the number of the respective councils from 17; it just changes the composition so that two academic staff will be represented on the respective governance bodies.

The second reading speech tells us that this bill is about modernising the ability of universities to compete in the national and international environment. That is indeed true and is why the bulk of the provisions in this legislation that give greater flexibility to universities to generate further revenue by expanding their ability to engage in commercial activities is the right way to go. That is why the opposition will be supporting the bill. I am happy to indicate that that is what we will be doing.

**HON MARTIN ALDRIDGE (Agricultural)** [11.55 am]: I rise to speak on the Universities Legislation Amendment Bill 2016 and indicate from the outset that the National Party supports the passage of the bill. The bill was first introduced into the Legislative Assembly on 19 May 2016 and the Legislative Council received the bill and introduced it on 15 September 2016. The bill amends a number of acts, as outlined in the second reading speech and in the contribution we have just received from Hon Sue Ellery. As is usually the way, most of the provisions in the bill are not contentious; however, there are two aspects of the bill—although one has been amended in the Legislative Assembly—that I want to talk about in my short contribution today. The first relates to the standardisation of governing bodies. I think anyone would agree that reducing and standardising governing bodies across public universities is a good thing, but with that come some challenges, particularly given the history and make-up of the governing bodies, councils or senates—whatever they are called at each university. Currently, there are 19 members on the governing council at Murdoch University, which is the smallest governing council, and up to 22 members at Curtin University. The proposed amendments to the acts will standardise governing bodies to include three on the appointment of the Governor; two representing convocation or the alumni; one academic staff; one non-academic staff; one chancellor; one vice-chancellor; two student representatives, which I note are elected by the student body; five co-opted members, which I will talk about a little further on; and the chair of the academic boards. That will be a total of 17 members across each of the universities.

The bill also establishes a nominations committee of up to six governing body members and will exclude staff and students to minimise conflicts of interest in recommendations for appointment. Those recommendations will still go to the governing body for appointment. This was one of the two issues I received a lot of representation on from both universities and student bodies—that is, the impact it would have on the particular governing council that is in effect at the university.

As Hon Sue Ellery mentioned, the National Tertiary Education Union has a view about the impact of academic staff representation on the governing bodies. It is fair to say that there is an impact across the range, including the minister himself who has a reduction in direct representation on at least two universities, and a significant reduction in the appointments by the Governor. In some cases that will be from six to three, at Curtin University, Edith Cowan University and Murdoch University. In that context I think it is important to note that although some views have been expressed, particularly around the diminution in the representation of academic staff, a balancing act has taken place across public universities that resulted in some gains and losses across the board, including for the minister himself. I guess with a number of appointments, including those by the Governor and those co-opted members, there would be no reason that a nominations committee could not recommend that a member of the academic staff be recruited to fill those positions on the governing council. There is proposed to be five co-opted members and three appointed by the Governor—up to eight, unless I am missing any. That could well include people with a range of skills but would not necessarily preclude a member of the academic staff.

The other issue I want to talk about, on which I spent quite a lot of time, goes back to February this year, when I received my first briefing on this Universities Legislation Amendment Bill, prior to its introduction. At that stage, I think there was talk of removing the direct election of, in particular, the student representatives to the governing councils, which was not a feature of the bill introduced to Parliament, but was part of the consultation process prior to introduction. This is a bill that I received three briefings on from departmental advisers. I do not think I have been required to engage on any other bill at that level, but significant concerns were expressed to me about only a couple of areas on a bill that does many good things.

Another issue I want to talk about is the student services and amenities fee. It was put to me from the outset that these reforms are needed to prepare for future federal action. Obviously, there is some relevant history here that goes back many years. I think some state reforms were made by the Court and Gallop governments and we are aware of the voluntary student union reforms federally, I think first under Howard and then I think Gillard, but I cannot recall whether she was Minister for Education or the Prime Minister.

**Hon Stephen Dawson:** I think it was education.

**Hon MARTIN ALDRIDGE:** Yes.

**Hon Stephen Dawson:** Amanda Vanstone was the minister under Howard.

**Hon MARTIN ALDRIDGE:** Yes. I think I might even have been a student at the time because I remember one year that I paid fees and one year—I cannot remember.

**Hon Stephen Dawson:** Did you protest against the manifesto?

**Hon MARTIN ALDRIDGE:** No; I was too busy studying, Hon Stephen Dawson.

There is a bit of history here. I will not profess to understand all the history. One of the strong positions put to me, particularly from some of the universities but certainly from the departmental advisers, was that our state legislation needs to prepare itself to better respond to potential future federal reforms. This was something that I was not immediately terribly comfortable with. Why are we as a state anticipating something the federal government may or may not do at some stage in the future, noting that neither of the major parties has a platform of revisiting this issue any time soon? I make the point also that when the Parliament feels so obliged, it can achieve things very quickly. If it is raised, even in a public policy sense, that one of the major parties is going to pursue an election platform that takes us back to a period of universities being disincentivised to charge a student services fee, I would have thought that is something we can rapidly respond to. In fact, we dealt with it under the Howard reforms.

Some changes to the various acts are proposed. To keep it simple, I will refer to one act. The terminology in section 28A(1) of the University of Western Australia Act 1911 states —

An annual amenities and services fee shall be set at an amount approved by the Senate after receiving a report from, and a recommendation by, the Guild.

In a marked up copy of the bill, new section 41A states —

A Statute made under section 26 may provide for an annual amenities and services fee to be payable by enrolled students, and (without limitation) for that purpose may —

There are obviously changes within the bill before us that will allow universities to respond to the potential of, I guess, a future federal government deciding that it wants to create a financial disincentive to universities charging a student services fee. Therefore, the capability exists in the bill before us. I must say that I am somewhat uncomfortable about our responding in a legislative sense on the basis that a federal government in the future might do something and we may or may not know what it will look like. Nevertheless, that is the bill before us today.

The bill introduced in the other place no longer retains the requirement for 50 per cent of the SSAF to be allocated to the student guild for expenditure on appropriate services. That is one aspect I want to talk about today. The act requires the universities to transfer 50 per cent of the fee collected through the SSAF or a level that is similar to the membership of the guild if it is greater than 50 per cent. I cannot find it by flipping through the act at the moment. The bill introduced into the Assembly proposed to remove that. It was of concern, particularly to the guilds, and something I spent quite a bit of time talking about with the guilds and the universities, particularly the vice-chancellors. It was put to me by the departmental advisers that I should have some comfort that any statute enacted by the governing council is disallowable by Parliament. That gave me no comfort whatsoever because if a university said that it would give 10 per cent to the guild next year, for example, keeping in mind that the governing body has two student representatives on it, at a stretch, we could say the alumni were once students, so let us count them—that is four—four out of 17 hardly provides a position of power on the governing councils, so it just declared a statutory 10 per cent. If we as a Parliament disallowed it, there would be no statute, so the university could go back and submit a new statute to the minister and the Governor, which may or may not be more or less than 10 per cent. But we do not have that much power in terms of the disallowable instrument of university statutes. In fact, we have dealt with this issue before whereby disallowing a regulation may well result in a worse outcome than the existing one. That call is one we sometimes have to make in determining whether we disallow something.

I must say that on all three occasions I met with department advisers—I thank them for their persistence with me—it is fair to say that the debate was vigorous and, at the end of the day, I think we achieved the right outcome for the SSAF. When I talked to the guilds, they were quite comfortable with the retention of the 50 per cent requirement and did not pursue the 50 per cent or higher in recognition of the membership level, which I think is reasonable and more modern. I was challenged in one of those briefings to seek the universities' views, and I did, so after my February briefing, I wrote to the student guilds and the vice-chancellors. I want to talk about some of the various responses I had to the letters that I wrote. I will leave the University of Western Australia till last, because it is a bit of a special case. I want to talk about these responses because it was put to me that the universities were driving the desire for this legislation, particularly the student services and amenities fee. I wanted to get a better understanding of how the universities relate to their guilds and the

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arrangements that they have in place. I had a response from Professor Steve Chapman, the vice-chancellor of Edith Cowan University. About the SSAF, he states —

Accordingly I have made a commitment to the Guild that ECU will continue to provide at least 50% of the SSAF to the Guild regardless of what happens in legislation.

Professor Eeva Leinonen is the vice-chancellor of Murdoch University. She states —

I note that Murdoch University would like to see the Bill progress in a timely manner and were the 50% limit to remain, it is not something to which we would strongly object.

Curtin University was interesting. It gave me a very good description of the bill, which I kind of already knew. The letter then states —

The prescriptive elements of sections 45 and 46 have been found to be restrictive and inhibitive given the various legislative changes at a federal level in recent years that have impacted on the setting, collection and distribution of the fee. The insertion of a broad statute making power will remove any potential conflict between the Curtin Act and future legislative change at a federal level —

I just talked about that; there is no suggestion of it. It continues —

and will provide the University with the flexibility to change its administrative arrangements if required.

It should be noted that if the Curtin Act is amended as proposed, there continues to be parliamentary scrutiny in respect of any statute made by the University, as University statutes are subject to disallowance by Parliament.

Again, that is something I have talked about, which does not make me all that comfortable. The letter continues —

Given the current policy settings at both a federal and state level around the amenities and services fee, the University does not intend to make any practical changes to the way it currently determines and allocates the amount to be provided to the student guild, as a result of the proposed changes to the Curtin Act.

Those three universities basically said that yes, they support the bill, but really if the 50 per cent SSAF is retained, nothing would change. We then come to the University of Western Australia. It is not surprising that UWA has a different position. Its student services and amenities fee has an interesting history. As I understand from the letter that I received from vice-chancellor Paul Johnson, UWA currently transfers only 30 per cent of the SSAF to the guild. Having read the letter of the law within the University of Western Australia Act 1911, I have certainly drawn the conclusion that UWA is in breach of that act. Members have to understand the history of UWA's reforms on this issue under Court and Gallop and under Howard, Gillard and Rudd, which are outlined quite well in the letter. It is clear that UWA has a commitment to student services, particularly sporting services, which is outlined in its letter. Obviously, that structure has been born out of many state and federal reforms over the years. However, the issue remains that if we were to pass this bill today, I think that UWA would still be in breach of its act. UWA is the only university that seems to hold this view. The letter states —

The University of Western Australia believes the Commonwealth legislation overrides that of the state.

As far as I can tell, it is the only university to that hold that view.

**Hon Sue Ellery:** Will you take an interjection?

**Hon MARTIN ALDRIDGE:** Yes.

**Hon Sue Ellery:** Their argument is that it overrides the state only to the extent of any inconsistency. That is the common convention of what that means. They say to the extent that the commonwealth has a narrow band of what you can spend it on, and all the rest of the commonwealth provisions, that's the extent of the difference and, to that extent, they say they are bound to follow the commonwealth.

**Hon MARTIN ALDRIDGE:** Yes. That was also a position I put forward in my briefings. As we know, under the Constitution, state law does not apply when commonwealth law overrides it to the extent that the Constitution allows that commonwealth law to be created. It is an interesting view that appears only to be held by UWA. In my briefing, I raised the question: what has the state done to enforce the University of Western Australia Act 1911? It was put to me that it is Parliament's responsibility to enforce the law. I thought that was interesting. I thought we made the law and others enforced it. It was then put to me that there are no penalties for breaching the law. Most laws that we create do not have penalties attached to them—some of them do. That was really interesting because even with the passage of the Universities Legislation Amendment Bill 2016, my view is that serious questions would need to be asked about whether the University of Western Australia currently complies with its act. Based

on the information I have been provided, I do not agree that the state legislation has been set aside by commonwealth law. UWA is interesting. It was the only university to advocate very strongly for this position, both in writing and also when I met with Paul Johnson personally. It may well be because of the different history that is associated with UWA, although during those years of reform, I am pretty sure that the other universities were in existence, and they managed the state and federal law changes respectively. To that extent, they are not all that different. Nevertheless, I do not dispute that UWA has a commitment to its student body and to services and sport. I just think that there are still unresolved questions about its compliance with its act.

As members would be aware, the student services and amenities fee is collected from students. It is a levy on students for student services and facilities. I think that is reasonable, and I am glad that the Minister for Education agrees with me that it is reasonable for at least 50 per cent of the fee to be directed to student bodies. Obviously, that comes with significant restrictions. First of all, let me go to the Higher Education Support Act 2003, which is a commonwealth law. It prohibits a number of things, including spending money on any sorts of services that support a political party or the election of a person to the legislature of the commonwealth, a state, a territory or a local government body. The act then includes all the things that the money can be spent on. It is a very long list. I do not want to read them all out, but it includes: providing food or drink to students, supporting a sporting or other recreational activity, supporting the administration of a club, caring for children of students and providing legal services. That is just five out of a list of about 20. The student services and amenities fee can be spent on an enormous range of things, as permitted by the Higher Education Support Act 2003. Again, I turn to section 28B of the University of Western Australia Act 1911, which states —

- (1) The Senate shall specify, by Statute, the broad categories of amenities and services to which the Guild may apply the fees paid to it.
- (2) The Senate shall prescribe, by Statute, the processes for determining the broad categories of amenities and services to which the Guild may apply the fees.
- (3) The Senate shall prescribe, by Statute, the measures by which the Guild is to account for the fees received, and those measures shall include —
  - (a) a requirement that the annual financial statements of the Guild are to be audited by an independent external auditor whose appointment requires Senate approval; and
  - (b) a requirement for the Guild to provide a copy of each audited balance sheet, and an annual statement of the Guild's income and expenditure, to the Senate.

So it still has considerable oversight of the governing body, but as a principle the bill will retain the provision that 50 per cent of the fee collected is to be directed to student services and facilities that are compliant with state and commonwealth law. As I said, I do not think that is an unreasonable request, given that these are fees collected by students for students and, of course, the student guild is elected by students in democratic elections, and noting that, of the 17 members of the governing council, only four, including the alumni members, could be said to be representative of the student body. I think that is important, although the governing bodies will still retain quite significant control and oversight over expenditure of the student services and amenities fee.

It may be a pessimistic or cautious view, but there was some talk in earlier contributions by Hon Sue Ellery and via interjection by the Leader of the House about some of the financial changes that have occurred and are occurring at universities in Australia, and thinking ahead of time, I can see that placing significant pressure on our universities. When there is a pile of money coming in the door from students in the form of student fees and what I would describe as a laundry list of areas to which the student services and amenities fee could be applied to under commonwealth law, there is significant scope for a bit of cost-shifting to occur between universities' operating expenditure and, potentially, the operating expenditure of SSAF funds. While some may argue it is not necessary to retain the 50 per cent for that purpose, it certainly gives me some confidence that it will be less likely to occur as a result of the financial pressure that may be placed on universities in years to come.

Another issue that was put to me is that Western Australia obviously does not have regional university campuses as many other states do, and some people have asked me, "Why are you interested in this?" We are not talking about sporting facilities on regional campuses, but the reality is that if someone outside the metropolitan area wants to receive a university education in Western Australia, more than likely they will have to leave their hometown in regional Western Australia and move to the city. That is the most likely outcome; there are other alternatives, but that is the most likely outcome. I agree with the view that in some respects regional university students would be more reliant on the student services and facilities that are provided under SSAF funding. If we look at the list of things that are outlined in the commonwealth Higher Education Support Act 2003 they include accommodation; sporting and recreational facilities; child care; health and welfare; helping students secure accommodation; and helping students with financial affairs, which is obviously a big impediment for a lot of regional young people undertaking a university degree because there really are some significant financial

challenges, particularly in respect of the cost burden of leaving the family home and relocating to Perth. A lot of families cannot afford that; my family could not afford for me to do that. There are a whole range of other things that I think are particularly relevant to students, whether they are regional students or not, who have graduated high school, left their home environment and have had to start a new student life in a new city and are faced with all the costs that go with that. In some respects, it is relevant to regional students, and, potentially in some cases more relevant, in terms of the services that are provided.

I just wanted to speak on those couple of issues today and I did not want to canvass all the good and positive amendments in this bill. It is a big bill and it amends many acts, so in some respects it is complex to follow at some points when reading across five acts, from memory. I think those other issues have been well canvassed by the Minister for Education in his second reading speech and the Leader of the Opposition in her contribution to the second reading debate just now.

I want to thank a number of people for their work with me on this bill, and obviously none more than the departmental advisers, who were prepared to engage with me on at least three occasions; at one stage I thought we were actually enacting the part of student guild functions that relate to debating! The universities took the time to write back to me and the guilds were very active in expressing their views on this bill. I particularly want to mention the involvement of several Young Nationals who took an interest; many of them are studying at one of the public universities in Perth, and they expressed their views on aspects of the bill. I thank the minister for agreeing to amend the bill in the other place to protect the provision for 50 per cent of student services and amenities fee to be provided to student guilds.

The National Party supports the bill and I thank you for the opportunity to speak to it, Madam Deputy President.

*Visitors — St Brigid's College*

**THE DEPUTY PRESIDENT (Hon Adele Farina):** I might take this opportunity to welcome students from St Brigid's College to the Parliament of Western Australia and to the chamber. We hope you enjoy your visit to Parliament House and find it informative.

*Tabling of Paper*

**HON SUE ELLERY:** I went there, too! Madam Deputy President, I am rising on a point of order to seek your assistance. I indicated when I made my contribution to the second reading debate that I wanted to table a document, and I promptly forgot to do so at the end. I wonder if there is a mechanism for me to seek leave to table the document now.

**The DEPUTY PRESIDENT:** It is not a point of order, but I will put the question.

Leave granted. [See paper 4776.]

*Debate Resumed*

**HON LYNN MacLAREN (South Metropolitan)** [12.27 pm]: I rise on behalf of the Greens to express our support for the Universities Legislation Amendment Bill 2016 before us. I have listened intently to the previous speakers and I think they have raised many of the issues relevant to this legislation. However, I want to begin on a different tack by talking a bit about the principles involved here and about university legislation more generally.

I am supportive of the bill, but I have concerns with it, and I welcome the amendments on the notice paper to address some of those concerns. It is really important for us to recognise that this legislation was introduced early last year, or rather we first learnt there was legislation on the agenda early last year; there were reports in the media. It has been very concerning for me. I have met with constituents on several occasions since that time to try to get a bit more detail about what was planned and how it was going to be implemented. I even asked some questions during question time to try to get a bit more detail about it, and one of the concerns we need to acknowledge at this point is about consultation on the new legislation. I commend the National Tertiary Education Union for its consistent advocacy for students during this reform time. Part of that has involved, from time to time, an occasional protest. I met those students when speaking on the steps of Parliament House and I have attended protests at the universities. All of us have received correspondence from Edith Cowan University; the University of Western Australia; I do not have it in my file, but I am sure my officers have also spoken to representatives from Curtin University; and, of course, the Murdoch University Guild. Each of those institutions has expressed concern about the Universities Legislation Amendment Bill 2016. It is not surprising to understand why, because education plays a foundational role in society. Public education has been on the agenda at both state and federal elections because there is concern about the balance between public and private funding and whether our educational institutions will maintain the degree of excellence that they have achieved so far in this time of belt-tightening. Our concern is how this legislation will affect the foundational role of education in society, in

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particular on this principal perspective that the Greens have committed to, which is that we support legislation that delivers free, high-quality and well-funded lifelong public education and training that is accessible to all. We have continuously put that view in every debate that we have engaged in, whether it is to do with TAFEs, universities or public schools. We believe that universities are places of learning and research where the needs of the whole community, values of service to the public, scholarships, and academic freedom should take priority over sectional and commercial interests. This bill touches on that. It is very important for us to recognise that and not to stray too far from our fundamental commitment to ensure that people have access to good-quality education in the tertiary field. We have sought to support measures that advance this philosophical position. We have advocated for legislation for elected staff and student representatives on university governing bodies and to increase democratic participation by academics, staff, students and community representatives in the decision-making processes within universities. The student services and amenities fee that we are talking about today, or any similar levy on students, should be collected and spent by democratically elected, student-controlled organisations in order to ensure the best and fairest provision of student services on university campuses.

I commend the government for amending this bill in the lower house. As briefings have evolved over time, the bill has improved quite a bit. The only remaining concerns that we need to raise are the lack of consultation and the reduction in the number of academic and student positions on governing councils. The bill amends the acts of the four public universities to provide 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 that a university need only approach the Minister for Education and the Treasurer if it intends to seek a guarantee on borrowings. The bill also amends the required number of members and the composition of the university's governing councils. In the other place we saw some improvements to the bill by the amendments that were passed and, as I noted, we are supportive of them.

**Hon Peter Collier:** I am delighted to be of assistance.

**Hon LYNN MacLAREN:** No worries. The Minister for Education should be acknowledged for that. I arrive at a very late stage of the whole process, but the improvements are good; I do not mean to be disparaging.

**Hon Peter Collier:** When I respond, I will tell you how I got to that point.

**Hon LYNN MacLAREN:** Okay.

**Hon Peter Collier:** The intent was never, ever to remove money from the guild. The intent was to provide flexibility. I will explain that in my reply.

**Hon LYNN MacLAREN:** That is important. At one stage it was suggested that this legislation could go to a committee and that we would get that kind of detail about intent and hear what people feared would be the result. This has proven to be successful in the past. Had the legislation gone offline and been examined from different perspectives and had the different stakeholders been brought in, we could have addressed the concerns, particularly from the University of Western Australia, which was arguing to be dealt with separately from this legislation. That would have assisted us in understanding both the government's intent and also the impact on universities and student guilds. It would have been good to do that. It was not possible at the end, but I would have benefited from that and it would have been good for all of us, for those universities and particularly for the guilds, to feel more involved in this process.

We are now at the point at which the bill proposes to reduce the number of members on the governing councils and senates of the four universities from between 19 and 22 to 17. The reduction is applied disproportionately to the number of elected academic staff members, because there are three members on the University of Western Australia's and Murdoch University's senate, and Edith Cowan University and Curtin University have two. Furthermore, the bill changes how the academic representation is selected, from being elected to being appointed by the board chair or the President of the Academic Council. This remains a concern to us and is a diversion from the principles of open and transparent participation on these governing bodies. The government argued that it is still possible to have more than one academic appointed, but sometimes it is important to be explicit about these things; I think that is the intent of the amendments before us. Then there is the student services and amenities fee. The tabled bill originally sought to remove the provision that a minimum of 15 per cent of staff funding be passed onto the guilds, instead providing that the governing body make a statute to prescribe how much of the fee is paid to the student guild. The National Tertiary Education Union recommended that the bill be amended to protect the minimum 50 per cent of the SSAF funding collected from students and paid to student guilds and I note that the bill was amended to achieve this. I commend the NTEU for its successful advocacy and also the members of the opposition and government in the other place who successfully achieved that. However, it is our view that the legislation was developed and introduced without proper consultation with the stakeholders. Representative bodies of students and staff were not given an opportunity to provide any meaningful input into the legislation. I have just reviewed the briefing papers that

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I received over the months and information has been changed and updated according to what could be gleaned over time from various meetings that were eventually granted. I would appreciate the minister addressing that in his second reading reply. I am sure the minister would be aware of the correspondence from the UWA and Murdoch University guilds that have outlined their concerns, including the lack of consultation, the reduction of student numbers on governing councils from three to two and the removal of the 50 per cent minimum amount of the SSAF fee being paid to the guild. These issues have been canvassed already by speakers, and it is good that the minister has indicated he will address them in his second reading reply. I can see the minister is shaking his head about that.

**Hon Peter Collier:** What you actually said is incorrect, but I will address that in my response.

**Hon LYNN MacLAREN:** That would be good. The minister could address specifically the correspondence that we received from the guild at Murdoch University, which the minister would know is in my electorate, as is Curtin University and the University of Notre Dame Australia. It is an issue that is a direct concern to those students who are in my electorate.

The Murdoch University Guild of Students has written to me, and I will briefly put this on the record so the minister can address these matters. The summary states —

We have conferred with the Presidents of UWA, ECU and Curtin in this matter and so give the following proposal in response to this bill:

1. We request that the SSAF aspects of the Bill be split—where the Commercial Aspects are passed, and the Governance and SSAF aspects are considered in Committee.
2. In solidarity, we support UWA’s request —

The guild refers to the Labor Party’s amendment —

that the Labor Party split the UWA bill from the *Universities Legislation Amendment Act 2016 (WA)* in its entirety, or that the changes to the make-up of its Senate be removed. We understand that UWA has a distinct, active and engaged alumni culture that adds to the governance of the University.

Members will remember this is the Murdoch University Guild of Students that has written to me. The letter continues —

3. Should it not be possible to split the bill, we would request that the Greens support a revisit to this legislation and a repeal of the problematic sections as soon as practicable.

We must stress that our preference would be to not lose the provisions that are currently protecting our guarantee of stable and consistent funding.

**Rationale**

- The SSAF is a student fee levied to pay for important student support services and initiatives that add to the student experience and allow students to graduate as well-rounded individuals.
- The requirement to receive 50% is important to Student Guilds and students, and we are confident that the current act’s perceived conflict with federal SSAF legislation is unlikely to trigger controversy in the short term and that any actual conflict can be ironed out with a proper and consultative review.
- The current proposed removal was suggested without any University consultation with students and Student Guilds about the real impacts it will have.
- Guarantees from Universities that funding levels will be maintained go against any claim that these particular changes are needed by the universities. However, the University guarantees are less reliable than legislation, undermining our ability to plan ahead financially.

There are further concerns around transparency and cost-shifting that require some unpacking-

A survey of non-WA Universities by the National Union of Students (NUS) found that over 40% of Universities do not publically report basic facts about total annual SSAF revenue collected and basic facts about how the SSAF revenue was spent. Subject to annual elections and scrutiny by students, the WA Guilds are usually more transparent regarding SSAF expenditure than their respective universities. There is a risk that students and the public at large could end up knowing less about how SSAF is used.

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Issues around transparency make it difficult to interrogate concerns about how SSAF is being spent. The NUS warns us that ‘There is an emerging trend that some universities are looking to cost shift services that have been funded from other sources into the pool of SSAF funded services. As the SSAF is capped this can only occur by displacing the services that have been traditionally funded by SSAF.’ Examples of this cost shifting are the use of SSAF for academic library funding and also equity programs that face HEPPP funding cuts, or expenditure on capital works that should be funded from tuition fees and government grants rather than a fee for the provision of non-academic services.

I believe that was the point being made by honourable members who spoke before me. The letter continues —

These kinds of cuts will affect all students, particularly rural and regional students who relocate to university without the support networks of family and friends present.

That point has been made very well. These are concerns that we would benefit from the minister addressing in his reply to the second reading debate. However, as I said, the Greens will support the swift passage of this legislation through this place. I understand that many of the concerns have been dealt with in the other place and we hope to deal with the remaining concerns in the amendments on the supplementary notice paper.

**HON STEPHEN DAWSON (Mining and Pastoral)** [12.43 pm]: I will not make an extensive contribution to the Universities Legislation Amendment Bill 2016, but I do want to say a few things. Over the years I have been an office bearer at student guilds. I was guild president at Edith Cowan University, and the campus president at ECU, Mt Lawley. I have also been the president of the National Union of Students in this state. Although I have no portfolio responsibility for this area, I have fond regard for it.

As members have previously said, the bill before us amends the five existing university acts in this state—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 Act 1989. It also consequently amends a number of other acts, and repeals a couple of acts. As the Leader of the Opposition said in her contribution this afternoon, the bill will do a range of things, including elements to deal with commercial activities of financial borrowings of university campuses, and amendments to the make-up of university governing bodies, whether that is the council or senate, depending on the university. In that case the bill reduces the maximum size of those bodies from 24 down to 17. I support the Leader of the Opposition’s amendments on the notice paper, particularly the one that relates to the number of academic staff elected to the university senate or council. I am aware that the National Tertiary Education Union has been vocal on this issue and I congratulate it for standing up on this important issue. Another amendment relates to the Edith Cowan University Act so that the boards of the south west campus and the Bunbury campus, and the board of the Western Australian Academy of Performing Arts, become advisory bodies without any management functions. Perhaps the minister can advise me in his reply what consultation was undertaken with the board of the Western Australian Academy of Performing Arts and whether there was any pushback or concerns that were raised; and, if so, what were the concerns and, I guess, whether the minister sought to take on any concerns that were raised, if indeed there were any.

**Hon Peter Collier:** None were raised with me, but I am not sure whether they were raised with the department.

**Hon STEPHEN DAWSON:** Thank you, minister. The bill also proposes to change the name of Curtin University of Technology to Curtin University. Although I did not attend Curtin University, I spoke to some people this week who fondly appreciate the university’s current name. They did not like the idea of the university’s name changing to Curtin University, so a few people in the community will have an issue with that, but I guess this is progress and about the university marketing itself. Obviously, the university’s focus is a lot broader than technology, which is essentially where it started.

I place on the record that I am glad that the minister has not sought to attack student guilds. I am not sure if any members were in this place when Hon Norman Moore brought changes to the Education Act many years ago and attacked student guilds in this state and essentially sought to neuter the power and representative role that student guilds have played over the years. The Leader of the Opposition quite rightly pointed out in her contribution that conservative governments over the years, both federal and state, have sought to attack student guilds. I remember fondly protesting against, particularly, Howard government higher education ministers, Dr David Kemp and Hon Amanda Vanstone, for their various attacks on student guilds and the higher education system, and the introduction of fees over the years. I share the same view as Hon Martin Aldridge and I am pleased that we will continue to elect student members of councils or senates. I was very concerned to hear some time ago the plan that universities would have the power to appoint students to their councils or senates. As somebody who was previously elected as a student member to the university council of Edith Cowan University, I know had that change gone through I would never have been appointed by the university to its council.

**Hon Peter Collier:** That shows the benefit of consultation.

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**Hon STEPHEN DAWSON:** Absolutely; consultation is vital. I am very pleased that this bill does not seek to take the power away from students to elect their student representatives on the university council. They should, of course, continue to be elected by the general student body.

I am also pleased that the amendment bill before us will not decrease the amount of the student services and amenities fee given to the guilds. I, too, had no faith in comments from universities that we should essentially trust the decisions of the senates or councils, or that, in any case, statutes are disallowable and Parliament would get a chance to debate any reduction. I am pleased to say that that is not where we landed and that change has not been made.

I want to take the opportunity to congratulate Edith Cowan University on reaching its twenty-fifth anniversary this year. It has been 25 years since that university opened its doors. The university recently held a twenty-fifth anniversary gala concert to celebrate this milestone. It was not 25 years ago that I was at that university; it was some time since then. However, that university has changed over the years. When I first attended the university, it had campuses in Churchlands, Bunbury, Claremont, Joondalup and Mt Lawley; it had five. The Churchlands campus has been closed for some time and the Claremont campus was sold to the University of Western Australia. Today, Edith Cowan University has only the Bunbury, Mt Lawley and Joondalup campuses. It has always been a challenge for that university to ensure that a decent breadth of courses were run at each of those campuses. As a student office bearer, it was always difficult to ensure that we were in tune with the concerns of the various student bodies on the various campuses. As members would realise, the Churchlands campus is very different from the Mt Lawley campus. Over the years the Churchlands campus has been business and nursing focused; the Mt Lawley campus was always the artistic and teaching campus.

**Hon Sue Ellery:** Churchlands was a teaching campus when I was there.

**Hon STEPHEN DAWSON:** Yes. Churchlands remained as a teaching campus, but I think the majority of the teaching was done at Mt Lawley, as was the artistic stuff. Churchlands had the nurses and the business students. When I was elected to the university council at Edith Cowan University, I took over from Troy Pickard, the mayor of Joondalup.

**Hon Sue Ellery:** He wanted to be the member for something.

**Hon STEPHEN DAWSON:** Indeed, he did. A few weeks ago we had the opportunity to be briefed by Mayor Pickard in Joondalup. He was very gracious with his time when we had our shadow cabinet meeting up there. He was very gracious with his advice to me when I took over his spot on the university council some years ago. I thank him and I note that members of conservative governments that have attacked student guilds or student office bearers over the years forget that Liberal politicians have also run the gauntlet and been elected as student office bearers and have succeeded. They have a notion that we all end up as union organisers or whatever, but people on all sides of the political fence have been office bearers at various campuses over the years.

I want to congratulate Edith Cowan University. I also want to congratulate the new Edith Cowan guild president, Vineet Chawla, on his recent election. The guild there has gone through some elections recently and I look forward to having conversations with the new, incoming guild at that and other campuses as issues of public policy concern are raised over the coming months. Madam Deputy President, with those comments I conclude my remarks. Thank you for the opportunity to speak.

**HON PETER COLLIER (North Metropolitan — Minister for Education)** [12.55 pm] — in reply: At the outset I thank all members for their contributions to the second reading debate and for their indications of support for the Universities Legislation Amendment Bill 2016. This is a good bill; we finally got there. The genesis of this bill commenced a number of years ago. It has been a very thought provoking and, at times, contentious process to get to the point we are at at the moment. Believe it or not, it has been very difficult to get consensus with five universities on what they wanted. Ideally, we wanted a bit more uniformity of the universities' statutes and to bring a bit of sanity to the inconsistencies that currently exist. I am very happy with where we have landed. I think the bill pretty much reflects the satisfaction of all the five campuses. To suggest that everyone is very happy would be naive in the extreme and inaccurate. However, to suggest that everyone is happy would be fairly accurate. We have tried to reach a happy medium. I will go through a couple of those issues in a moment, Madam Deputy President. At the same time I will address some of the issues that have been raised during the second reading debate, fundamentally about student services and amenities fees and representation on governing councils.

It is a good bill in a number of areas. It provides more flexibility, particularly for Murdoch University and Curtin University; they have been seeking that flexibility for a number of years now. That has been one area of disconnect between opportunities at UWA, which has had that flexibility with regard to its commercial practices, as opposed to other universities that have not. At the same time, the bill provides for accountability so that

universities do not just go off and forget what they are about—that is, to look after higher education needs, not just in Western Australia, but nationally and globally. That flexibility will be very well received by the higher education sector, particularly Curtin University and Murdoch University. They have some tremendous things on their books for the way forward. Higher education globally is now a multibillion-dollar industry; it is nowhere near what it was before. To make sure that Western Australia is a component of that multibillion-dollar industry while at the same time delivering quality educational opportunities for our students, it is imperative that we remove any restrictions that currently exist. That aspect of the bill will be very well received indeed.

I would like to explain the student services and amenities fees. I can assure members that when we were getting to the point where we have landed, the intent was never to reduce the amount of money that would go into student services. One issue that we had to deal with was whether there was ambiguity or contradiction between federal legislation and state legislation. Changes at the federal level had caused an enormous administrative burden here in Western Australia; we had to change our state acts to reflect those changes. That is something we had to consider and it was the key motivating factor behind the original proposal to remove the 50 per cent threshold level. I was aware that it would be contentious. I would like to have thought that in good faith the universities would have provided that anyway, as most of them do. Hon Martin Aldridge mentioned that the University of Western Australia is not actually doing that at the moment, in contravention of its own statute. Having said that, I had several meetings in isolation with guild and union members; on two occasions I met with the collective guilds. They provided fairly compelling reasons for maintaining the threshold level of 50 per cent going to guilds. We proceeded with the bill; I think we went up to about 20 drafts. We have made constant changes to get to a point at which everyone is pretty happy. One issue that always came back to bite me was making sure that we did not diminish the level of funds that went to the students and that the guilds did not feel disempowered. As a result of that I made the decision to ensure that that aspect of the bill was respected. That is why we made the amendment in the other place when it went through the Legislative Assembly. I think everyone is pretty happy with that now. I know that pretty much every member here has indicated support for that amendment, and I think the guilds will be happy with that change. As I said, they made some compelling arguments and I listened. The intent was never to remove money from the guilds.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon PETER COLLIER:** I will just conclude my comments on the student amenities fee. I met on a couple of occasions with representatives of the guilds of each of the universities collectively and also individually. They presented fairly compelling cases. They were not aggressive at all. They were disappointed that there would not be a threshold level of 50 per cent, and, as I have said, I in all conscience could not argue against that. Although there was some pushback from a couple of the universities, the arguments were not compelling. At the same time, it was not remotely uniform. Most of the universities did not mind one way or another. Therefore, again, we have reached what I feel is a reasonable compromise. That is why we made that amendment in the other place. As I have said, I think it does reflect a more reasonable outcome.

With regard to the retrospectivity of the leases at Murdoch University, which is an issue that was raised by Hon Sue Ellery, Murdoch University acted on its own advice to proceed with the leases. The government's advice, which came from the State Solicitor's Office, is that some of the leases—for the retirement villages in particular—are outside the purposes of Murdoch University under its act and are ultra vires the act. The purpose of the validation clause is to reconcile Murdoch's legal advice and the state's legal advice and remove any doubt about the validity of any and all of the listed leases. I have some information on each of those leases if the member would like me to provide that.

**Hon Sue Ellery:** It is not the leases that are a problem; it is the retrospectivity.

**Hon PETER COLLIER:** Yes; I appreciate that.

The next issue is the governing bodies. This took a lot of time and effort, and this is why there was a fairly lengthy delay to get to where we are at now. I had to reach a point of compromise. Again, there was some uniformity across all the campuses, but at the same time I did not want to diminish—I mean diminish—any group significantly. I therefore think that where we have landed is very, very reasonable. Quite frankly, to have a governing body of a university that comprises 22 members is unwieldy and unnecessary. The aim was always to reduce the number to around 17, and that is where we have landed. That came about through consultation through various means, including with alumni, student groups and staff bodies across the board. I felt that there was no need to have a ministerial representative on the governing councils. Frankly, it is usually the chancellor or vice-chancellor who recommends a representative, so I was willing to forgo that. We have agreed that there will be three appointees from the Governor; three ex officio members; one undergraduate and one postgraduate; two alumni; one academic staff and one non-academic staff; and five co-opted members. That is to a maximum of five co-opted members. Therefore, in effect a university could, if it wanted, have a governing council of 12 instead of 17. That is entirely up to the university. The whole point of the exercise was that even though they are

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universities and their role is in research and development, student exchange et cetera, they are also commercial entities. It is, therefore, important that a broad range of skill sets is brought to those governing councils.

We did not reach unanimous consensus on this issue. There was a lot of pushback, from my perspective, to me from the universities, because they wanted it to be even more restrictive. There was a push—I will be honest—to not have elections. That was quite clear. I considered that but felt that was unreasonable. I believe that students and staff need to elect their own representatives and they should not be appointed by the chancellor or vice-chancellor. I felt that the students and staff deserved that respect. There is nothing better than to have a bit of banter in any decision-making forum, as we know in this chamber as well, because more often than not it leads to a better result. That is why I said no to the removal of elections.

With regard to student representation, again, the students know best. They are young adults and know best who is able to represent them. I did not want a person to be just imposed on them as representing them on what is the equivalent of their governing council. From that perspective, I think we have landed in a good place. UWA went from having three representatives to two. At all the other campuses, the number of student representatives has remained at two. I think that is reasonable. So, again, we have that uniformity.

The number of staff representatives has been reduced from two to one, and in some instances from three to one. I appreciate that does not have the support of all members of this chamber, and there are some amendments on the notice paper about staff representation. The government will not be supporting those amendments. I believe that where we have landed on this issue is reasonable. We have a broad cross-section of staff representation—both academic and non-academic—student representation, the Governor’s representatives, the chancellor and vice-chancellor’s representatives, and the co-opted members. I believe that provides a broad range of skill sets that can be brought onto a governing council and that what we have proposed is reasonable. Having said that, that is a significant compromise on what was originally intended or what the universities in some instances wanted. That is not to take anything away from the universities. They want a good operating and collaborative governing council, and I appreciate that. However, at the same time, it is also important that the staff, the students and the alumni are respected for the skill sets that they can bring. That is why I have ensured that elections and the representation of staff, students and alumni are maintained.

Hon Stephen Dawson brought up Curtin University of Technology. I doubt that many people would argue against calling it Curtin University. I doubt whether anyone still calls it Curtin University of Technology. I think people pretty much call it Curtin. When I came to Perth from Kalgoorlie in the mid-1970s, it was called the Western Australian Institute of Technology. In those days, we had the University of Western Australia; Murdoch University; Nedlands Teachers College, which is now Edith Cowan University; and Notre Dame University. We have evolved into having a very sophisticated higher education sector in Western Australia. Western Australia now has five outstanding universities. What has evolved over the last two years in particular as we have moved towards the presentation of this bill to the chamber is a unity of purpose about where we want to go. Those universities each have their strengths, but collectively they are universities of Western Australia within Western Australia.

As Minister for Education, I chair the Western Australian Higher Education Council. It is a privileged position and I have thoroughly enjoyed that role. We have made some significant inroads in higher education in the last few years in particular. We released a higher education plan 12 months ago. That is not a dust collector; it is a living, breathing document.

The universities have been very, very proactive. They have been ensuring the implementation of the components of the higher education plan by, for example, their further extension into the regions. They have taken that on board, and there is particular emphasis with UWA in Albany, Notre Dame University in Broome and Curtin University in Kalgoorlie. Across the board there has been a lot more movement in that area. All the universities see a genuine need for Aboriginal students, and further extending opportunities for mentoring and support is on the agenda for the next Western Australian Higher Education Council meeting. In addition, universities wanted more dynamic entrants and that is why we have made changes at the senior secondary level of education. In addition, there is international education, and each and every one of those universities has been very pivotal in our international education plan. There has been evidence of that in the last 12 months with visits by vice-chancellors and I to China, Vietnam and Indonesia to promote higher education in those spheres.

As I said, I am delighted with the way that higher education is going in this state. This bill will take it to a new level. It is something that universities have been calling out for for decades—I mean that; I am not exaggerating. At last we are delivering and what makes me even more content about where we have landed today is the fact that, as I understand it, everyone in this chamber is supportive of the changes we are making. The legislation will improve higher education in Western Australia. I thank the universities for their contributions to getting to the point we are at. I thank all members of the university communities—the alumni, the student bodies, the guilds, the staff, and the

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vice-chancellors and chancellors collectively. I would also like to thank the Department of Education Services for the significant body of work it has done. I particularly thank Terry Werner, who has done an enormous amount for this bill; Paul Gale from my office; and my chief of staff, Kathryn Barrie, in getting to the point we are at. As I said, what we have here today will take higher education in this state to a higher level of excellence.

With that said, I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Liz Behjat) in the chair; Hon Peter Collier (Minister for Education) in charge of the bill.

**Clause 1: Short title —**

**Hon LYNN MacLAREN:** I have a couple of queries about the first clause. I regret I did not mention this in my contribution to the second reading debate, because the minister could have addressed it in his reply, but I want his view. My concern is whether we have adequate consultation with Aboriginal communities and whether there is a role for an Aboriginal representative on these boards. Did the minister consider that? Is there anything in the amendments before us that would ensure there is an Aboriginal voice on each of these committees? Is there anything that can specify the sort of consultation with Aboriginal people that can be guaranteed in this governance?

**Hon PETER COLLIER:** I assume by committees that the member means governing councils?

**Hon Lynn MacLaren:** Yes, governing councils.

**Hon PETER COLLIER:** No, I do not want to prescribe in the composition of the governing councils whether or not there must be a mandated Aboriginal representative. I do not think that is necessarily required. Having said that, the appetite for improving outcomes for Aboriginal people in the higher education sector is paramount. It is one of the pillars of the higher education plan and each of the vice-chancellors, to a man or woman, is very, very strongly of that opinion. Universities around Western Australia have a lot more representation, not just in terms of consultation with Aboriginal people, but also what they provide on their campuses. They know how I feel about it, and I am sure anyone who comes after me as minister will feel exactly the same. It became part of the original higher education plan because I specifically asked universities to look at mentoring and support. Personally, I feel that although we have made some significant inroads on Aboriginal graduation rates et cetera at the secondary level, it is not transferring through to the university level. I think the gap between secondary school and tertiary education is still very broad, and a lot of that comes from the fact that the support mechanisms that exist in the secondary level, particularly in the boarding schools, do not exist anymore at the tertiary level. We are developing some strategies at the moment. I will probably have more to say towards the end of the year after the next WAHEC meeting, because as I have said, the issue is on the agenda and we will discuss it as a body.

*Visitors — St Brigid's College*

**The DEPUTY CHAIR (Hon Liz Behjat):** Before I give the call to Hon Lynn MacLaren, I welcome into the public gallery the year 5 students from St Brigid's College. You are very welcome here in Parliament today on your tour. You have come into the Legislative Council whilst we are talking about some amendments to universities legislation, and some of you will no doubt end up in university one day. You are very welcome here and I hope you enjoy your visit.

*Committee Resumed*

**Hon LYNN MacLAREN:** I hear from the minister's response that in the drafting of the bill it was not considered necessary to establish designated positions or to make it a statutory requirement that that consultation with Aboriginal communities be achieved.

**Hon Peter Collier:** No. But as I said, there are five co-opted positions. That is a great opportunity for a university to ensure that an Aboriginal person is on its governing council.

**Hon LYNN MacLAREN:** I am just curious, because during the consultation that the minister outlined, did anyone seek to have these amendments made to the legislation?

**Hon Peter Collier:** No.

Hon Sue Ellery; Hon Martin Aldridge; Deputy President; Hon Lynn MacLaren; Hon Stephen Dawson; Hon Peter Collier; Hon Robin Chapple

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**Hon LYNN MacLAREN:** No-one did. Okay. The only other question I have is about the appointees. I understand that in all this legislation we are looking at three persons appointed by the Governor on the recommendation of the minister.

**Hon Peter Collier:** No.

**Hon LYNN MacLAREN:** I refer the minister to clause 12, “Section 9 amended”.

**Hon Peter Collier:** They will come through the Governor.

**Hon LYNN MacLAREN:** That is the nature of my question; I think the minister is getting it. The three persons are appointed by the Governor on the recommendation of the minister. Can the minister please explain why these positions are recommended by the minister and how he intends that to play out?

**Hon PETER COLLIER:** That position has not changed. There have always been three appointees of the Governor. Any recommendation, not just from me but any Minister for Education, will exclusively come from a recommendation from a university. They might feel they need someone with a financial background or something. It is just a convention that the minister appoints someone. It is the same with any board, but particularly in this instance. A university may find it needs an architect, an accountant, someone with a financial background, an Aboriginal person or whoever it might be on the board. That aspect of the legislation has not changed. It will not change the make-up of the governing council.

**Hon LYNN MacLAREN:** I note that proposed section 9(1)(h) refers to —

not more than 5 persons appointed from time to time by co-option by the Council, ...

It strikes me that the answer the minister just gave is appropriate to that. The council can co-opt to fill skills gaps, so why do we have Governor appointees? Perhaps the minister can enlighten me about who are, on the recommendation of the minister, the current Governor appointees. How is the recommendation achieved? Does the chancellor give the minister a list, the minister makes the recommendation and the Governor signs off on it? Who are the appointees? The reason that it is important is that we are talking about three members of the board. We are talking about two elected —

**Hon Peter Collier:** That is how it is at the moment. It is not something new.

**Hon LYNN MacLAREN:** No, but we are updating the composition of the board. We are talking about two elected students and an appointee who is elected from the academic staff, but clearly anyone who can add up knows that the three ministerial appointees will have a significant influence on the board. Can the minister advise who the appointees are?

**Hon PETER COLLIER:** I point out, as I have said, that this currently exists and is nothing new. In many instances the governing councils have been unworkable because the 22 appointees do not have a broad skill set, which is why I made the number of appointees up to 17. The member will find that some universities will not have 17 members on their governing council; they could have 12. I do not think that a university needs 17 members on its governing council when one considers that there are only 17 ministers for the whole state of Western Australia. I want to provide flexibility for universities. I could have cut it right back and not allowed for the election of staff and students. As far as students are concerned, only one university will have one fewer student member and that is UWA; all the others will still have two. That has not changed at all. I want to ensure that there will be a broad range of skill sets. The council will still comprise two staff and two students, but its membership will have a broad range of skill sets. As I have said, higher education in 2016 is dramatically different from what it was 20 years ago, let alone 50 years ago. Universities are multibillion-dollar businesses and they need that broad skill set. It is nice to have the representation, which is why I did not want to diminish it, but, at the same time, university boards make sure that universities, which have budgets of hundreds and hundreds of millions of dollars year in, year out, continue to facilitate opportunities for students and ensure that they are competitive not only in Western Australia but also internationally.

**Hon STEPHEN DAWSON:** In my contribution earlier, I asked a question about the Western Australian Academy of Performing Arts board and whether there had been consultation about taking powers away from that board. If the minister has the information, perhaps he can answer that question.

**Hon PETER COLLIER:** The vice-chancellor of Edith Cowan University has spoken with WAAPA and Bunbury about the bill and no concerns were expressed, for want of a better term. I personally did not consult with WAAPA; rather, I left that up to the university in a collective sense, which means it was done by the vice-chancellor. I have a lot to do with WAAPA because it comes under my jurisdiction. I go to as many productions as I can. I speak to the hierarchy often and nothing has ever been expressed to me. I went to a couple of its recent productions and nothing was expressed to me. There was no consultation with me.

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**Hon STEPHEN DAWSON:** I thank the minister for that response.

I move on to a different issue that was referred to in the second reading speech about the template amendment relating to penalties for by-law infringements, which is fixed for each act. Currently, the maximum is \$50 at Murdoch University and \$500 at the other three universities. The bill proposes that the maximum penalty that can be set for infringements be raised to \$1 000 for all four public universities with each university having the power to set the penalty at a level up to this amount. How was the amount of \$1 000 decided on? That will be a big jump for the students at Murdoch, who can now be hit with a \$50 infringement. Was there consultation about that issue?

**Hon PETER COLLIER:** Yes, there was consultation. As I said, both the Department of Education Services and my office constantly went through the whole bill with the universities. The member must remember that some of these statutes have been around for decades and have not changed—it is \$50 as opposed to \$1 000. We wanted uniformity and that is where we landed, but it was in consultation with the universities and we were mindful that in some instances there had been no change for decades.

**Hon STEPHEN DAWSON:** Was there consultation with the student guilds on that particular issue?

**Hon PETER COLLIER:** No.

**Hon STEPHEN DAWSON:** Does the bill list the by-law infringements or is that an issue for universities individually?

**Hon PETER COLLIER:** That is up to individual universities.

**Hon LYNN MacLAREN:** I refer to the reduction of student representation for UWA from three to two students. I pointed to the letter we received in June, which expressed concern because the student population has grown by 79 per cent. The letter made a strong argument about continuing with the same degree of democratic representation. Did the minister consider accommodating that view? The minister made a point about uniformity, but can he give me the rationale for uniformity, because UWA explicitly said that it does not want a reduction in student representation. What argument will convince us that UWA should have a reduction in democratic representation on the governing body?

**Hon PETER COLLIER:** It is only a minor reduction for UWA. It is the only university that has three student representatives; every other university has two. The member should not forget that it was three student representatives out of 22 and now it will be two student representatives out of 17. It is a minor reduction proportionately. Collectively, the universities said that it was really important to have consistency in representation. I think the reduction is minuscule given that the reduction is from three to two when, at the same time, the governing council will go from 22 to 17 members.

**Clause put and passed.**

**Clauses 2 to 11 put and passed.**

**Clause 12: Section 9 amended —**

**Hon SUE ELLERY:** I will move the first amendment standing in my name. Members who have read the supplementary notice paper will note that for each of the relevant public universities, I will move the same amendment, which is in two parts.

**The DEPUTY CHAIR (Hon Liz Behjat):** Leader of the Opposition, you can move the amendments en bloc if you want to seek leave to do that. We can then deal with them together.

**Hon SUE ELLERY —** by leave: I move —

Page 8, lines 3 and 4 — To delete “one person who is a member of the academic staff of the University and who is” and insert —

two persons who are members of the academic staff of the University and who are

Page 8, line 28 — To delete “5” and insert —

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There are four similar amendments, each in two parts. The first part of each set of amendments seeks to change the number of academic staff who sit on the governing body of the university from one to two. The second part of that amendment is to delete the number “5” and insert the number “4” as the total number of people who are co-opted. Proposed section 9(1)(c) currently reads —

one person who is a member of the academic staff of the University and who is elected by the academic staff of the University in the manner prescribed by Statute;

That relates to the first part of my amendment. In terms of the second part of the amendment, proposed section 9(1)(h) currently reads —

not more than 5 persons appointed from time to time by co-option by the Council ...

The effect of my amendment would be to increase the number of academic staff and decrease the number of persons appointed by co-option, and thus keep the total number of people making up the respective governing bodies at 17. That is why the second part of the amendment appears each time.

I indicated in my contribution to the second reading debate why we think this is important—it goes to ensuring that the people who are at the core of delivering services at universities are properly represented on the governing body. Academic independence is not just a notion; it is something academics take very seriously and is part of the proud traditions of academia, which go back literally thousands of years. I think it is important that the structure of universities recognises the important role that academics play. The representation of academics on the governing bodies of the respective universities should reflect the importance that we continue to place on the notion of academic independence, and that is what this amendment strives to achieve. With those comments, I urge members to support the amendments.

**Hon LYNN MacLAREN:** The Greens support the amendments.

**Hon PETER COLLIER:** The government does not support the amendments, as I mentioned in my reply to the second reading debate. I appreciate where the honourable member is coming from, but I think that where we have landed came as a direct result of significant consultation with all the universities. I appreciate where the honourable member is coming from about perhaps increasing the number of academic staff. Having said that, members of academic staff are represented on the governing body, as are non-academic staff, alumni representatives, co-opted representatives and governor's representatives, which provide other opportunities. I think that where we have landed is very, very good in providing balance across all governing councils in our universities. It was not done in any way, shape or form to diminish any one particular group, but to ensure that we had that broad cross-section in what is a very, very complex higher education environment. With that, I am, and the government is, very comfortable with the bill as it stands.

**Hon LYNN MacLAREN:** I cannot let this go unchallenged. In one degree, yes, I hear the minister saying that we want balance on these governing bodies, but I want diversity on the governing bodies. The reason I argued strongly for three representatives to be elected from the student body would probably be of no surprise to anyone in this chamber, because I was elected as a minor party representative. If we limit the voices to two people who are elected from the student body—I am just making an analogy here—we miss out on my voice; we miss out on minority views, on diversity, on the third way or third point of view. It is often the case that we polarise points of view, so we have one view and then the opposite view. We do not have that third way if we do not allow another person to be elected for that alternative voice. We do not have an Aboriginal representative who is specifically designated for a position. We have no other diverse-specific designation, for example lesbian, gay, bisexual, transsexual, intersex voices—we have only these two student reps. The Leader of the Opposition has put forward a really good amendment to try to increase the diversity of voices from amongst the academic staff. I think that is a very good way to try to increase the diversity. I would argue that greater diversity delivers a better balance. It does not give just the yes and no polarity of views; it gives diverse voices. To have a good decision, we need to have those diverse voices heard. I am very disappointed to hear that the government does not support these amendments. I would encourage everyone in the chamber to consider that we add the voice that the Leader of the Opposition has moved by way of her proposed amendments. I will continue to support the amendments.

**Hon SUE ELLERY:** I will have another go at this. I think it is important for people to understand that the composition of the rest of the governing body of respective universities includes three persons appointed by the governor on the recommendation of the minister. Although nothing in there precludes the governor from appointing someone on the recommendation of the minister who is an academic staff member of the university, historically that is not who those people have been. Historically, the government of the day has used those three positions to represent the broader community, so it has not been a position that has been filled by an academic staff person. The next category is the vice chancellor. The next position is the one that we are seeking to make two positions, and who is a member of the academic staff. There are two who are enrolled as students—one as an undergraduate and the second as a postgrad. Then there is one who is a non-academic staff member of the university, and two graduates who are elected by the graduates of the university in the manner prescribed. Theoretically, those graduate representatives could be academic staff members, but that is not guaranteed and it is not always the case. Then there is the person who is the chancellor. No more than five people may be appointed from time to time by co-option to the council, but that paragraph

Hon Sue Ellery; Hon Martin Aldridge; Deputy President; Hon Lynn MacLaren; Hon Stephen Dawson; Hon Peter Collier; Hon Robin Chapple

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specifically precludes anybody whose sole or principal employment is that of a member of staff of the university; so university staff are specifically excluded under that paragraph. Then there is the person who is the chair of the academic board, which essentially is a managerial position. I do think this is an opportunity for us to make sure that academic staff are properly represented. We should honour the traditions of the history of the independence of academia and make sure that academics are properly represented on the governing bodies of the universities.

*Division*

Amendments put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the noes, with the following result —

Ayes (11)

Hon Robin Chapple	Hon Kate Doust	Hon Lynn MacLaren	Hon Sally Talbot
Hon Alanna Clohesy	Hon Sue Ellery	Hon Laine McDonald	Hon Samantha Rowe ( <i>Teller</i> )
Hon Stephen Dawson	Hon Adele Farina	Hon Martin Pritchard	

Noes (19)

Hon Martin Aldridge	Hon Jim Chown	Hon Alyssa Hayden	Hon Michael Mischin
Hon Ken Baston	Hon Peter Collier	Hon Col Holt	Hon Helen Morton
Hon Liz Behjat	Hon Donna Faragher	Hon Peter Katsambanis	Hon Simon O'Brien
Hon Jacqui Boydell	Hon Nick Goiran	Hon Mark Lewis	Hon Phil Edman ( <i>Teller</i> )
Hon Paul Brown	Hon Nigel Hallett	Hon Robyn McSweeney	

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Pairs

Hon Amber-Jade Sanderson	Hon Brian Ellis
Hon Darren West	Hon Dave Grills

**Amendments thus negated.**

**Clause put and passed.**

**Clauses 13 to 54 put and passed.**

**Clause 55: Section 9 amended —**

**Hon SUE ELLERY** — by leave: I move —

Page 57, lines 1 and 2 — To delete “one person who is a member of the academic staff of the University and who is” and substitute —

two persons who are members of the academic staff of the University and who are

Page 57, line 22 — To delete “5” and substitute —

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I direct members and future readers of *Hansard* to the comments I made about the first round of amendments that I moved to clause 12 of the bill. I will rely on the same arguments. I assume that I can read the will of the chamber and that I will not be successful. I plan to divide on each of the amendments. If any member is thinking of leaving the chamber, I would not go too far away. I have moved the amendments because there is merit in the arguments that I have put forward.

**Hon LYNN MacLAREN:** I appreciate the Leader of the Opposition’s shorthanding of this debate. I urge anyone who follows it in future to read the very articulate explanation of the nature of these amendments. Again, I support the amendments.

**Hon PETER COLLIER:** For all the reasons that I expressed earlier, I will not be supporting these amendments.

*Division*

Amendments put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the noes, with the following result —

Ayes (11)

Hon Robin Chapple	Hon Kate Doust	Hon Lynn MacLaren	Hon Sally Talbot
Hon Alanna Clohesy	Hon Sue Ellery	Hon Laine McDonald	Hon Samantha Rowe ( <i>Teller</i> )
Hon Stephen Dawson	Hon Adele Farina	Hon Martin Pritchard	

**Extract from *Hansard***  
[COUNCIL — Thursday, 13 October 2016]  
p7012b-7035a

Hon Sue Ellery; Hon Martin Aldridge; Deputy President; Hon Lynn MacLaren; Hon Stephen Dawson; Hon Peter Collier; Hon Robin Chapple

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Noes (19)

Hon Martin Aldridge	Hon Jim Chown	Hon Alyssa Hayden	Hon Michael Mischin
Hon Ken Baston	Hon Peter Collier	Hon Col Holt	Hon Helen Morton
Hon Liz Behjat	Hon Donna Faragher	Hon Peter Katsambanis	Hon Simon O'Brien
Hon Jacqui Boydell	Hon Nick Goiran	Hon Mark Lewis	Hon Phil Edman ( <i>Teller</i> )
Hon Paul Brown	Hon Nigel Hallett	Hon Robyn McSweeney	

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Pairs

Hon Amber-Jade Sanderson	Hon Brian Ellis
Hon Darren West	Hon Dave Grills

**Amendments thus negated.**

**Clause put and passed.**

**Clauses 56 to 98 put and passed.**

**Clause 99: Section 12 amended —**

**Hon SUE ELLERY** — by leave: I move —

Page 105, lines 18 and 19 — To delete “one person who is a member of the academic staff of the University and who is” and substitute —

two persons who are members of the academic staff of the University and who are

Page 106, line 10 — To delete “5” and substitute —

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Both these amendments deal with the composition of the governing body of, in this case, Murdoch University, and I rely on the same arguments that I used for the amendments to clause 12 earlier. This goes to whether we should increase the number of academic staff represented on the governing body, and the model by which I choose to do it—by reducing the number of persons who can be co-opted onto the governing body—means that we honour the arrangement that the governing body should consist of no more than 17 persons. The purpose of this amendment is to recognise the important role of the independence of academics and to make sure they are properly represented on the governing body. It is a longstanding tradition, and I urge people reading *Hansard* in future years to look at the debate on the first amendment in my name.

**Hon PETER COLLIER:** For reasons that I have expressed earlier, the government does not support these amendments.

*Division*

Amendments put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the noes, with the following result —

Ayes (11)

Hon Robin Chapple	Hon Kate Doust	Hon Lynn MacLaren	Hon Sally Talbot
Hon Alanna Clohesy	Hon Sue Ellery	Hon Laine McDonald	Hon Samantha Rowe ( <i>Teller</i> )
Hon Stephen Dawson	Hon Adele Farina	Hon Martin Pritchard	

Noes (19)

Hon Martin Aldridge	Hon Jim Chown	Hon Alyssa Hayden	Hon Michael Mischin
Hon Ken Baston	Hon Peter Collier	Hon Col Holt	Hon Helen Morton
Hon Liz Behjat	Hon Donna Faragher	Hon Peter Katsambanis	Hon Simon O'Brien
Hon Jacqui Boydell	Hon Nick Goiran	Hon Mark Lewis	Hon Phil Edman ( <i>Teller</i> )
Hon Paul Brown	Hon Nigel Hallett	Hon Robyn McSweeney	

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Pairs

Hon Darren West	Hon Brian Ellis
Hon Amber-Jade Sanderson	Hon Dave Grills

**Amendments thus negated.**

**Clause put and passed.**

**Clauses 100 to 112 put and passed.**

**Clause 113: Section 24 amended —**

Hon Sue Ellery; Hon Martin Aldridge; Deputy President; Hon Lynn MacLaren; Hon Stephen Dawson; Hon Peter Collier; Hon Robin Chapple

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**Hon STEPHEN DAWSON:** I raise the issue of the fine provided in section 24(1)(d) being increased from \$50 to \$1 000. Upon reflection, that is a massive increase for the students of Murdoch University for parking fines. Potentially, we are signing off today on allowing the university to increase parking fines to \$1 000, which is a massive increase.

**Hon Peter Collier:** It is up to \$1 000.

**Hon STEPHEN DAWSON:** It is up to \$1 000, but I am concerned about that massive increase, and I am concerned that there has been no consultation with the students at Murdoch University. I want to place that on the record. I am not sure whether the minister would like to comment again. However, given the nature of this amendment, some student down the track is going to cop a massive fine, thanks to the minister and this bill.

**Hon PETER COLLIER:** I have been through this before. There has been no increase in the maximum fine at Murdoch University since 1974. The maximum fine at the other universities is set at \$500, but Murdoch is currently \$50. In consultation with all the universities, they have collectively agreed on the figure of \$1 000, but it is a maximum fine of \$1 000.

**Hon SUE ELLERY:** I wonder whether the minister has any commitment from the university about what it has done to give notice about future increases in fines. What commitment has the minister received that administration will say to the students that they need to be aware that in three or six months' time it is intended to change the regime? As my colleague has pointed out, it is a very significant jump. I suspect that fines will not go from \$50 to \$60. If universities know that they can go up to \$1 000, I think the jump will be much bigger. If the minister does not have that commitment, or if he has not raised the issue with the universities, can he give an undertaking that he will raise this with the universities and suggest that at the very least students on campus need to be given information in a timely fashion about when these changes will be made?

**Hon PETER COLLIER:** I will give an undertaking that I will speak with the vice chancellors. I will be meeting with them very shortly, and I will ensure that that message is expressed to each of their university communities.

**Hon LYNN MacLAREN:** Why did the government not make the maximum figure \$500, to be consistent with the other campuses?

**Hon PETER COLLIER:** As I said, we are talking here about something that has not been changed for decades. The collective, unanimous decision was that the maximum fine be set at \$1 000 to reflect changes over that period. As I said, the \$1 000 is not mandated; it is a maximum fine of \$1 000.

**Hon LYNN MacLAREN:** I would like to move an amendment without notice because I find this extraordinary.

**The DEPUTY CHAIR (Hon Liz Behjat):** If we can have that amendment in writing, we can deal with it.

**Hon LYNN MacLAREN:** Obviously, I intend to move an amendment, and I am circulating it now. It will change "\$1 000" on page 117, line 3, to "\$500", meaning that \$500 will be the maximum parking fine allowable. I just find it extraordinary. It is just unfathomable that we would pass the Universities Legislation Amendment Bill 2016 and it would allow students, who are some of the poorest amongst us, to be fined that extraordinarily high fee. I think Hon Stephen Dawson has highlighted that the lack of consultation with student bodies is one of the reasons we find ourselves, at this eleventh hour, moving, totally without notice, to amend this clause to try to correct it. I have no doubt that had —

**Hon Peter Collier:** Did you consult with the student bodies? Did you?

**Hon LYNN MacLAREN:** I am moving for consistency, minister, in line with the minister's own efforts to try to be consistent across campuses.

**Hon Peter Collier:** So you did not consult with them either.

**The DEPUTY CHAIR:** Order! Hon Lynn MacLaren has the call.

**Hon LYNN MacLAREN:** I just wanted to say that there is no way we would be increasing a parking fine from \$50 to \$1 000 had the students been consulted. I think it much more reasonable at this late stage that we make it \$500; the minister has advised us that other campuses have a \$500 maximum. Therefore, I move —

Page 117, line 3 — To delete "\$1 000" and substitute —

\$500

**Hon PETER COLLIER:** I assume from the comments of the honourable member that she has actually consulted with the student body and established that it is quite comfortable with \$500. I will accept an interjection.

**Hon Lynn MacLaren:** I would say that they would be entirely uncomfortable with any fine whatsoever!

**Hon PETER COLLIER:** I will take that as a no. Having said that —

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**The DEPUTY CHAIR:** Order! One at a time for Hansard's sake, please, and for my sake.

**Hon PETER COLLIER:** I will take that as a no. The aim of the exercise is to ensure, firstly, uniformity and consistency, but at the same time it is "up to" \$1 000. We have to give the universities some respect sometimes, honourable member, and assume they are not these evil people who sit on the hill and make life difficult for students. We have operated outstanding universities for generations. The fact that we have five such good universities that evidently are working extremely well because of the demand within the walls of the institutions suggests that they perhaps do a lot more consulting than the member gives them credit for. Having said that, we will not be supporting the amendment.

**The DEPUTY CHAIR:** Members, just so that we are clear, we are dealing with the Universities Legislation Amendment Bill 2016. In accordance with standing order 86, I have received, in writing and signed by Hon Lynn MacLaren, an amendment to clause 113 that reads as follows —

Page 117, line 3 — To delete "\$1 000" and substitute —  
\$500

The question before the house now is that the figure to be deleted be deleted.

**Hon SUE ELLERY:** I am sorry, I do not have in the chamber with me my blue marked-up copy. I have two things to ask. I want to confirm that it is the case that for the relevant provision for other universities the amount is up to \$500. I want that confirmed on the record.

**Hon Peter Collier:** Yes.

**Hon SUE ELLERY:** If that is the case, in line with consistency, I would support the amendment moved by Hon Lynn MacLaren. I say categorically that I have not consulted with anybody on this because this matter was neither brought to my attention, nor had I identified it.

**Hon Peter Collier:** No.

**Hon SUE ELLERY:** When I met with and corresponded with the universities, I do not recall Murdoch University bringing this particular element to my attention and telling me that there was a particular reason it needed its maximum fine to be double the amount at every other university. Equally, when I corresponded and communicated with student organisations, Murdoch University students did not bring to my attention that they were aware of this or that they had a particular concern. But I think as legislators, if we adopt the principle that we are trying to put in place a consistent set of arrangements, the \$500 figure makes sense to me, unless an argument is put by the minister that Murdoch has sought that amount for a specific reason and that there is a specific reason it needs to be different from every other university. I am open to hearing those arguments, but in their absence my tendency is to vote for the amendment.

**Hon Peter Collier:** I have made my comment.

**Hon ROBIN CHAPPLE:** When was the \$50 inserted?

**Hon Peter Collier:** In 1976.

**Hon ROBIN CHAPPLE:** I assume that at some stage in the analysis of this it was pointed out that it is not just a punitive measure; there is some essence of cost recovery in this.

**Hon Peter Collier:** Yes, you would assume so.

**Hon ROBIN CHAPPLE:** I am assuming so. Is that the case?

**Hon Peter Collier:** This is not question time, so what is your question?

**Hon ROBIN CHAPPLE:** It is Committee of the Whole, and I am asking the minister a question.

**Hon Peter Collier:** If you sit down, I will answer.

**Hon ROBIN CHAPPLE:** Okay.

**Hon PETER COLLIER:** I cannot answer that because it is "up to" \$1 000, so cost recovery could fit anywhere between zero and \$1 000. That is cost recovery.

**Hon SUE ELLERY:** It has been brought to my attention that each of the universities is seeking to lift the amount from \$500 to \$1 000.

**Hon Peter Collier:** Yes.

**Hon SUE ELLERY:** I am just looking at the Curtin University —

**Hon Peter Collier:** The highest is \$500.

**Hon SUE ELLERY:** The minister can let me finish, and then he can perhaps stand and put it on the record.

Hon Sue Ellery; Hon Martin Aldridge; Deputy President; Hon Lynn MacLaren; Hon Stephen Dawson; Hon Peter Collier; Hon Robin Chapple

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**Hon Peter Collier:** Sure.

**Hon SUE ELLERY:** I want this confirmed. In front of me I have the marked-up version of the Curtin University version of changes. Its proposed section 20A(4) reads —

Any by-law may impose a penalty not exceeding —

It was \$500; it now goes up to \$1 000. I want it confirmed that the University of Western Australia, Curtin University and Edith Cowan University are taking the fine up to \$1 000. I just want to understand the regime at each of the universities.

**Hon Peter Collier:** Yes.

**Hon SUE ELLERY:** If the \$1 000 that we are being asked to consider now at Murdoch is the same, I do not see the need for the amendment. But if we are talking about Murdoch having an upper limit that is at odds with that of everybody else, I think there is an argument for the amendment. What is the maximum at each university?

**Hon PETER COLLIER:** It is \$50 at Murdoch University, \$100 at UWA, \$500 at Curtin University and \$500 at ECU. So, there are two at \$500, one at \$100 and one at \$50. We are proposing to increase the fine to \$1 000.

**Hon SUE ELLERY:** For the purpose of the record, can I confirm that what we are doing in the Universities Legislation Amendment Bill 2016 is increasing the maximum possible fine associated with the by-law to \$1 000 at each of the four public universities?

**Hon Peter Collier:** That is correct.

**Hon SUE ELLERY:** The minister has said by way of interjection that that is correct. I thank the minister for that. In that case, in respect to the comments that I made earlier about Murdoch University and UWA, at which the fine will be increased from \$50 and \$100 to a possible maximum of \$1 000, I extend my invitation to the minister to raise with those universities the need for some kind of notice that there will be such a dramatic increase in the possible fines. I also believe it would be inconsistent of me to support an amendment to one university when the maximum fine at all the universities will go up to \$1 000. Therefore, I will not be supporting the amendment. The point made by my colleague Hon Stephen Dawson is correct. The universities have an obligation to notify people that in three months or six months, or whatever, the maximum fine will increase significantly from \$50, \$100 and \$500 to \$1 000.

**Hon PETER COLLIER:** I give that undertaking. I will speak personally to the vice-chancellors. I will be meeting with them very shortly.

**Hon LYNN MacLAREN:** I still think this is an unfair increase. We should limit the maximum fine to \$500. I do not know when Curtin University and ECU increased their maximum fine to \$500. Obviously, \$500 is a much more modern scale of parking fine than the \$50 that applies at Murdoch University. However, in any case, I cannot support an increase in the fine to \$1 000, even if it is a maximum. It is inconceivable that anyone would think that is reasonable. Therefore, although I have heard the arguments that have been put forward, I still intend to move my amendment. I believe \$500 is a reasonable and consistent maximum fine for parking at a university. I cannot imagine that a fine of \$500 would not deter anyone from parking in the wrong place or from parking for too long.

**Hon Peter Collier:** It is not just parking.

**Hon LYNN MacLAREN:** A fine of \$500 would be a significant deterrent. Therefore, I move the amendment standing in my name —

Page 117, line 3 — To delete “\$1 000” and substitute —  
\$500

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 114 to 134 put and passed.**

**Clause 135: Section 8 amended —**

**Hon SUE ELLERY —** by leave: I move —

Page 148, lines 12 and 13 — To delete “one person who is a member of the academic staff of the University and who is” and substitute —

two persons who are members of the academic staff of the University and who are

Page 148, line 27 — To delete “5” and substitute —

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These amendments relate to the governing body of the University of Western Australia and the composition of the senate. My amendments will have the effect of increasing the number of members of the senate who are members of the academic staff of the university and decreasing the number of members of that body who are co-opted, thus keeping the total number of members of that body at 17. For the benefit of people who might in the future look to see my reasons for moving these amendments, I urge them to look at *Hansard* and the amendments that I moved to clause 12 of the bill. My amendments go to ensuring that the representation of academics and the preservation of academic independence is taken seriously and that we increase the number of academic staff on university senates.

**Hon PETER COLLIER:** For the reasons I articulated earlier on the amendments to clause 12, the government will not be supporting the amendments.

**Hon LYNN MacLAREN:** The Greens support the amendments.

*Division*

Amendments put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the noes, with the following result —

Ayes (11)

Hon Robin Chapple  
Hon Alanna Clohesy  
Hon Stephen Dawson

Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina

Hon Lynn MacLaren  
Hon Laine McDonald  
Hon Martin Pritchard

Hon Sally Talbot  
Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown

Hon Jim Chown  
Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Nigel Hallett

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney

Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

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Pairs

Hon Darren West  
Hon Amber-Jade Sanderson

Hon Dave Grills  
Hon Brian Ellis

**Amendments thus negatived.**

**Clause put and passed.**

**Clauses 136 to 197 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by **Hon Peter Collier (Minister for Education)**, and passed.