

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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## **ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL 2002**

### *Second Reading*

Resumed from 15 August.

**MR C.J. BARNETT** (Cottesloe - Leader of the Opposition) [2.59 pm]: I signal at the outset that I am not the Opposition's lead speaker. The member for Darling Range will assume that role when he arrives later today. The Opposition will oppose this legislation. It takes away the rights and the choices of university students to decide whether they wish to be members of student guilds and whether they wish to use the services of student guilds. At best the Minister for Education could be described as minding the shop. He has done nothing of significance in two full school or academic years. He is a "do nothing" minister in a "do nothing" Government. He has continued with the policies of the previous Government, for which I am grateful. However, he has not been responsible for any major innovation or original development in the area of education for more than two years. Our school, university, college and TAFE systems must progress.

Under the previous State Government, early childhood education for kindergarten and preprimary children was introduced. The intake of students to the area of vocational education expanded from three per cent to approximately 30 per cent of students. The Curriculum Council of Western Australia was established and a new curriculum was put in place, which is regarded as a leading step in education not only nationally but also worldwide. A computers in schools program was established. Middle schooling and senior colleges were developed. Secondary education was expanded in regional areas, such as Kalgoorlie, Esperance and Albany. Collocation with universities occurred in Kalgoorlie and Mandurah. A host of other things also took place. All those developments required effort on the part of Governments, the bureaucracy and the policy makers. Why is it that no new advances in education have occurred over the past two years? The same systems have continued, for which I am pleased, but there have been no new, significant or original initiatives within the education system. The minister releases press statements, most of which are recycled. He has referred to behavioural management in years 8 and 9, and I congratulate him for that. He has expanded an existing program and he has added to some existing programs. However, he has done nothing original, new, innovative or on a large scale. This State's school system is a damn good school system but it must move forward. It needs a minister who can be innovative and who can look forward and do things.

Mr A.D. McRae: What has this got to do with the Bill? It has absolutely nothing to do with the Bill.

Mr C.J. BARNETT: The relevance of this to the Bill is that I am referring to the priorities of a "do nothing" minister in a "do nothing" Government.

The first piece of legislation of any consequence that this minister has introduced will impose a tax on this State's 70 000 university students. After two years he has introduced legislation that will take from university students their right to choose with respect to guild membership and amenities, and will impose a compulsory tax. That is this minister's contribution to education. He is a "do nothing" minister in a "do nothing" Government. This is a tax on students; there is no other way to describe it. It is not related to a user-pays principle. It is a simple tax. It can be described as a compulsory fee or an amenities fee - people can call it what they like - but it is a tax. Students will not be allowed to graduate unless they have paid the tax. By comparison, the higher education contribution scheme at least allows students to defer their payment until they have graduated. This State Government's tax will not allow a student to graduate unless the tax has been paid. It bears no relationship to whether people want to be members of a student guild - they have no choice - or whether they value or wish to use student facilities.

Members should spare a thought for mature age students. A long time ago, when I was about 25, I taught many mature age students and I admired them. Most of them were in their 30s and 40s and they were supporting a family while struggling to hold down their job and study part-time, which is hard work. Now they will have to pay a Labor Party student tax to be a member of a guild that they do not want to join for services they do not need or value. They will have no choice. This is the first contribution by this Government to education in this State. It wants to take away the students' right to choose and impinge on their freedom of association. Guilds have had a variable record of financial responsibility and what they do with their money. That is this Government's approach.

Let us consider the provisions of the Bill. First, it repeals the Voluntary Membership of Student Guilds and Associations Act of 1994. Since 1994 Western Australian students have been the only students in the country to enjoy genuine choice and freedom of association. They have enjoyed the right to choose whether they join a guild and pay for guild services. That is fine. What is wrong with that? Secondly, the Bill amends the

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university Acts to establish a student amenities and services fee; that is, to establish the university student tax. The voluntary student union Act of 1994 took away compulsory membership, and, because students exercised their choice, guild membership and funds declined. When membership is not compulsory some students will put out. Many did because they did not want to be a member of the guild; nor did they want to pay for services they did not want. Why should students have to pay for amenities and services they will not use? If students want to use the bar or canteen, they should do so on a user-pays basis. Many students were not interested in compulsory membership. People might think that I am talking about a small amount of money. However, students often work part-time to get through university and struggle financially. Most members would have family members in a similar position. Indeed, many part-time and mature age students struggle financially.

Let us consider what happens at universities in some of the other States. At the Australian National University the compulsory fee is \$195 a year; at Griffith University it is \$250 and at the University of Melbourne the fee is \$352. Members must note that I refer to after-tax figures. The annual fee at Monash University is \$372, at Northern Territory University it is \$130 and at Queensland University of Technology it is \$280. The fee at the University of Sydney is - cop this, because this is what students in Western Australia might have to pay - \$460. Further, first-year students also have to pay a \$90 joining fee. Will such a provision be introduced at university campuses in Western Australia? The fee at the University of Queensland is \$260, at the University of Technology Sydney it is \$255 and at the University of Wollongong it is \$361. Significant charges will be levied upon students in Western Australia. They will have no choice whether to pay the money because it will be collected upon enrolment. Indeed, they will not be allowed to study or graduate unless they have paid the levy.

I recognise that university guilds play a role and provide some services on campus. The universities themselves could do more to support student welfare on campus. Many universities are somewhat negligent in their provision of care for the large number of people working and studying on campus. That is no excuse for removing the choice of the individual, nor is it an excuse for levying a compulsory tax on all students.

The legislation will also put the guilds in a privileged position, because it will enshrine them as the representatives of students on campus, regardless of what the students might wish to do. Indeed, if students wish to form another representative body, they cannot do so - the guilds will be all powerful in student affairs. Any student is eligible to be a member of the guild and will automatically become a member upon enrolment. Students will not be able to choose whether to join the guilds, because, as I read the legislation, they will be deemed to be a member of the guild. Where is the voluntary nature of choice in that provision? Students will have to pay an amenities fee, and when they pay that fee they will automatically become a member of the guild. The legislation allows a student to resign from the guild. However, that is only after he or she is automatically made a member. What is the point of that? The provision has been included by the minister in a weak attempt to pretend that the legislation provides some freedom of choice and does not breach freedom of association provisions. If students want to attend university, they must enrol. If students' enrolments are accepted, they have to pay a university amenities fee, which will automatically make them a member of the guild. Students will have to take a proactive step if they do not want to be a member of the guild. That is hardly student choice or freedom of association. Students will have to pay a tax, of which at least 50 per cent will go to the guilds, regardless of their policies, politics, actions and services, and regardless of what the membership of the guilds might be. The legislation is hardly a democratic approach.

The senate and the guild will set the amenities fee by some process that is at this stage undefined. This fee will differ among full-time, part-time and external students. A compulsory student guild membership will be really valuable for an external student - someone studying by correspondence from Meekatharra! What choice does that student have? Absolutely none!

Ms M.M. Quirk: They can buy discounted textbooks.

Mr C.J. BARNETT: A discount from the \$264 that applies at some other universities! Big deal! That is no real comfort to a student living in Meekatharra struggling with external studies, which is not an easy thing to do.

The university will collect the amenities fee and pay a percentage to the guild. As the minister said today, that is guaranteed to be at least 51 per cent. Regardless of how incompetent or irrelevant the guild might be to student wishes and aspirations, it will get 51 per cent of this money. What is the justification? The Government tries to defend the services provided by guilds. If the services provided by guilds are good, students will use them and will contribute to their cost, and the university administration should contribute to some costs such as child care and the like. This Government simply says that because amenities fees apply in other States they should be applied here. Why not be different and more democratic in this State? Why not allow people choice and make guilds earn their membership and derive income from the services they provide? As I said before, Western Australian students at present are the only students in Australia who enjoy full voluntary student unionism. We

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should be proud of that; it is not something we should be destroying. They choose whether they join the union or use the union facilities.

The average compulsory fee in Australian universities in 1999 was \$264. Although the fees vary among universities, in 1999 the average fee across Australian universities was \$264. Let us assume that the fee in Western Australia will be something like the average. Did a Labor minister tell the 70 000 Western Australian students that they will now cop a compulsory student tax and that the average fee in Australia in 1999 - already three years ago - was \$264? The Minister for Education should have been honest and gone to the campuses and told students - full-time, part-time and external students - the amount of the fee they would cop. It might not be \$264 in the first year, but it will not be long before the universities increase those fees to that level.

What is the membership of university guilds? The student guilds will be given this quasi statutory status and will be propped up by taxation revenue from students. They will be guaranteed over 50 per cent of the fees collected regardless of their performance. So much for accountability! How popular are the guilds? The Curtin Student Guild has a membership of 30 per cent of the university's students. If only three out of 10 students have chosen to be guild members, why should 10 out of 10 students be taxed and over half of that tax be used to fund the guild? In Edith Cowan University, only six per cent of students - about one in 18 - have chosen to be members of the guild. How good is the guild! It must be next to useless if its membership is only six per cent of the student enrolment. The guild membership is 35 per cent at Murdoch University. That is not even half the student body. The guild receives half the funds collected, but cannot get anywhere near half the student membership! The figure at the University of Western Australia is 30 per cent. Students are exercising choice and in their strong majority, they have chosen not to be members of student guilds. This Government is trying to compel them to be members. If students go to the extraordinary length of resigning from the guild - to which they automatically become members when they enrol - they must still pay the amenities fee and the money is paid to the guild. That is hardly democratic.

It is alleged that the provision of services has collapsed. In 1994 student guilds in universities in Western Australia provided 27 different identifiable services. In 1997 it had increased to 45. The guilds got off their butts and tried to provide more services, and more relevant services, to students. Under the current law, the guilds know that they must attract membership, spend money in the interests of the students and provide the services that students want. Now the guilds will go back to the lazy old days when guaranteed government tax revenue flowed through to them, regardless of the policies they adopted, the money they might have wasted or whatever. As student unions, they will be protected by this piece of legislation. Let us not forget that student unions do not exactly have a perfect record. The Deputy Leader of the Opposition raised one recent example of their attack on the Australian defence forces. I do not think the majority of students in our universities want their money spent for that purpose. The Labor Party might, because now it will allocate student money to student guilds on a compulsory basis.

Let us go back in time a little. I am sure you, Madam Deputy Speaker, remember that in 1989 the Edith Cowan University guild decided - I wonder on whose advice - to invest \$1 million with Western Women Financial Services Pty Ltd. A Labor Government was in power. People such as former Premier Carmen Lawrence were very keen on Western Women. Do members know how much the guild lost? It lost \$753 000. No doubt there was Labor Party influence. The money went into Western Women and students lost their money cold. Now the Government again wants to impose a compulsory tax ensuring a compulsory flow of the majority of those funds to student guilds regardless of performance.

What about some of the equity issues? It is not means tested, and there is no allowance for different income levels or the wealth of students. Students will pay the fee no matter what their category or status of student. They will pay it whether or not they use, value or agree with student services. They will have no choice at all. If they do not pay the fee, what will be the penalty? Amazingly, the Minister for Education will impose an educational penalty on students if they do not pay their student amenities fee. It is shameful for an education minister to impose an educational penalty on the young people of this State, so that they cannot graduate. He will impose not a fine, but the absolute penalty that a student cannot tolerate - the refusal to graduate. How mean spirited and what an inappropriate use of state powers. It would be bad enough if the minister wanted to fine students, which I think would be inappropriate, or take away some campus privileges. However, to deny them the right to graduate after years of study is absolutely abhorrent.

[Leave granted for the member's time to be extended.]

Mr C.J. BARNETT: No-one denies that student unions provide services. They usually run a canteen. They might run a bookshop, help with child care or run a bar. They should be able to run some of those services

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profitably. Certainly, if they cannot run a profitable bar on the campus, they are not much good. Even a cafeteria generally will do quite well.

Mr R.C. Kucera: You would know.

Mr C.J. BARNETT: I spent a lot of time at university.

Mr R.C. Kucera: In the bar?

Mr C.J. BARNETT: No, I rarely ever drank at the student bar.

Mr R.C. Kucera: Were you a member of the guild?

Mr C.J. BARNETT: Yes; it was compulsory in those days. That is why we are against it.

Mr R.C. Kucera: You went along to the guild and you went to the bar.

Mr C.J. BARNETT: No; I did not go to the student guild bar.

Mr R.C. Kucera: Is that where you gained your penchant for red wine?

Mr C.J. BARNETT: I think the minister is getting too smart for himself. I did not go to the student guild bar.

Mr R.C. Kucera: You raised the issue. You started talking about bars.

Mr C.J. BARNETT: No, I did not. The reason was that I played footy for Claremont and I used to train there. Members opposite seem to be somewhat preoccupied.

Let us look at the student guild services. They provide some services. What services do they provide that students should not pay for? If people go to a bookshop to buy a book, they expect to pay for the book. If they buy a meal, they expect to pay for the meal. If they go to a bar, they expect to pay for the drink. Maybe there is a role in subsidising and supporting child care; I agree with that. There might be some role in providing student advice. However, not at this scale. The money raised across Australia is in the order of \$118 million. We can assume that on a per capita basis Western Australia will raise about 10 per cent of that, so about \$11 million or \$12 million will be collected under this tax. It is not an insignificant tax. It is a very large burden on students and they do not want it.

I wonder what would have happened if this Government had gone onto campus and asked students to vote on whether they wanted a compulsory amenities fee and compulsory membership of a guild. At Edith Cowan University, with a guild membership of six per cent of students, it would have been very convincingly defeated. The Government knows that this measure is not supported by students, so why is it doing it? I have no doubt that a group of students would support it, as some students are on the left of politics and some are on the right. However, the majority of students do not support a compulsory amenities fee. The Government should go onto campus and ask students whether they want to pay a compulsory enrolment tax of \$264 - the average Australian fee - half of which would go to the guild to use as it wishes, and tell them that they would not be allowed to graduate until their guild contributions were up-to-date. How would that question go on campus? I know I would not vote for it and I do not believe many students today would either. Why, therefore, is the Government doing it and what is the justification for it, other than that other universities in Australia still have it? Other universities and other Governments in Australia did not have the courage to give students a choice. Why not provide a choice? Most students are over the age of 18; they are adults; they are able to make their own decisions; and they are able to choose what to spend their money on and what not to spend it on. They do not need a nanny-state type of Government taxing them and contributing their money to student guilds.

Mr J.B. D'Orazio: It is for facilities.

Mr C.J. BARNETT: What facilities? Where are the students on campus crying out for facilities? I quite often go onto campus and talk to students in economics classes etc. I have not heard them say that they need more facilities. A minimum level of facilities in universities is needed; however, they are in place and most were publicly funded when the universities were developed. There are sporting facilities, food outlets, bars and bookshops. There are also childcare facilities that some, but not many, students use. What is lacking in our universities? The University of Western Australia is probably one of the most magnificent university campuses in Australia, if not the world.

Ms M.M. Quirk: With private endowments.

Mr C.J. BARNETT: I do not care how they got there; they are there. If members walked onto the UWA campus at Crawley, they would see that students have every facility that opens and shuts. If they walked onto the

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campus of the Curtin University of Technology, they would see a fantastic university that has had enormous developments through the John Curtin Centre. It is now a superb university and one of the great universities in the southern hemisphere. Murdoch University is a small institute in student numbers -

Mr J.J.M. Bowler: Are you saying they are not important?

Mr C.J. BARNETT: They are fantastic universities. However, Murdoch University has a long way to go; it does not have enough students and it is too small. The relocation of Edith Cowan University - in your electorate, Madam Deputy Speaker - to the Joondalup campus will be terrific. Members should look at the capital funding going into that university. Hopefully as student numbers grow from about 7 000 or 8 000 now to 15 000 or 20 000 - which is the sort of number needed to get dynamism on a university campus - it will have facilities that will essentially have been publicly funded. Will the Government tell me what is required on a developed campus -

Mr J.B. D'Orazio: You wouldn't know.

Mr C.J. BARNETT: I have a pretty good idea.

Mr J.B. D'Orazio: Then tell us.

Mr C.J. BARNETT: The point I am making is that Western Australia's university students have fantastic facilities. I am struggling to see why they need to put into guilds another \$10 million or \$12 million a year. I do not begrudge students some funding; university administrators could well spend some more money on student services. However, why charge students a fee - the average Australian fee is \$264 a year - for something they do not want? If students liked guilds, more than six per cent of students at ECU would bother to be members of one. They may recall that the guild lost three-quarters of a million dollars on an investment in Western Women Financial Services Pty Ltd. Students are not too impressed with that sort of thing. Would the member for Rockingham be impressed with that? He is a university graduate. Would he like his guild fees to be spent on a banner denigrating the Australian military forces? I am sure he would not, and I will not embarrass him by pursuing it. If people want to pursue that, they can do it, but they should not do it on compulsorily collected money. If they want to run a campaign - whether it be to the left or right of politics or down the middle, I do not care - they should recruit membership for their cause, whatever it might be, raise money and run their program. They should not rely on a Government to introduce a compulsory tax to fund a guild that can engage in all sorts of activities. There have been some beauties over the years. Guilds have supported all sorts of weird and wonderful causes. For example, guilds in Australia have supported the Palestine Liberation Organisation. The PLO has a record of terrorism and murder. Suicide murders happen almost on a daily basis. Student guilds in Australia have also supported the Communist Party of Malaya. Recently, they supported global action. I do not mind if causes are supported, whichever side of politics they are on, but they should not be supported with compulsorily collected taxes on students. If people believe in a cause, they should recruit membership for their cause, raise money and pursue it.

Presumably, the guilds cannot manage their own affairs. I think they could; if Governments stayed out of the way and told them to get on with it, they might succeed in managing their own affairs. Indeed, at the University of Western Australia, only a year ago the guild president boasted in his report that the guild was in a strong financial position. Good on him! If UWA's guild is in a strong financial position, good on him! Congratulations! Why prop up the guild with taxpayer-regulated collections from students, whether or not they like the guild, want to join it or ever intend to use any of its services? This is typical Labor socialist interventionist policy. That is what it is about.

I will end where I started. This Minister for Education has been in the job for two full academic years. He has achieved nothing of significance. He has not done much wrong because he has not done anything at all. He can sit in the job behind his desk, mind the portfolio, put out the press releases and run around to school openings, but unless he rolls up his sleeves and thinks about advancing education in this State, he does not deserve his pay. We have a non-Minister for Education doing a non-job in a non-performance Government.

**MR J.H.D. DAY** (Darling Range) [3.27 pm]: It will be reasonably clear from the Leader of the Opposition's speech that the Opposition is opposing this Bill because its purpose is to require students who attend the public universities in Western Australia to pay a fee to attend those universities, not for academic or educational purposes, but to fund student unions, otherwise known as student guilds or student associations. In other words, this is compulsory student unionism being funded by the GST - the Gallop student tax..

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It is the case that the fees that will be required to be paid as a result of this legislation will be paid to the student unions not directly but via the university administrations. It is also correct that students will be able to opt out of membership of the student associations. Nevertheless, they will be required to pay the same fee, and a minimum of half of those fees will go to the student associations or student unions. In effect, this is compulsory student unionism dressed in another form. I was on my way back from Sydney during question time today, but I know that the point was very well made - it is worth placing it on the record again - that the minister clearly does not understand the content of his own legislation, given the comment in his media statement today; namely, that guilds would receive the funds only from students who chose to become members. Whether or not students choose to become members of guilds, a minimum of 50 per cent of the fees will go to student unions. As the Leader of the Opposition has said, a maximum of 35 per cent of students choose to become members of student unions in Western Australia, and the figure is as low as six per cent in the case of Edith Cowan University. The student unions have negotiated a very good deal with the Government. They will acquire a minimum of half the fees paid by students, regardless of whether students want to become members of student unions. Why would students not choose to become members if they are to pay the fee anyway? They will not be able to participate in elections for councils and other committees of the student unions unless they become members.

The Opposition does not believe the motivation for this Bill is about providing facilities on campus, although that is how it has been presented by the Government in an attempt to sanitise it as much as possible. The Bill in reality is about repaying debts to Labor mates on university campuses in Western Australia. It is well known that the strongest advocates of compulsory student unionism happen to be the left wing of student bodies on university campuses. That has historically been the case. These issues have been debated long and hard over the past 25 years or so. Quite clearly, left-wing Labor sympathisers and other left-wing sympathisers are the proponents and supporters of compulsory student unionism and the compulsory payment of the university student tax.

The timing of this debate is interesting. I have little doubt that the minister and other members of the Government will be rather nervous about the impact of this legislation on campuses, if it takes effect at the beginning of the next academic year. Inevitably, many students will react very negatively when they realise that they will be taxed, not for the provision of education or for academic purposes but for the funding of student organisations. I would not have been surprised had the Government not proceeded with this debate before the end of this year, given its other priorities and the degree of negative reaction which even the Government would expect on university campuses. It appeared that maybe the Government was getting cold feet about this legislation being brought on for debate. My suspicion was confirmed by an e-mail sent by the president-elect of the Murdoch University student guild, Malcolm Bradley, to the Australian Labor Party caucus members on 17 October. I make no criticism of Mr Bradley; in fact, he has done us a favour by highlighting the reality of the timing of this debate. He wrote -

I am writing to you on the matter of the timely introduction of legislation for the introduction of a compulsory Guild/Amenities Fee at our public universities. . .

From what I understand the ALP state caucus this week deprioritised the third reading of this legislation -

He means the second reading debate -

in the lower House, and is threatening to not proceed with this matter in a timely way unless the Greens agree to gag Norman Moore in the upperhouse.

I have news for students on campuses and Mr Bradley in particular if they think they will be successful in gagging Hon Norman Moore in the upper House on this Bill in particular, and I suspect on any other legislation. That is very much wishful thinking. The e-mail continues -

Who does this hurt, the Murdoch and ECU Guilds, but also I would argue the ALP . . .

This legislation was to be part of your governments agenda within the first 100 days of you getting elected, now, it almost two years on and continued delay on this important legislation will kill off two student Guilds . . .

I understand that it was a cabinet driven decision that deprioritised the legislations progress through the lower house, I also understand that next Monday provides a timely chance to revisit this issue with in the caucus. Please take that chance to do the right thing by the student guilds whi have acted in good faith in this matter . . .

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The minister may deny this if he so chooses, but presumably the information is correct: quite clearly, the Cabinet made a decision to deprioritise, as it has been termed, this debate before the end of this year. Subsequent to that e-mail, the State Executive of the Labor Party at its meeting on 28 October passed a motion advising the Parliamentary Labor Party to get on with this debate. It seems the student guilds made comments to ALP caucus members in this State, and the State Executive of the Labor Party passed a motion telling the Government to get on with it. Of course, the Labor Cabinet and Caucus have jumped because they follow orders mostly from the State Executive of the Labor Party and we are therefore having this debate.

The matter has been given much greater priority by a nervous Government than would otherwise be the case. It is clearly to repay its debts to its sympathisers, supporters and, no doubt in some cases, members on university campuses. Well might the Government be reluctant and nervous about this issue, because effectively this is a tax on students on university campuses. As I have said, it is known on campuses as Labor's GST - Gallop's student tax. It is clearly the case that from next year students must pay up to \$140 per annum for the privilege of attending universities, not for tuition or academic purposes, which are covered through the higher education contribution scheme that was, of course, put in place by a former federal Labor Government, but for the purpose of funding student unions on university campuses. The fee required to be paid from next year by full-time students will clearly grow over the years, as the Leader of the Opposition has said. I understand that at some eastern states universities this tax on students is up to \$400 per annum, and an average of \$264 per annum. Quite clearly, once this legislation has been put in place by the Labor Government in Western Australia, the tax on students for the privilege of attending university will grow and the income that will be made available to student unions as a result will quite clearly grow substantially.

The other reason for the debate being brought on now is that at this time of the year students' activities on campus are relatively quiet because they are entering their pre-examination period.

Mr R.C. Kucera: This is paranoia.

Mr J.H.D. DAY: It is clearly the case. Does the minister deny that universities are moving into the pre-examination phase when students go on study leave and when their priority is passing exams, as it should be? Students are not around to debate these issues at the moment or to be made aware of them. It is at least very convenient for a nervous and reluctant Government to be able to bring on the debate at this time. As well as satisfying the ALP State Executive and ALP members on campus, it is very convenient for the Government to try to slip this legislation through the Parliament before the end of the year while students, generally speaking, are preoccupied with passing exams.

This legislation will place a new impost on students. Students have a choice at the moment about whether they wish to belong to a student union and whether they wish to pay fees. That is as it should be. If I were a student at the moment, I would most likely choose to be a member of a student guild or association. However, people should be able to make that choice for themselves and not have it made for them by the Parliament of Western Australia as a result of legislation introduced by a Labor Government at the bidding of others.

Mr A.D. McRae interjected.

Mr J.H.D. DAY: It is not a matter of a student being a socialist because he chooses to be a member of a student organisation. It is a matter of a student being able to exercise freedom of choice and association. That is the crux of this legislation. Students should be able to choose whether to pay these fees and be members of an association. They should not be required to do so as a result of legislation that has been imposed on them. This legislation will have an effect on students from lower income families, because as well as having to make their higher education contribution scheme payments, which they can defer until after their studies, and having to buy textbooks and other consumables, they also have to fund their living expenses. This Bill will place a disproportionately greater burden on students from lower income families in Western Australia. It will also place a disproportionately greater burden on students from rural Western Australia, who generally need to pay for accommodation in the Perth metropolitan area in order to attend university courses. I am pleased that an increasing number of university courses are now available in regional centres such as Albany, Kalgoorlie, Bunbury and Broome, and to a lesser extent Geraldton, so that students can undertake courses closer to where they live. However, many rural students still need to attend courses on campuses in the Perth metropolitan area. Those students will now also need to fund, whether they like it or not, this student tax that is being imposed on them by this Labor Government.

It is interesting that this Government is giving this legislation a disproportionately higher priority than other important legislation. For example, in the education portfolio we have yet to see legislation for the registration of teachers in Western Australia. That legislation will have bipartisan support, subject to our seeing the detail of

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it; indeed, the previous Government gave approval for the drafting of that legislation over two years ago. That legislation should be in this Chamber now and we should be having a debate about it so that arrangements can be put in place, if not before the beginning of the next calendar year at least during the next calendar year, for a teacher registration system that will ensure an adequate standard of teaching in Western Australia and will protect children from teachers who may have been involved in criminal activities in the past. In the health portfolio - an area with which I am familiar - we should be having a debate on legislation to provide the status of nurse practitioner for appropriately trained nurses in Western Australia. We should also be having a debate on legislation to update the Medical Act and a range of other health professional Acts such as the Dental Act and the Physiotherapists Act. I agree that some of those Bills have been too long in coming. This Government has now been in office for almost two years, yet there is no sign of that legislation, which will do something constructive in two areas that are of crucial importance to the people of this State.

I will now detail some of the history of this issue. Student guild fees were made voluntary by legislation that was passed by both Houses of this Parliament in 1994. That legislation took effect in 1995, and since then students have been able to choose not only whether they wish to become members of a student union, association or guild but also whether they wish to pay fees to those organisations. The origin of this debate goes back some 20 years prior to that time to the 1970s. During that decade, many students became very aggravated by the militant, irresponsible and extremist activities of some of the student unions in Australia, in particular the forerunner of the National Union of Students, the Australian Union of Students as it was then known. I was a student at the University of Western Australia at that time, and although I was not at the forefront of the debate, I recall that a number of students were very aggravated and aggrieved about the fact that compulsorily acquired fees were being handed over by the guild of undergraduates to the Australian Union of Students for some very militant and extremist activities across Australia in the mid 1970s. That was the genesis of the move in the mid to late 1970s not to make union membership and the payment of fees compulsory. Some of the students who were actively involved in that campaign kept it up during the 1980s and 1990s, and it is now being carried on by a number of students who wish to maintain the status quo on university campuses.

I remember that in about May 1974, in my first year as a student at the University of Western Australia, I attended a meeting in the Murdoch lecture theatre in the arts building at UWA. That was a general meeting called by the guild of undergraduates to authorise the payment of funds to the then Zimbabwe Liberation Front. Fees that had been acquired from students compulsorily were to be handed over for a clearly political and off-campus activity. Whether students wanted to support such an organisation or whether students thought that the liberation activities, as they were described, in Zimbabwe and South Africa at that time had merit was entirely beside the point. Students were entirely free to support that sort of organisation both financially and morally if they chose to do so. I remember that I got up at that meeting and argued against the authorisation of that payment, simply because I did not believe it was appropriate for compulsorily acquired fees to be spent in that way. However, if I recall correctly, that motion was carried, because it was in the days of the left-wing domination of campus politics.

In about 1978 legislation was passed to enable students to opt out of being a member of a student union; however, it was still compulsory to pay the fees. It was only in 1995 that students were able to opt out of paying fees as well. It was highlighted during question time today that the guild of undergraduates at the University of Western Australia is proposing to increase its funding to the National Union of Students from the current level of \$8 000 to \$50 065 in 2005 if this legislation goes through. The Deputy Leader of the Opposition made the point that the National Union of Students is currently involved in promoting some very extremist, and I would say also unreasonable, views, such as that the armed forces are there to repress, contain and kill. As the Deputy Leader of the Opposition said, people can have that view if they choose to. I certainly do not share that view. I believe most students on university campuses would not share that view, and certainly most reasonable minded people in the Western Australian community would be very much offended by that view. However, the guild of undergraduates at the University of Western Australia is proposing to increase its funding to the organisation that is promoting that very extremist and totally unreasonable view to some \$50 000 in 2005.

Most students will be offended that their hard-earned money must be paid to a guild of undergraduates, and that some of that money will be handed over to the National Union of Students, for example. Such an action is entirely unreasonable. In the past, some of that funding has been given to organisations such as the Palestine Liberation Organisation. Although some people sympathise with the plight of the PLO in the Middle East, that is not the issue. The point is that compulsorily acquired money should not be handed over to an organisation such as that. In the past, money from the National Union of Students was also handed over to the Malayan Communist Party. That was an entirely inappropriate use of a tax on students.



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It is appreciated that student guilds can, and to a large extent do, play an important role in university environments by providing activities for students. Many members of Parliament were involved in student activities and were members of sporting, cultural or other clubs on campuses and the University of Western Australia Council of the Guild of Undergraduates, for example. Many members, myself included, played active roles on campuses in the past. I very much encourage students to take an interest in not only academic pursuits but also a broader range of activities, because much can be gained from such activities for both student bodies and individuals. Students do not vote with their feet when they join such organisations. On the most recent figures the Opposition has available, the membership of student unions in Western Australia ranges from about only six per cent at Edith Cowan University to about 35 per cent at Murdoch University. Only about one-third of students have chosen to join their student association. That is hardly an overwhelming vote of endorsement from the student bodies for the administration of their student organisations and their activities. Why should they be compelled to pay fees to such organisations and, in effect, be forced to join them?

The Opposition believes that, like all other organisations in the community, student unions should be seeking to attract members by virtue of the benefits of their activities, whether they be services, sporting activities or reduced costs for membership of organisations, admissions to events, the cost of foods etc. Students should be enticed to join student unions through those attractions rather than be compelled to pay these fees and taxes. No other organisation in the community has such a privilege, with the exception perhaps of the Construction, Forestry, Mining and Energy Union and like organisations due to their rather militant and thuggish activities. In theory at least, under our industrial relations legislation, no-one is compelled to join unions in Western Australia. Why should university students be required to pay fees and effectively be forced to join student organisations? There is no convincing argument for that. We do not believe that student unions should be propped up by the imposition of compulsory taxes on students when, in many cases, they will find it difficult to pay them.

The Opposition understands why university administrations are in favour of this impost. It is understandable and not surprising that a vice-chancellor, senate or council of a university would like to see an increased cash flow on their campus that would result from this legislation. Most people in that situation would probably support it. They would not knock back a potential increased cash flow for the provision of student activities or facilities. The Opposition believes that the interests of students as individuals should be considered as well as the interests of student organisations. Student organisations should not rely on a compulsory fee for their existence. Their memberships should depend on the attractions they offer to their members and the student body. If they provide those attractions, they will survive very well as healthy organisations with the generous support of students rather than because of a compulsory fee or tax imposed by the Labor Government.

The issue of freedom of association is important and was referred to by Hon Norman Moore in his second reading speech when he introduced the Voluntary Membership of Student Guilds and Associations Bill in September 1994. As he said, the former coalition Government believed that students should have the right to choose whether they join an organisation. That is a right very much endorsed in a range of international covenants and treaties. I refer, for example, to the Universal Declaration of Human Rights, article 20; the International Covenant of Civil and Political Rights, article 22(1); the International Covenant of Economic, Social and Cultural Rights, article 8(1)(1); the International Labour Organisation Convention 87, dating from 1948, titled "Freedom of Association and the Protection of the Right to Organize Convention", article 2; the ILO convention 98, which originated in 1948, titled "Right to Organize and Collective Bargaining Convention", articles 1 and 2; the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 11; and the American Convention on Human Rights, article 16(1). A host of treaties and international covenants that Australia as a whole supports, and on some occasions is signatory to, support the right of people to choose whether they will join an organisation. The Labor Government in Western Australia, although not through the legislation itself, will be requiring students to join an organisation in a way that the Opposition thinks is unreasonable.

As I said, the Opposition takes the view that, in dealing with these issues, it is important to consider the rights and interests of students and individuals, not just their organisations. This legislation is not primarily about providing additional facilities on campuses; it is about repaying Labor mates on campuses who wanted this legislation before the election. They got a commitment from the Labor Party that it would introduce it, and it is now being given a much greater priority over more valuable and worthwhile legislation in the fields of education, health and many other portfolios that could otherwise be debated by this Government.

Labor's state executive has clicked its fingers to make the Labor Cabinet and Caucus jump and, as a result, we are now having this debate. I trust that the minister is prepared to go onto university campuses in Western Australia at the beginning of the next academic year and defend this legislation, despite the fact that, as I know,

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many students will be very much aggravated by it. They will be very unhappy that they must pay up to \$140 next calendar year if this legislation is passed through both Houses of Parliament before the end of this year. It is not popular legislation on university campuses. It is not right in principle and, therefore, the Opposition opposes it.

**MR T.K. WALDRON** (Wagin) [4.00 pm]: The National Party will also oppose the Acts Amendment (Student Guilds and Associations) Bill. I do not have any personal experience of attending university - I was not fortunate enough to go to university - but one of my sisters went through university and another sister worked for the student guild and is now a lecturer at university. I have a reasonable background on the university process without having attended myself.

As previous speakers have said, the most important principle is that of choice. The National Party does not feel that individuals should be compelled to pay these fees, particularly when 51 per cent or more of the funds will be directed to the guild by the university central council. The National Party does not object to the guild promoting itself, encouraging people to become involved in it, publicising its benefits and promoting its membership, which is probably what it should be doing. However, the fees should not be compulsory; they should be paid by choice.

Queries are still being raised about how these moneys will be utilised and whether they have always been utilised for the right purpose - that is, for the benefit of all the students - or whether they have been utilised for the benefit of a very small number of students who are members of the guild. After looking at how the guild performs and the way it utilises the moneys collected, individuals should be able to decide whether or not to join it. Students should not be forced to join the guild.

In his second reading speech the minister indicated that the fall in guild membership and the associated reduction in available funds had significantly reduced the capacity of guilds to provide an appropriate level of student amenities and services. In effect, the minister was saying that the guilds cannot attract people, therefore, the Government will just prop them up and make the fees compulsory. I know the fees do not go directly to the guilds, but they receive 51 per cent of the revenue. The minister is not asking the guilds to perform. Student guilds should make sure that they are attractive to students and that they represent them and provide for them on campus so that the students will want to be part of the guild because they can see the benefits. Compulsory fees take away the incentive and pressure for the guilds to perform; the money will come in and the guilds will not have to perform for the people they purport to represent, which is one of the main failings of this legislation and it is probably the main reason we will not be supporting it. If other groups or institutions around the State do not perform, promote themselves or publicise their benefits, they do not survive. If student guilds are financially supported by this method, they do not have to get out there and do those things.

The member for Darling Range referred to country students - this also applies to some metropolitan students - who must travel and live away from home. An amount of \$140 may not seem a great deal of money, but we are not sure that the fee will remain at \$140. However, it is just another extra cost. My daughter attends university, she works part time, as well as studying, and she has to live away from home. She receives some family support and some government support, and for that I am very grateful, but these added costs will make it that much more difficult. During another debate I will be referring to secondary school fees and the costs associated with living away from home. All these costs add up, particularly when families have two or three students living away from home. They could have one at university and two at a residential college in Narrogin, for instance. Students should have a choice. If a student feels that the guild is providing what he or she wants, then that student will pay - and will pay gladly - but a student should not be forced to pay for something that he or she does not believe will be of benefit. In my daughter's case, \$140 amounts to the cost of her living in Perth for a couple of weeks. The situation is probably worse in other cases.

In his second reading speech the minister stated that the student amenities and services fee will be set by each university's senate or council based on advice from the guild, with due concern for the level of the fee and the capacity of students to pay. That is difficult to understand. How does the minister work out a student's capacity to pay when there are 70 000 students? I guess it will be an average figure, but it is difficult to arrive at an average figure when dealing with people from different income backgrounds, who will all have to pay the fee. Choice should come into the equation.

How will the moneys be utilised? Previous speakers have given some good examples. A questionable referendum was recently held and such a referendum costs a lot of money. I wonder how many students want their fees going towards a questionable cause.

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Students at Muresk Institute of Agriculture, which is part of the Curtin University of Technology, have questioned the value they will get from being members of the guild. Many students attend Muresk and two or three have asked why they should have to pay the fees when they do not believe they will get much direct benefit from the guild.

The National Party is not against either student guilds or the fees, but students should have the right to choose and should not be forced into paying these fees. We have referred to fairness and equity; it is fair to give people choice. We understand the reasoning behind this legislation, but we question its motives. No guarantee can be given as to how the money will be utilised. As has been shown in the past, funds have not always been utilised properly. People should always be given a choice.

**MR D.F. BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [4.07 pm]: I wonder when this Parliament will deal with some legislation that people want. I wonder about this Government's priorities, when there are so many other pressing needs. We are told there is a logjam of legislation to get through this Parliament, yet here we are dealing with a piece of legislation that is wanted by a small minority of the minister's friends. Nobody in my electorate wants this legislation, and I have not exactly seen people queuing up asking for it. This demonstrates the priorities of this Government. It also demonstrates the minister's attitude towards his job and towards people who go to university. I have extracted a couple of statements the minister has made, and he seems to have a very bent attitude towards people who go to university. The Leader of the Opposition said that this legislation will rope in approximately 70 000 students, and at the moment 70 or 80 per cent of those students choose not to join student guilds; they have deliberately chosen not to join the union that the Government wants to support with this legislation.

There is more to this Bill than meets the eye. In answer to a question from the shadow Minister for Education on 15 August, the minister said that this legislation would help reinvigorate student life on our campuses. He said that it will do what we should do; that is, promote the value of education and the vitality of universities as a long-term investment in Western Australia. He said that we need this legislation to help reinvigorate student life. In other words, he is saying, "Gee, it is boring out there on the campus; it is really dull. We will make it exciting for students by giving the guild \$10 million or \$11 million a year to splash around the place and then you will see some excitement." The students might invite the Minister for Education to some of their parties as a result of this legislation.

Ms A.J. MacTiernan interjected.

**MR D.F. BARRON-SULLIVAN**: If the Minister for Planning and Infrastructure goes to a party, it is bound to be exciting. For all intents and purposes, the Minister for Education is saying that universities are dull and boring places. He does not think that just about universities.

The Active 2002 Sport and Recreation Industry Conference was held at the Sheraton Hotel in October. A press release issued by the Minister for Sport and Recreation on 18 October stated that the managing director of Market Equity will help sport and recreation groups de-dork their organisations to make them more attractive to young people. How utterly offensive. The minister is saying that all the people who work in sport and recreation around the State are dorks and that the Government will pay someone to de-dork them because they are daggy. The Government does not think that young people get off on that sort of thing. The Minister for Mind Control thinks that universities are so dull and boring that a heap of taxpayers' money must be thrown at them while students are ripped off in the process.

As was revealed in question time today by the Leader of the Opposition, the minister could not get his facts right. A press release issued by the Minister for Sport and Recreation on 5 November states -

The Minister said the guilds would only receive the funds from the students who chose to become members.

The minister was wrong. Did he blatantly mislead the community? I hope not. Why would he get it so wrong in a press release? The press release that was issued to explain a key part of the legislation was wrong. The minister is trying to cover up that at least 51 per cent of the fees raised will go to the guilds. He thinks that universities are dull and that sport and recreation organisations should be de-dorked. The minister cannot get his own press release right. Effectively, he had to ask the Leader of the Opposition for a copy of his press release so that he could answer a question during question time. That is unbelievable. He obviously does not know what is going on in his portfolio.

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This Bill is not about the quality of education; it is about compulsory unionism. That is the Gallop Government's hallmark. We have seen it in its industrial relations legislation and now we are seeing it in the area of university education. It is typical of the Government's union-dominated and centralist approach to government in this State. This issue also reveals the Government's priorities. The minister is taking a very philosophical approach to our university campuses. That is hardly surprising considering that this Government has preoccupied the Parliament's time with gay law reform. It also wants to tie up the Parliament's time with prostitution reform; it is changing the laws to take a softer approach on illicit drugs; and it wants to reduce prisoners' sentences and the number of people in our jails. Today, the Government has admitted that it does not want to defend the Australian flag. They are the types of priorities that this Government stands for, and it is demonstrating that again through this legislation.

Mr C.J. Barnett: The Government did not even progress the Animal Welfare Bill.

Mr D.F. BARRON-SULLIVAN: It is mind-boggling that ministers constantly blame the Opposition for holding up legislation, yet a key piece of legislation that the community is pushing for - as the Leader of the Opposition said - has been held up again because the Government has other priorities.

This legislation seeks to repeal the voluntary membership of student guilds legislation, which was an initiative of the previous Liberal Government. That legislation very strongly espoused the Liberal Party's policy in this area. We believe very strongly in freedom of choice. The Government does not know the meaning of those three words; however, it knows the meaning of taxation. Despite the then opposition leader's assertions during the election campaign that a Labor Government would not increase taxes or introduce any new taxes, taxes in this State have increased left, right and centre. The Government has tried to sneak in new taxes. As the shadow Minister for Education said, the Government has decided to adopt its own GST: the Gallop student tax. That is a very good acronym, but it is not a very good tax. We are told the tax will be about \$140. Pigs might fly. We all know that in two or three years time the students in this State will pay the same for this new Labor tax as students in other States pay for compulsory fees. The Leader of the Opposition referred to numerous examples, including the \$195 fee paid by students at the Australian National University, which is cheap compared with the \$352 fee paid by students at the University of Melbourne; the \$370 fee paid by students at Monash University; or, God forbid, the \$460 fee paid by students at the University of Sydney. I am interested to know whether the Minister for Education will pay \$100 to subsidise university students, as is the case with secondary students. He could argue that students are not compelled to go to university, but, by God, the Government will compel them to pay their fees. They will not get anything for their guild membership, but they will have to pay their fees. Who will benefit? Some 70 000 students will pay \$300 each - which is what it will cost in a couple of years - which will raise about \$21 million. Therefore, at least \$11 million will be provided to the guilds. This is a direct tax on young, old, local, international and interstate students in this State, who will all pay this new tax.

I remember the hullabaloo over the Government's proposal to introduce a premium property tax, which was nothing short of a tax on the family home. In the lead-up to the federal election the Premier and his Treasurer went weak at the knees - thank goodness - and decided to abandon that plan that was under attack from the community and the opposition parties. Correct me if I am wrong, but that tax would have raised about the same amount of money as this tax will raise. An \$11 million tax on students is one helluva bite. Indeed, it will raise more revenue than the property tax would have raised. There must be some very significant benefits to students if the Government is to rip them off to the tune of \$11 million. They must get more than just a bit of extra excitement on the campus; as the minister said, there should be more parties on campus and universities must be de-dorked. Perhaps he will pay a consultant to de-dork the University of Western Australia and Curtin University. He might believe that the universities need de-dorking and that it will cost \$11 million to do it. I would love to know whether this will be a de-dorking tax. What will the revenue be used for? As the Leader of the Opposition and the shadow education minister have already said, students are not crying out for \$11 million worth of extra guild facilities.

I will tell members what student guild fees have been used for in the past, and what they will undoubtedly be used for in the future. They will be used to produce the type of poster that was referred to in question time today that was produced by the National Union of Students. Members should bear in mind that the UWA Guild of Undergraduates has said it wants to jack up its contribution to the NUS by about \$50 000. Undoubtedly, the NUS will benefit from compulsory Labor taxation fees on students to a far greater degree than that. That money will go to this type of blatant party political propaganda. The poster to which I referred says, "Join the army, meet interesting people and then kill them". In different circumstances that might have been a witty little ditty. However, it is not witty when the production and printing of such posters will ultimately be paid for by Labor's new tax on students. The poster states that the role of the armed forces is to repress, contain and kill. This type

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of propaganda is what the guild fees could be spent on. Perhaps the students should all go back to university because I have just noticed a typo on the poster, which says, "We have plenty of tanks but our education is in crisis". I have not seen "plenty" of tanks around the place, but I know that our armed forces need secure funding. However, the NUS says that we should demand a world in which public universities get all the money they need and the armed forces must hold a cake stall to buy a new tank. If this were not so serious, it would be funny. We have major armed services facilities in this State. I wonder what our armed forces think about this Government promoting a new tax that will fund people who produce this sort of propaganda, which is totally to the detriment of our armed forces.

Mr J.H.D. Day: That sort of material is absolutely offensive. I would like to know what the family of the SAS soldier who was killed in Afghanistan thinks about that offensive material.

Mr D.F. BARRON-SULLIVAN: It is disgraceful. The shadow Minister for Education may correct me if I am wrong, but nothing in this legislation prevents this money being spent on this sort of blatant propaganda or on this guild handbook titled *Survival!* Some of the information in this guild handbook that I have brought into this Chamber is quite useful and interesting, and I will refer to a couple of sections. One section is about drugs, and it is not referring to aspirins! It reads -

The notion, therefore, of a totally drug-free society is naive . . . we must recognize that if drugs are going to form part of our social fabric, then moderation is the key word to survival.

It is not "no to drugs", but "moderation is the key word to survival".

Mr A.D. McRae interjected.

Mr D.F. BARRON-SULLIVAN: This section also refers to acid. Maybe the member for Riverton is on a little lysergic at the moment. The handbook reads -

Avoid places you don't like and crowded places that could stress you out . . .

In other words, it is telling people where they should shoot up. Maybe this is how the minister will de-dork the campuses! Maybe the minister will hand out these handbooks with a free sachet attached, so that people can go to a non-crowded place, which will not stress them out, and they can shoot up. That will de-dork the campuses and bring back some of the vitality that the minister thinks they are lacking at the moment! The handbook also gives some sensible advice for someone who is under the influence of marijuana: do not drive a car! That is the sort of advice students get in this handbook. Instead of warning students of the dangers of marijuana, this is what it is saying. As for political activities, the section on the Homosexual Information Office provides some relevant information. It reads -

On a political level it is essential that the HIO maintains a high and constant level of visibility in campus politics, in the student newspaper and in student activities.

This handbook is about politics. The Opposition does not mind information going out to people who might be gay, or telling people that illicit drugs are bad for their health and that they should say no. However, we do not want the wrong sort of propaganda going out to students at the expense of other students who, frankly, have no interest whatsoever in this sort of nonsense.

We have heard a number of arguments on why this new tax on students that the Labor Party is bringing in is not a good idea. The minister has indicated that we need the facilities that the guilds provide; I do not know what they are. When I was at university, we could frequent whatever we wanted if we wished. What about 17 year olds who cannot attend a number of the shows put on by the guild because they have an 18-year-old age requirement? Those 17 year olds pay their student fees, but they are discriminated against and do not get anything for their fees. Those students have pointed out to me that they go to university, and there are shows for 18 year olds-plus that they cannot attend, yet under this scheme their money contributes towards that. Students have also pointed out to me that, in a practical sense, there is very little consultation with students on what activities the guild will undertake. Bearing in mind that the guilds will be undertaking those activities with students' money, it concerns me that students do not get a complete say in the matter.

As a member representing a seat in regional Western Australia, I thought about what this would mean for campuses in the country. I have spoken to a number of students in my neck of the woods at the Bunbury Campus of Edith Cowan University. They are not looking forward to this new tax. I asked about the prospect of more money for facilities on their campus, and I asked what facilities they wanted.

[Leave granted for the member's time to be extended.]

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Mr D.F. BARRON-SULLIVAN: It was pointed out to me that a lot of the facilities on country campuses are used by the broader community, which is a good thing and was encouraged by the previous Government to make better use of facilities and so on. I attend a number of functions and events at ECU, so I know that the facilities are shared by a number of people. That means that students on the campus will be, in effect, subsidising services provided to the broader community. I do not know to what extent that will be the case around the State. However, it demonstrates one of the many anomalies and discriminatory aspects of this legislation.

To all intents and purposes, this legislation amounts to compulsory student unionism. Strictly speaking, it includes opt-out arrangements, which make this legislation different from what has been attempted in other States. However, if people are forced to pay a fee, most of them will either stay in the union or not realise what it means, so to all intents and purposes it will amount to compulsory unionism. It is interesting that the Australian Competition and Consumer Commission issued a draft decision recently on a controversial issue at Queensland's James Cook University. The ACCC examined the compulsory membership system in the context of the Trade Practices Act. It looked at compulsory membership of student unions and found -

... there are detriments flowing from provisions of JCU's enrolment policy which outweigh any benefits.

This is not comparing apples with apples entirely, but we are heading down a very similar path and to all intents and purposes this new Labor tax on students is compulsory unionism. If the Government were trying to bring in a compulsory student union system per se, it would undoubtedly contravene such things as the Universal Declaration on Human Rights and so on. I am sure even the minister could not lie straight in bed if he attempted to introduce that. However, this legislation will achieve the same result. Students will be paying for blatant party political propaganda and for facilities they do not need. We will see an end to freedom of choice on our campuses. Also, the minister may be able to pay back a few political favours and reinvigorate the campuses that he thinks are so dull and boring and perhaps de-dork them at the same time. Frankly, this legislation needs de-dorking. It resembles what this Government is on about and demonstrates once again that this Government has the wrong priorities. It is no wonder the Government is on the nose with so many students.

**MR B.K. MASTERS** (Vasse) [4.28 pm]: In opposing this Bill I want to start off by referring to a dictionary definition of hypocrisy: the assumption of moral standards to which one's own behaviour does not conform. Why have I brought this word in, remembering that it is unparliamentary to describe a fellow member of this place as a hypocrite? I need to remind everyone in this place that we have been through, and are about to go through again, a major debate on the issue of one vote, one value. I suspect the minister will happily support the principle that every person's vote should have the same value throughout Western Australia regardless of where they live. I detect more than a touch of hypocrisy in the Gallop Government's attempt to bring in the Acts Amendment (Student Guilds and Associations) Bill 2002. On the one hand, it is saying that each person's vote should be equal but, in relation to the amount of money to be apportioned to student guilds as a result of this Bill, at least 50 per cent of the collected money must go to the guilds, regardless of whether 50 per cent or one per cent of students choose to become guild members. Does the minister see any double standards in what he says he is trying to achieve with one vote, one value versus what he says he is trying to achieve with this Acts Amendment (Student Guilds and Associations) Bill? Clearly, the legislation before us today is all about compulsory unionism and the forced payment of money to student guilds for what the Australian Labor Party hopes will be its political gain.

I think it was during question time that the Deputy Leader of the Opposition asked the minister - to which there was no response - whether he was aware of the commitment by the University of Western Australia guild to pay not \$8 000, or whatever the figure was, to the National Union of Students, but to increase the figure to \$50 000. I do not know much about the National Union of Students today, because I have not been at university for over 30 years. However, the precursor of that body, which I think was the Australian Union of Students, was very political in everything it did. It was political in a way that was clearly leftwing; it certainly did not favour our side of politics. That in itself is not something for which to criticise it, other than that it did not seek the approval of its student members before running all its campaigns.

Back in the 1960s and 1970s when I was at university, the reality was that it was all about politics, and university guilds were the training areas for the Kim Beazleys of the world - and I am sure lots of Liberals were mixed in there as well. I do not agree that student unionism and the opportunities provided by guilds to allow people to develop their political and other skills - one would hope that they are skills - potentially with the intention of those people going on to become members of Parliament or to do other things, is a reason for bringing in compulsory unionism. In other words, if people wish to pay their own money to become members of a guild,

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and then go into that body and either play their political games or use that body to gain the experience that they might want in later life, that is fine. If it is their choice, I have no objection. However, in this case we are talking about compulsory unionism and everyone being required to pay \$140, one assumes. The figure could be as low as \$90 if one believes the minister's previous statements to this House, but I suspect it could well be closer to \$200 in some cases if some of the universities and guilds get together and accept this as the cash cow that it really is. In other words, there is no voluntary component to this. It is compulsory, and it is all about money going to what is, in effect, a union.

If the minister were to suggest, for example, that this was not compulsory unionism and would not be used for political purposes that the Opposition believes will disadvantage groups, other than leftwing political groups, I would ask the minister to explain later why the Government would not require, by legislation, that any guild expenditure that will go as affiliation fees to other groups - for example, to the National Union of Students - must first be voted upon and approved by the student members of the guild. That is not in the legislation, is it? In other words, once the money goes to the guild, there are some controls via the university senate or the university administration, but, to a large degree, a lot of freedom is given to the guild to spend the money as it wishes. Therefore, I challenge the minister to bring in an amendment to this legislation to the effect that any expenditure that goes to other groups as affiliation fees must first be voted upon and approved by a majority of students who are members of the guild. I believe the minister would not bring in such an amendment because he knows that the end result would not suit the political purposes of his Government or of those student guilds at each of the universities.

I was a student at the University of Western Australia for five years from 1967 to 1971. For the first three of those years I studied in a full-time capacity, and the last two years in a part-time capacity. My father died while I was in my second year at university. Times were pretty tough financially for my mother, my two brothers and me. In theory, I would have been the ideal candidate to want to use guild facilities on the basis that, first, I had very little spare cash, and, secondly, I stayed at a university college, so I did not go home every night and enjoy the facilities, services and all the other things that people who go home and do not stay in university colleges use in lieu of the services and facilities provided by university guilds.

I must admit that in the five years I was at that university, apart from playing a bit of bridge in the guild card room - occasionally for money, but not all that often because I did not have much - I rarely, if ever, used any of the subsidised guild services or facilities. I could have done so because I had to pay my compulsory fee; therefore I was a member of the University of Western Australia Student Guild. However, I chose not to do so, simply because the services and facilities that were offered to me were, overwhelmingly, not services or facilities that I wanted to use. I was not active in student politics in those days, so whether I should have had a choice never occurred to me at that time. However, if I had had a choice, I can guarantee the House that I would not have joined the University of Western Australia Student Guild.

The reality is that this is compulsory unionism. It has nothing to do with service or facility provision. The universities clearly support this legislation, not for any altruistic reason whereby they think that it is great that some of their guild services and facilities will be re-established or brought back to the levels at which they were years ago, but because they are pretty well guaranteed, in my estimation, 49 per cent of all the funds that will be collected by this fee. I would be surprised if more than 30 or 40 per cent of students chose to become active members of their guilds. I emphasise the word "active", because I believe that a majority may tick the box to indicate that they will become members of the guild, but I predict that very few of them will go to the trouble of using the services and facilities. Some 30 or 40 per cent of students will tick the box and become active members, meaning that 60 or 70 per cent will not be active members. I am sure that the university administrations are hoping like hell that less than 50 per cent tick the box, because they will then have that income source, and they obviously have plans for how to spend that money.

The Gallop Government has been dishonest and hypocritical in the public statements it has made about this compulsory student unionism. It has not told the truth. I must say again that the Government has been hypocritical because the bottom line is that, once this legislation comes into effect, a student can resign from a guild at any time but must still pay the membership fee. I will quote from the minister's second reading speech in which he said -

... an enrolled student may resign at any time as a member of the guild. In other words, guild membership is not compulsory, and the Bill therefore cannot be said to offend the principle of freedom of association.

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I am sure the minister does not believe the words that I have quoted from his second reading speech of 15 August of this year. If he believed that this legislation did not impose compulsory unionism, he would have introduced a clause allowing students to opt out and not pay the money. However, they must pay the money whether they like it or not. If that is not a bit of not-so-subtle blackmail, I do not know what is. To say that a student can resign at any time and that this legislation does not impose compulsory guild membership is a bit of a joke. Without any argument, it is de facto compulsory guild membership.

The Government could have put forward another option had it wanted to. If the minister believes that an enrolled student can resign at any time from a guild, why not include a clause to provide that students who choose to withdraw from guild membership can assign their money to a charity or some other worthy cause? The worthy cause might be the National Union of Students, the Australian Conservation Foundation, the Australian Labor Party, the Liberal Party, Oxfam, the Royal Society for the Prevention of Cruelty to Animals, or anything. If the minister genuinely wants people to believe that this legislation does not impose compulsory unionism, he needs to give students a choice not merely to withdraw their membership from the guild but also to withdraw their money. It is not the Government's money or the university's money; it is the students' money and, therefore, they should have the choice of what they do with it. I challenge the minister in his reply to tell me why he will not enable students to elect where their compulsory fees go if they choose to not be a member of a guild.

When I read the minister's second reading speech I found in eight separate places a repetition of the statement along the lines that guild services and facilities at all universities in Western Australia are in a terrible state. I will go through them. On page 181 of *Hansard* in three paragraphs there are no less than seven references to the terrible state of student facilities in our universities. I will paraphrase them. The first is the devastatingly negative impact of the 1994 legislation on the provision of student amenities and services within the public universities. The second is that the Voluntary Membership of Student Guilds and Associations Act led to a fall in student numbers and financial difficulties for the guilds in providing a range of student amenities and services. The third is that the fall in guild membership and the associated reduction in available funds significantly reduced the capacity of the guilds to provide an appropriate level of student amenities and services. The fourth is that universities have had to commit additional resources to provide student amenities and services. It sounds like a broken record. The fifth is that the Voluntary Membership of Student Guilds and Associations Act caused difficulties for the universities supporting guilds and the provision of student amenities and services. The sixth is that the amendments introduced by this Act, however, also denied the universities the right to raise a student amenities and services fee to support the provision of essential - I will get back to that in a moment - amenities and services. The seventh is that this provision will greatly enhance student facilities within our universities.

On page 182 of *Hansard* the minister stated that part of the amenities and services fee not paid to the guild is to be spent on student amenities and services in a manner agreed by the senate or council and the guild. In 10 to 15 minutes of second reading speech, the minister referred eight times to the terrible state of guild services, facilities and amenities. I am reminded of Goebbels who 70 years ago in Nazi Germany made the point that the bigger the lie, the easier it is for people to accept. The minister would not have repeated the untruth eight times in a 15-minute speech, without providing any facts to support the false assumption, unless he was applying the Goebbels' principle.

I challenge the minister to spend a few minutes in his reply to the second reading debate to tell us in some detail what services, facilities and amenities are now so terribly deficient at the various universities. Unlike the Leader of the Opposition, I have not been back to my old university for some time, but I have been to the Edith Cowan University South West Campus at Bunbury. I have met with the students, some of whom live in my electorate. I wonder whether members can guess how many times students from that university campus have told me that they must have better services, amenities and facilities at that campus and asked me to help them. In six years as a member of Parliament, not once has a student made that request to me. Students have told me that they have problems with administration and the payment of normal course fees. One student came to me with a problem about an overdue library book. She left it behind and it got lost. Certainly many students come into my office, write to me or phone me with different issues relating to the university, but not one student has come to me with a problem relating to the provision of services, amenities or facilities at the university.

The reality is that this legislation is all about compulsory unionism; it has nothing to do with service provision. Of course university administrations support the Bill because they will get up to 49 per cent of the money that is collected from the imposition of the fee. The Gallop Government is dishonest and hypocritical in its public statements on this compulsory student unionism. I challenge the minister to respond at the appropriate time and to answer some of those accusations.



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**MR J.L. BRADSHAW** (Murray-Wellington) [4.47 pm]: I oppose this disgraceful legislation. Western Australia faces much more important problems and issues. We should be discussing them and trying to fix them, rather than dealing with this rubbish legislation.

One of the issues I talk about in schools is freedom. Australians are free to talk, practise religion and to travel. However, this Government introduces socialist legislation to make things compulsory. It is disgraceful. When students go to university they should be able to join a student guild, if they wish to; if they do not wish to join, they should not be forced to. This legislation may be framed differently but it comes down to the same thing; it is compulsory student unionism and another way of funding student unions. I attended the Western Australian Institute of Technology which became Curtin University. In my day I did not have to worry about such things. Students are often very poor and must get jobs to scrape some money together to go to university, and provide for their board and their pocket money. This compulsory levy will impose another quite unnecessary burden on students.

We recently had before the House the Fire and Emergency Services Legislation Amendment Bill, which imposed another tax on the people of Western Australia. I see this legislation in the same light because it imposes a tax. It is all very well to say that it will be only another \$140, \$200 or whatever it might be. It is still yet another tax. Who knows what the fee will be in one, two or three years? It will just keep on growing.

This legislation is a disgrace. Student guilds should be like every other organisation in our society: they should make their costs meet their revenue. If they are struggling now, bad luck. That is also the case for a lot of businesses in society. I remember that when the local supermarket in Brunswick opened seven days a week, it killed the poor delicatessen down the road. Businesses are struggling all the time, yet the Government does not rush in and impose a levy to support them. We need look only at all the farmers in the drought-affected areas. The Government is offering them \$6 000. That is a joke. It will go nowhere when it costs them hundreds of thousands of dollars to put in their crops. This legislation is yet another tax on country people who choose to send their children to a university in Perth. They already find it a huge burden to pay for accommodation, which is not cheap and often runs into thousands of dollars, in addition to all the other costs of going to university. This Bill will impose yet another burden. People may say the levy is only a couple of hundred dollars. However, it is yet more money that students will have to find. I know from speaking to people in my electorate that they are struggling to pay to send their children to university.

This legislation is in the wrong vein. People went to war to fight for freedom of speech and religion, yet this legislation will force students to become members of student guilds. It should be a matter of choice. As has been pointed out, the guilds should perform. If they perform well, people will join them. Students may be working and doing only one unit at university part-time, yet they too will be caught up in the net and forced to pay this levy. This Bill is unnecessary. It should be up to the guilds to perform well enough to attract members. Let us face it: if people do not want to use the amenities that are provided by a guild, they should not be forced to pay guild fees. I totally oppose the Bill.

**DR E. CONSTABLE** (Churchlands) [4.53 pm]: I find it difficult to support the Acts Amendment (Student Guilds and Associations) Bill, for three reasons. Firstly, the Bill proposes to impose on university students an up-front amenities and services fee to provide many services that are already available in the community. The fee is not to provide services that in many instances are exclusive to university campuses and students. Secondly, the Bill does not take into account a student's capacity to pay. For instance, a very low percentage of students at Edith Cowan University pay guild fees, mainly because many of the students are part-time and have no need for the services that are provided by the guild. However, under this legislation all students will have to pay the fee regardless of whether they will get any benefit from it. Many students already find their higher education contribution scheme fees an enormous burden. The minister is proposing to add another burden to our university students. Thirdly, despite some of the rhetoric associated with this legislation, it does not allow for freedom of association. I am sympathetic to the financial woes of the universities in Western Australia. However, this compulsory fee is not the way to solve that problem. It is not reasonable to expect struggling university students to prop up the universities in this way.

I will deal firstly with the duplication of services. As I have said, the services that are provided by university guilds are not available exclusively from the guilds. Information about housing, legal and health issues is available in other forms in the community, in most instances free of charge or for a small fee. Therefore, although it is certainly convenient for those services to be provided on campus, it is not necessary or essential. It is difficult to justify the imposition of a compulsory fee to provide services that are not exclusive to university campuses but are already provided elsewhere in the community.

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Let us face it: many students work very hard at part-time and casual jobs. Many students work full-time and pay taxes and are part-time students. The HECS fees are often a burden for students for many years after they have completed their university degrees. The Government is now saying that it wants students to pay another fee up-front at the beginning of the year when they already have to pay for textbooks, accommodation and food. For many students this will be a huge burden. Students cannot even defer this up-front fee and pay it at a later time when they can afford it, because if they do not pay the fee they cannot graduate. That will be a pretty tough call for many university students. Some of the services that are offered on campuses, such as catering services, are very important and are exclusive. It is important for students that reasonably priced meals be provided on campus. Sports and leisure clubs are also very important on campus. However, why do we need to charge all students a fee to sustain these services? If a catering service cannot survive commercially, then perhaps the university should look at how that service is being provided. The student demand for services such as catering should sustain those services. They should not need fees also to sustain them. It would be interesting to see the financial records of the existing services to find out just how viable they are, what sort of profit they are making and whether they need this sort of fee behind them. Perhaps we should consider providing sporting and catering services in another way by adopting the notion of a split service, whereby the members of a guild would be provided with these services at a lower fee and the students who were not members would pay a higher fee as user-pays patrons. There are a number of ways of dealing with this matter without imposing an up-front fee.

My second point is the equity of levying a flat up-front fee on all students. The imposition of such an up-front fee on all university students does not take into account the capacity of students to pay. The fee is proposed to be payable at the beginning of the university year, when most students have a lot of other pressing expenses. Textbooks are extremely expensive for those who must buy them new and cannot get them second-hand or from libraries and so on. An up-front fee of even \$100 will be an enormous impost for many students. At Melbourne University in 1999 the fee was more than \$300. That is a huge amount of money for many students. About \$200, or two-thirds, of that fee was paid to the guild. How can students be confident that the proposed fee will not reach the levels that students in other States pay? I am bewildered by the minister's support for compulsory fees for university students. In other instances government members, especially this minister, have been the first to argue against up-front fees in this form. When I read *Hansard* to see what the minister had said about school fees I noticed that some interesting parallels could be drawn with the fee he is proposing to impose on university students. In answer to a question in Parliament on 20 June this year the minister said -

At the time, I explained that some families with two or three children at school might not be able to afford to pay the fees.

He was referring to compulsory school fees that parents would have to pay -

People . . . often forget how hard it is for households with an income of only \$36 000 or less.

The minister was acknowledging that it is very difficult for some people to pay school fees, and we all agree with that. He went on to say that those people struggle to pay their bills. The minister knows as well as I do that many university students struggle to pay rent, to feed themselves and to buy their text books, yet now they will have another fee that must be paid before they graduate. There is an interesting parallel in this legislation with the minister's very thoughtful comments about school fees. I would like him to justify to me how he can argue on the one hand that school fees should not be compulsory because some people cannot afford them but on the other hand the Government can impose a blanket, compulsory, up-front university fee when he and I both know that many students will not be able to afford it. For some it will be extremely difficult to find that money. In answer to another question on 25 June about compulsory school fees the minister said -

One of the most significant announcements that this Government will make will be on school fees. The Government took the first step when it made years 8 to 10 fees for high school students non-compulsory. That move prevents the scenario that the previous Government was seeking to create of having people dragged before the courts because they could not pay their school fees . . .

The parallel with university students is that they will not be able to graduate unless they pay these up-front fees. There are very strong parallels between school fees and these university fees, and I am surprised that the minister can argue one way for school fees and another way for an up-front university fee. The minister went on in his answer to say -

For the average parents whose child attends high school for five years, it is a minimum saving of \$500 over that time.

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If the fee is, say, \$100 - I suspect it will be more, but to be fair we will use that figure - over a three or four-year degree it will be almost the same amount of money. This is a very important point in this debate and I would like the minister to justify it in his response.

In 1999, the Commonwealth Government tried to legislate for voluntary student unionism and a Senate inquiry looked into those matters. Even the Australian Vice-Chancellor's Committee admitted that an additional up-front fee for students would be an impost and could even discourage some students from undertaking a university degree because it could severely limit their financial resources. None of us would like to see that happen. Every student capable of and interested in studying at university should have the opportunity to do so without facing impediments like this. In their submission to the Senate inquiry, the vice-chancellors advocated that the fees should be able to be deferred and recouped at another time. This legislation contains no provision for deferment. I ask the minister to also consider that as a possibility. If the minister was being consistent and wanted to give opportunities to students rather than put impediments in their way, he might consider that possibility.

The third area I mentioned at the beginning of my speech was the guarantee of freedom of association under this Bill. I am not so sure that freedom of association will be guaranteed. The minister said in his second reading speech that this is not about compulsory student unionism. I think it is. He also claimed that it does not violate the principle of freedom of association. I have serious questions in my mind about that. The Curtin Student Guild is telling students that even with compulsory fees they can choose to be a member of the guild. However, what is the reality under this legislation? Students must pay the fee, but they can choose to be a member of the guild. The university council will set the fee after it receives a recommendation from the guild. In reality, therefore, the guild will be setting the fee. It will be a very cosy arrangement and university students confronted with this compulsory fee will have Clayton's choice. Even if they do not want to join the guild they might as well do so because they must pay the fee. It does not sound like full freedom of association to me. Students will be forced to pay a fee the vast proportion of which will go to the guild.

The Bill also provides that, by their own statutes, university councils or senates will specify the broad categories of amenities and services to which the fees will be directed. That is fair enough. However, we are being asked to pass this Bill without knowing what are those broad categories of amenities and services. As far as I know, they have not been articulated by the minister or the universities. We do not know what the fees will be spent on, but we can guess. I am pretty sure I know, but I would like to know what the minister expects those statutes to contain. I object to the notion of any of these funds being used for political activities. Political activities are not about amenities and services. I object also to these fees being spent on matters unrelated to students' needs. It is highly possible that revenues raised by these compulsory fees will be diverted by student guilds to matters unrelated to services that students need. I would like the minister to set my mind at rest and confirm that these compulsory fees will not be directly or indirectly spent on other related political activities. I will be more than happy to hear the minister clarify that matter for me so I will be listening very closely to his response.

Since voluntary student unionism became a reality in this State a few years ago, public tertiary institutions such as our universities have been making up the so-called shortfall in funding to keep their guilds alive. Money has been taken out of the operational budgets away from the core activities of teaching and research. That is not something with which I am comfortable. I do not think universities should do that. Murdoch University, for instance, spends \$500 000 a year to keep its student guild operating. I am sure we all agree that that is undesirable. I also think that the insistence of an up-front fee that may be used for other partisan or political activities is also undesirable. That is probably one of the key reasons I will not support this Bill, unless I get the assurances I am seeking from the minister. Perhaps a compromise could be reached. I would like the minister to consider that the fee be split into two: one fee for services and amenities, which I would not object to people being asked to pay, and the other for guild fees. Students should be able to choose whether they pay guild fees; they should not be compelled to pay them. Such a split would be a good compromise. It would provide the fees for services and amenities that are incurred by university councils and senates and it would give students the choice of supporting the sort of political guild activities to which I object. In 1993 the Kennett Government in Victoria passed the Tertiary Education Act, which introduced a form of partial unionism and sought to separate the service and political arms of the guild. The minister could perhaps consider this model for Western Australia. It is possible to find many examples of student political activity to which funds have been diverted over the years, but there is no time to go into detail now.

I commend the minister for the transparency provisions in the legislation whereby the guilds must provide proper audited statements of their financial activities to the university councils and senates. I hope those audited accounts will be open to the community and will show how the guilds' money is spent. These are very important

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measures that will perhaps address many of the worries people have about the way these funds are spent. This is an important accountability measure, but, having said that, I still find it extremely difficult to support this Bill. The concerns and the bad parts of the Bill certainly outweigh the good parts, and I will not support this legislation.

**MR A.D. MARSHALL** (Dawesville) [5.11 pm]: I also oppose the Acts Amendment (Student Guilds and Associations) Bill. As a sportsperson I was taught, and grew up to believe, that a person cannot succeed if he is harnessed. People in an ordinary bracket are easily recognised and easily read, but they must be given the opportunity to show some brilliance and get on with their lives. They must be allowed to hit the winning shots the way they want to. This legislation providing for compulsory guild fees will have a stifling effect on young people, some of them battlers, who go to university. Sometimes the opportunity is offered to members of Parliament at citizenship award ceremonies to inspire people who are about to become Australian citizens. I always refer to the following lines from our national anthem -

Australians all let us rejoice,  
For we are young and free,

That is what makes Australians special. We are young and free; we are not dictated to; we all have a choice; we all have freedom; we all feel we can succeed on our own ability; and we do not have to be looked after. This legislation will destroy the challenging and adventurous approach of Australians going to university. It is the dream of all young students to finish their secondary school courses, go to university, get their degrees, get out in the world and do something they love. I have heard successful people in the community say that they have not worked a day in their life. They mean that they were able to find a subject and a working arena that they enjoyed and loved, so they felt they had never worked a day in their life. The first thing students will be hit with is this legislation - they must join the guild and it will be compulsory to pay a fee.

Mr J.N. Hyde: We are both tennis players. When we joined our tennis clubs we paid a compulsory levy to the state tennis association. To me, that seems the same thing.

Mr A.D. MARSHALL: The difference between the two of us is that the member for Perth is prepared to pay because he is an amateur and a C-grader; I was a professional and I was paid to play. People wanted to see me perform, and it was pretty easy. There is a difference between professionals and amateurs. The member should not get me onto that subject, because I have had enough of C-graders all my life.

As a country member one of the first things I did was help to create the Peel Thunder Football Club in the Peel region, to give the talent in that area the chance to find its way in the football market. It was too difficult for the players to move to the metropolitan clubs; it broke family ties; they could not continue their studies; and they could not travel two or three nights a week. We gave them that opportunity, but cost always comes into the equation.

Country people will move to the city to go to university and in the old days farmers could afford to send their children to boarding school. At present, a lot of farmers cannot afford it. Both parents often work to give their children the opportunity to succeed in life. When students are attending a university in the city, this is another charge that will test their endurance. It should not happen. A lot of university students battle to survive. They have the cost of accommodation, meals and entertainment; they must do their own washing and ironing; they must fit in their study times; and they must pay their tertiary fees. A lot of students take part-time jobs and they really battle financially to get a degree, but at the end of the day they are better people for it. They should not incur another cost as a result of this legislation. Our youth should receive their education as cheaply as possible. I thought the Government was doing the right thing when it removed the compulsory high school fees; I thought the Government was helping youngsters to stay on at school to year 12. On the one hand, the Government is saying to the students that they should keep studying and, on the other hand, the Government will get all that money back by charging the compulsory guild fee. I cannot see the logic in that, unless the Labor Government sees a window of opportunity to create a union-type campus. That scares me immensely. It has been said that this Government is running a kind of dictatorship.

We have wasted a lot of time in this Parliament over the past 20 months, following the introduction of the industrial relations legislation to reverse the workplace agreements legislation. That was against the wishes of businesses in Western Australia, but this Government went ahead, wasted a lot of time and introduced that legislation. It then introduced the gay and lesbian reforms. Ninety per cent of the community did not want those reforms, yet we had to proceed through the debate in a dictatorship kind of way as the legislation was pushed through. We lost hours and hours debating the one vote, one value legislation that would favour the Labor Government. That legislation went to the Supreme Court and the Government lost its case, but it is now

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appealing that decision in a dictatorship kind of way. That scares me. The Government is now saying that when students go to university, they must join a guild and pay fees.

A wise man once said that people cannot get out of trouble by spending more than their income. That is worth noting, because we are talking about young battlers trying to get their degrees. Some people have already worked out how much it will cost them to go to university, and suddenly they will incur an extra charge. That same wise man said that the brotherhood of man cannot be furthered by inciting class hatreds. Compulsory guild fees will incite class hatreds. Some people could easily afford to pay the fee and others who did not want to pay it would have to because of this legislation. I do not believe in that. Another saying from that wise man, Abraham Lincoln, is to the effect that one cannot build character and courage by taking away a man's initiative and independence. The students will become the leaders of our community and the nation. They should apply that initiative by asking themselves whether they want to join the student guild and they should have the independence to decide whether they will or will not join it.

That brings me to my initial statement about our national anthem, which states that we should all rejoice for we are young and free. Every time I hear that when I see the Australian flag fly high at the Olympics, I am proud to be an Australian. I look at the flag and think of the people who fought for it. It is important to be free. Why would the anthem refer to being young? It does so because young people must have an optimistic approach and must believe that everything can happen for them. How can elderly people be made to feel young? Older people feel young when they can look back on their lives and know that they have achieved things and that there are still opportunities for them to do other things. People do not want to be harnessed by a unionised, mediocre style of Government. We should fight to be young and free. This legislation is a disgrace and it gives none of our young university leaders of the future any confidence to go forward. I oppose it.

**MR J.P.D. EDWARDS** (Greenough) [5.21 pm]: I have only a few words to say on this Bill. I oppose it. Speaking on behalf of my country electorate, I do not believe it takes the State in a right and proper direction. Members have already said that country people are doing it hard. Any added cost or burden on them would make it just that much more difficult. The cost of going to university is pretty high. People who cannot afford to pay up front must pay higher education contribution scheme fees. Two of my sons have gone to university, and I know how much it costs. They need money for living expenses including rent, transport and food. The kids who come from the country are usually fairly green and do not know very much about the metropolitan area. They face an added emotional burden as well as a financial burden. For many of them, the experience of attending university in the metropolitan area is probably the first time they have spent a long period away from home. University is a big new world for them.

As the previous speaker said, a compulsory levy that punishes students by not allowing them to graduate if they have not paid their fees up front smacks of dictatorship. We consider this country to be free and democratic; I do not consider the measures in this Bill to be free and democratic. I am surprised at the minister because I thought he had a better grasp than that of what we call democracy. The member for Churchlands raised a particularly good point. The Government is happy for school fees to be voluntary, yet this levy, which some people of a particular persuasion want to impose on university students, is to be compulsory; that smacks of double standards. I do not know how the minister can live with his principles on this matter and I will be interested to hear what he has to say about it.

Adequate services for university students exist outside of the university. I would like to know what services this levy will provide for the students and how they will be advantaged by it. This Bill provides no freedom of choice. The previous Government introduced freedom of choice, but this Government has shut the door and country people in particular will suffer as a result. One must ask where those compulsory fees will be spent. I am aware that an audit process will be put in place and that it will be closely observed. However, I have no doubt that funding can be directed elsewhere by various means and methods. Will those funds go to the Labor Party? The Bill smacks of cynicism.

I do not understand why the current system, which works perfectly adequately, cannot remain as it is. It seems that the Government has an agenda and the minister has been steamrolled into it. Perhaps a commitment was made two years ago and that is coming back to haunt him. I am most interested to hear what the minister will have to say. To some degree, I respect the Minister for Education for what he has tried to do. However, in this case he will find it very difficult to provide answers to the questions asked by members on this side of the House, or he will at least find it difficult to answer them with integrity. I oppose this Bill on behalf of my country members.

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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**MR W.J. McNEE** (Moore) [5.26 pm]: I have been listening to this debate with a great deal of interest. Although I have often condemned this Government and have sometimes thought that the Opposition has been too hard on it, in this case, I do not believe that it has been hard enough. I cannot believe the types of things I have heard from government members. One day I got a telephone call from a parent in my electorate who has two children who study at a university in Perth. The parents are ordinary people who have ordinary jobs in a country town. Their young children have real financial problems. One of the students told me that if something did not happen, he would have to give up his university course. That is the worst thing that could happen.

Several members interjected.

Mr W.J. McNEE: Country Labor members have not said a word. They do not believe in it. Not one of them has stumbled to his feet to say anything. Country Labor would not defend its electors on the one vote, one value legislation or any other issue. Members opposite should never divert me. The other day I was in my electorate talking to a young farmer -

Several members interjected.

The ACTING SPEAKER (Mr A.J. Dean): Order, the Member for Eyre!

Mr W.J. McNEE: They should not wind me up.

The other day I spoke to someone in my electorate and I asked him whether he was getting some assistance from the Government that the Premier rushed to Perenjori to announce. The people there still do not know what that assistance is. He said that he was not receiving any of that assistance. However, he said he got much more help from the St Vincent De Paul Society than from the Government. Members opposite represent nothing. I want those young people who tried to improve their difficult position to benefit. They had to find somewhere to live and that was not easy and did not come cheap. We put four children through university and I well remember the cost. I was lucky that I could simply write out the cheques. However, I understand the problems experienced by people who cannot do that.

Several members interjected.

The ACTING SPEAKER (Mr A.J. Dean): Government backbenchers and member for South Perth, your conversations across the Chamber are quite audible. The member for Moore has the floor.

Mr W.J. McNEE: If the member for Eyre wants to make a speech, he should get to his feet and make one. I will be interested to hear what he says. If it were sensible, it would be the first time any sense has come from the other side.

This Bill provides for compulsory unionism. I remember that within days of the Australian Labor Party coming into government it was no ticket, no start on our building sites. This State went backwards. The Gallop Government has continued to wind back industrial relations in this State and is costing people jobs. Recently some people told me that they can no longer afford to employ staff on weekends. I suppose they are in a welfare queue somewhere! Those people were getting a few bob extra on the weekends but they are not getting that now.

This is compulsory unionism at its worst. How dare the Government say this is not compulsory unionism! It has a sting in the tail: no pay, no graduate; no ticket, no start! If members opposite want guilds to provide facilities, that is fine. In my lifetime, I have been required to pay a lot of compulsory fees - I do not know how many dollars but it would be a lot of dollars - and I have not received a helluva lot of benefit from them. Some of them were disasters, but I had to pay. Thank God the Liberal Government helped get rid of some of them. We should help students to do whatever they want to do. However, if they are going to run a bar and provide meals, they should make a profit. If they want to provide a child minding centre or whatever for their children, that is fine. I have no problem with that and it probably needs a subsidy of some sort. It is fine to provide that service to people who have children and want to attend university.

The Leader of the Opposition said that one university guild had six per cent membership, yet it will get 50 per cent of the money that is collected. How can the Government justify that? That is nonsense. That is the very thing that encourages people to do nothing. Giving someone the money to run something will ensure they do nothing.

Mr Watson interjected.

Mr W.J. McNEE: If I were the member for Albany I would clean out my desk; he is as good as gone at the next election. The member for Albany should keep his office nice and tidy because he will be moving out really fast.

*Point of Order*

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pendal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Mr P.G. PENDAL: Mr Acting Speaker, you suggested two or three minutes ago that members, including me, should not interject. Your colleagues need to be brought to order.

The ACTING SPEAKER (Mr Dean): The member for South Perth is correct; I did draw members' attention to standing orders and the fact that all interjections are unparliamentary. The members for Eyre and Albany should cease and desist.

*Debate Resumed*

Mr Watson interjected.

The ACTING SPEAKER: I call the member for Albany to order for the first time.

Mr W.J. McNEE: I want young people at universities to have all the facilities they want. However, I will not support making it compulsory to join a union. The Government has no interest in this Bill. There are only seven government members in this Chamber - eight including you, Mr Acting Speaker. That is the level of interest that this Government has in this vital piece of legislation. Their heart is not in this legislation; they know it is wrong.

Mr J.P.D. Edwards: They have been told to do it.

Mr W.J. McNEE: They have, and they have fallen into line.

I feel for the young people who go to university. I want them to achieve their goals. It is important that they do that. It is important that they have the necessary facilities. However, they have to be provided in a reasonable and proper manner.

**DR J.M. WOOLLARD** (Alfred Cove) [5.35 pm]: I will not support this Bill. Like many other members in this House, I have been contacted by university students who are very unhappy that the Government is introducing a Bill that will impose extra fees on them. Students go to university to learn. Many of our university students have a difficult time financially. This Bill is another form of compulsory unionism, which I have not supported in this House in the past. I support professional unions, but I do not support compulsory unionism. If these guilds do a good job, students will join them.

In his second reading speech, the minister stated that one of the reasons for introducing the Bill was the need to sort out the difficulties resulting from the financial mismanagement that had occurred since the legislative changes that were implemented in 1994. If there has been bad financial management in the past eight years -

Mr A.J. Carpenter: Where did I say that?

Dr J.M. WOOLLARD: The minister stated -

The Voluntary Membership of Student Guilds and Associations Act 1994 placed significant limits on the nature and operations of the guilds, leading to a fall in student membership and financial difficulties for the guilds in providing a range of student amenities and services. The fall in guild membership and the associated reductions in available funds significantly reduced the capacity of the guilds to provide an appropriate level of student amenities and services.

Mr A.J. Carpenter: Where did I say that it had led to bad financial management?

Dr J.M. WOOLLARD: Reading between the lines, the minister is stating that there has been bad financial management.

Several government members interjected.

Dr J.M. WOOLLARD: Government members seem to think that I am making things up. I draw the attention of members to the Australian Labor Party's web site, and the ALP policy on universities. The sixth dot point reads -

Labor believes that . . . university guilds and societies are an important aspect of tertiary education and state governments should not interfere in the fee collection of same;

Is that not hypocrisy? Is that not saying that State Governments should not interfere with guilds? I am sorry; with the introduction of this Bill, it looks to me like Labor is interfering and that it is now saying that students must pay this fee, which will go towards amenities and services. On the one hand, Labor says that it will not interfere; on the other hand, it has introduced this Bill to the House.

Members have talked about hypocrisy. The member for Churchlands was right when she pointed out that the minister said that school fees should not be compulsory. However, all of a sudden, when students reach the age

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of 17 or 18 years, they must pay compulsory union fees. Again, why the hypocrisy? As members know, I have always been a member of a union. As a student at university, I joined and supported the guild. However, it is wrong for this Government to now force students to pay guild fees when many of them have severe financial difficulties. Many students are subject to financial constraints when they enter university. Why do some people join guilds? Often, guilds are more attractive to students who have a political agenda. Should we force other students to join them in that political agenda before they are ready to do so, or, as other members have said, should we give them freedom of choice? This Bill does not allow students to have freedom of choice. Proposed section 45(2) of the Bill states -

The Council may determine that a different level of the amenities and services fee is payable . . .

It does not state what that level will be and for what that sum of money will be used. The Bill also states that some students will be exempt from paying the fee, but which students will be exempt from doing so?

This Bill is not fair on students. It is a complete about-face by Labor. It stated in its election platform that the State Government should not interfere in the fee collection for university guilds and societies. It has now introduced this Bill that will force all students to pay. Twenty years ago when people did not want to become members of unions, they were given two options: their fees could go to the union or they could donate a sum of money to a charity of their choice. This Bill does not give students any option. The only thing this Bill states is that these fees must be paid and the students must pay them. It states that some students may be exempt, but it does not say which students. It does not state what the amenities and services are. If one were suspicious, one might look at the councils and the guilds working together. Together, they might determine that certain services are required, but those services might not be what the students at the university want. The students might be quite happy to purchase those services outside the university. However, they will be forced to perhaps double pay for services. It may be that a service that they want to use is in the area in which they live and now will also be provided by the university, and students will be forced to pay for university services, even if they do not use them.

In the minister's second reading speech he said -

The introduction of this Bill fulfils an election commitment of the Gallop Government . . .

Maybe this Bill fulfils an election commitment of the Minister for Education but, as far as I am aware, the election commitment of the Gallop Government is contained in the platform and policy of the Labor Party, which states -

university guilds and societies are an important aspect of tertiary education and state governments should not interfere in the fee collection of same;

I will not support this Bill.

**MS S.E. WALKER** (Nedlands) [5.45 pm]: I will talk about students who become involved in guild activities and political party activities involving a guild, and how that can have a damaging effect on them. That is relevant now and was relevant during the Vietnam War. There were protests in Perth around that time, the ramifications of which are still being felt and are forcing the Gallop Government to look at some of the activities of its members who were on campus at that time. It is relevant now because of the potential war with Iraq and terrorism, and what is going on in the community. For instance, the flag-burning incident was raised in question time today. I will come back to that problem. I hope the minister will think about that tonight when he has a quiet moment to himself, and will also think about the story I will tell him and the effect that involvement in political activities can have on young people who are naive at that age. I think the member for Peel asked the member for Mitchell today, "Were you young once?" People who go to university are young. Sometimes they are idealistic and get caught up in political activities, which can have lasting effects on their lives. I will return to that.

I will raise a couple of matters about the Bill. First, it was interesting to listen to what the member for Moore said about the backbenchers not having much to say on this issue. They say very little on it, except by way of interjection. When I was reading through *Hansard* the other day, as I am wont to do on occasions, I came across some comments by the member for Rockingham when he was in opposition. At page 1639 of *Hansard*, the member for Rockingham said about backbenchers who say very little -

This reflects a wider malaise among the government backbench. In my three and a half years in this place, I have noticed that a range of government backbenchers speak once or twice a year. It was



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mentioned in *The Australian* today that the member for Southern River is in Parliament very irregularly. This year she has made perhaps one or two speeches, one of which was a personal explanation.

I wonder what role government backbenchers play in Parliament: They never raise issues on behalf of constituents; rarely question ministers in debate on Bills; occasionally ask a dorothea dixie; and make one or two speeches a year.

I say to the member for Rockingham that I concur. In my time in Parliament, I have not heard any backbenchers, or very few of them, speak on important issues on behalf of their constituents. I concur entirely with the member for Rockingham's thoughts. That is why the member for Moore's comments struck a chord with me. *Hansard* continues -

The DEPUTY SPEAKER: The grievance is to the parliamentary secretary. I do not see any relevance in these comments.

Mr McGOWAN: I take your point, Mr Deputy Speaker. I thought it was a point worth raising as I find it to be a matter of disappointment.

The member for Moore also finds it a matter of disappointment. I have said it before. One of the occasions was when the member for Perth would not talk on behalf of his constituents about the impact on tourism businesses in his electorate. I raised this matter with the minister in a grievance debate on 23 August of last year. I asked him about compulsory unionism and his reintroduction of it. He said in response -

The Labor Party has indicated that it is interested in putting resources back into university campus life. I reassure the member for Nedlands, who today presented a petition signed by 61 petitioners on this issue, that as the Minister for Education, I do not intend to reintroduce compulsory student unionism. I made that clear when I was the shadow minister for education. It is not appropriate for the Labor Party to impose a form of compulsory student unionism in universities when freedom of association is expected and required throughout the rest of the community. I make that point clear to the member for Nedlands

I do not know where the concern about this issue has come from.

The concern about the issue was valid. I ask the minister to reflect on those words.

Mr A.J. Carpenter: I do not have to reflect on them. My position has been perfectly consistent.

Ms S.E. WALKER: Perhaps the minister might reflect on them at some quiet time tonight. It would be important for his credibility in this place. It was interesting to read some of the minister's comments in his second reading speech. He said -

The Voluntary Membership of Students Guilds and Associations Act 1994 placed significant limits on the nature and operations of the guilds, leading to a fall in student membership and financial difficulties for the guilds in providing a range of student amenities and services.

The minister does not say what those difficulties are. The minister also said -

... since 1994 universities have had to commit additional resources to provide student amenities and services.

The minister does not tell us what amenities and services. He also said -

The amendments introduced by this Act, however, also denied the universities the right to raise a student amenities and services fee to support the provision of essential amenities and services. This created an untenable situation, which has now reached the point of crisis.

The minister does not tell us what amenities and services. I find that ministers come into this place, make bland statements and do not get down to the nitty-gritty and detail to explain what they are talking about. The minister further said -

The current Bill seeks to remedy that situation.

He does not tell us how. He then said -

It makes provision for the public universities to raise a student amenities and services fee. This provision will greatly enhance the quality of student life and student facilities within our universities.

He does not say how it will. He continued -

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The amendments incorporated in the current Bill are based on agreements reached between individual universities and their guilds, and I congratulate them for that.

Interestingly, as we have heard today from the Leader of the Opposition, the guilds represent only a fraction of the students at university. Has the minister spoken to every student at university? No, he has not.

The membership in 1999 at Curtin University of Technology and the University of Western Australia comprised only 30 per cent of the students. I am not sure to whom the minister spoke, which students they were representing, and whether they represented the complete view of the students. Certainly at Edith Cowan University only six per cent of students were members of the guild. The minister did not outline in his second reading speech how much the fees will cost students each year. However, we know that Western Australia has 70 000 students, not all of whom are committed to this Bill.

I want to examine some of the services provided by student guilds in Western Australia. I have a summary of all the services provided by the University of Western Australia student guild. More than \$17 000 was directly distributed by the guild to more than 80 affiliated clubs and societies in 2002, with the guild further supporting clubs by providing access to resources and infrastructure. Affiliated clubs at the University of Western Australia include Rounders, which is the university gambling club, and the Socialist Worker Student Club, which has a club summary on the guild web site stating that the club is active in fighting against the Liberal Government and all oppression and exploitation. Those are the sorts of activities that the guild is supporting, supposedly on behalf of students. Those are the sorts of services that students will get.

The member for Mitchell said today that at least 50 per cent of the student fees will go to the student guild, but some of it will go to the National Union of Students, which has made up a poster that I have a copy of. It is relevant to the story I wish to tell. The story could well relate to students in campus today. I know the member for Mitchell has referred to the poster, but I will refer to one paragraph that states that it is not about playing games with expensive toys; the armed forces are there to repress, contain and kill. It states that the Liberal Government intends to spend more than \$11.6 billion on the military. These students are getting involved in political activities, and compulsory student fees will be directed towards political activities.

The University of Western Australia recently conducted a referendum on refugee rights, at a cost of approximately \$10 000. It asked students to vote yes or no to the following points: first, that the University of Western Australia student guild be declared a refugee safe haven; secondly, that the University of Western Australia student guild support the demand to close all detention facilities; thirdly, that the University of Western Australia student guild support the demand to end mandatory detention; fourthly, that the University of Western Australia student guild support the demand to welcome all refugees; fifthly, that the University of Western Australia student guild support the demand to increase the current quota of refugee intake over the current quota of 12 000; and sixthly, that the University of Western Australia student guild support calls to vastly increase the speed of processing refugee applications. Although this referendum cost the student guild more than \$10 000, the latest figures show that only 10 per cent of students enrolled in the guild bothered to respond. Students become involved in political activities at the guild. They are given vast sums of money which they use for political activities. There is a danger in that.

I will tell the story of how a young man involved in the guild and university life in Western Australia was innocently imprisoned as a result of allegedly getting involved in student activities. In 1973 a young man named Julian Ripley was convicted of what was alleged to be his participation in an attempt to bomb the then commonwealth Department of Labour and National Service offices in Adelaide Terrace. It was allegedly part of the activities opposing the war in Vietnam. Members might wonder what this has to do with student guilds and student activities. The minister should be interested in this because he said that he was not on campus until 1977. The student pleaded not guilty but was convicted after trial. He always maintained his innocence. The student who pleaded guilty was Rupert Gerritsen. The day after the bomb was discovered by a 60-year-old caretaker an article appeared in the *Daily News*. It refers to the building in Adelaide Terrace where it happened. The article contains a comment from the WA University guild president. Who was the guild president? It was the Attorney General. The article reads -

The People's Liberation Movement, is said to be an underground organisation operating in Perth for the past two years.

WA University Guild president, Mr Jim McGinty, said he did not know anybody connected with the movement.

He was surprised to hear it was still operating.

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I will come back to the question of why that is relevant. After Julian Ripley was convicted, a campaign was directed against the detective sergeant on whose evidence he was largely convicted. The crown prosecutor at the trial of Ripley said on 29 March 1973 -

Fourthly, Campbell's evidence goes a fair way in supporting the credibility of the statements that the crown alleges were made by Ripley to police officer Kucera. It is obvious at once that a major part of the crown case against Ripley is a statement alleged to have been made to him . . .

*Sitting suspended from 6.00 to 7.00 pm*

Ms S.E. WALKER: Before the dinner suspension I was speaking about two young men who found themselves in prison in 1973, at the respective ages of 19 and 21, for being what some might say was naive or idealistic enough to pursue their political beliefs, no doubt fostered by the political activities of the people whom they met at the University of Western Australia. I was reading from the transcript of the trial of Julian Ripley on 29 March 1973 and was talking about the once again pivotal role that was played by then Detective Sergeant Kucera. The major case against Ripley was based on the evidence of then Detective Sergeant Kucera, who is now the Minister for Health. It was on that evidence that Mr Ripley was convicted. Following his conviction, a poster campaign was launched in Perth against then Detective Sergeant Kucera.

*Point of Order*

Mr J.C. KOBELKE: I fail to see how this has anything to do with the Bill before the House.

Mrs C.L. Edwardes: That is because you were not in the House prior to the dinner break.

Mr J.C. KOBELKE: I was listening to the debate.

The ACTING SPEAKER (Ms K. Hodson-Thomas): I ask the member for Nedlands to come directly to the point that she is trying to make and to keep it relevant to the Bill before the House.

*Debate Resumed*

Ms S.E. WALKER: The relevance to the Bill is that I am telling a story. I started off by saying - I hope I will get sufficient time to say this in my explanation - that the member for Mitchell referred to the funding that is proposed to be given to the National Union of Students for political activities. I am relating how, in 1972, students at the University of Western Australia who were part of the guild of undergraduates got involved in political activities that had a profound effect on their lives. That story is very relevant, because the war in Vietnam was on at that time, and we now have the current situation with Iraq. The minister knows that a large amount of the funds that are intended to be raised through compulsory student unionism will be used to fund a student organisation that is promoting offbeat political activities. That is why it is relevant. The Minister for Education came to the drug summit that I held at Christ Church Grammar School. I think the minister has a heart. I do not think the minister was involved with the group of undergraduates who are now on the front bench.

[Leave granted for the member's time to be extended.]

Ms S.E. WALKER: I am telling the story of what happened to these two young men. After Ripley had been convicted, a campaign was started against the person who was said to have led the evidence that had convicted him, and posters were stuck on the walls of the then Swan Brewery on Mounts Bay Road and also at Subiaco, which may become relevant. The posters said "Ripley is innocent; Kucera lied". When Julian Ripley finished his year in jail, he went back to Canada. Rupert Gerritsen, who was the other young man involved, pleaded guilty and was convicted. Rupert Gerritsen went to jail. During sentencing - this is relevant to the Bill and to the activities that students can find themselves caught up in - the judge said to Rupert Gerritsen -

RUPERT GERRITSEN, You have been convicted on your own confession of two serious crimes . . .

Almost six months ago, on 2nd. April, 1973, I had to sentence your associate and co-accused Julian Eric Ripley . . .

I point out that when Ripley was sent to trial, Gerritsen was not around, so Ripley did not have the benefit of the evidence of Gerritsen at the time of trial. The judge said also -

This is a most unpleasant task that I have to perform. I must sentence you for a crime which was entirely motivated by your political beliefs, which I have no doubt you hold sincerely.

He said also -

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You had a school record, according to my information, which would normally have caused you to expect - and probably did cause your parents and friends to expect - that at the tertiary level you would take out a good degree in the field of your choice and be launched on a successful and useful career. That career could, of course, have been in the field of left-wing politics if you chose. But when you got to the University you found (as many another young man has found) that to hold your balance in the wider field of adult life requires a self-discipline that doesn't come of itself; it must be sought and consciously imposed. Apparently you failed to impose it. You failed completely in your first year; you left the University, supported yourself with random labouring jobs and concentrated your real energies on the various activities of the professional protestor.

When Gerritsen was sentenced, he was given some character references by people from the guild of undergraduates and the Australian Labor Party branch at the University of Western Australia. Two of those people are ministers today; that is, the Attorney General and the Treasurer. What they had to say is important, because this is the sad tale of two young men who became involved, through funding from the guild of undergraduates, in political activities. In 1973, Mr McGinty said -

I have known Rupert Gerritsen for about three-four years. My acquaintance with Rupert has not been a particularly close one, but neither has it been a very distant one.

He said also -

I knew Rupert while I was involved in the University Branch of the A.L.P. as an Executive Officer, and also while involved in various positions with the Guild of Undergraduates. My current occupation is that of Industrial Officer.

He also had a reference from Kim Beazley, who said -

My knowledge of Mr Rupert Gerritsen extends from the time of his first attending the University of Western Australia. This acquaintance was largely through mutual membership of the University A.L.P. Club and activities associated with the Guild of Undergraduates. Mr Gerritsen left the A.L.P. Club early in 1972 but continued on to be prominent in student political activities on Campus.

He also had a reference from Mr Ripper -

Rupert Gerritsen and I first met in 1971 when we both lived at St. Columba college, a residential college affiliated with the University of Western Australia. In addition, Rupert became Assistant-Secretary and later Vice-President of the University Branch of the A.L.P. while it was under my Presidency.

One of the other references said -

Rupert has always been a very nice and quiet boy who would not hurt a fly . . .

It said also -

He grew up to be a very well mannered young man and is very keen on various sports especially football. He also was a keen Boy Scout . . .

It went on to praise him and said -

What happened to him in Perth is a puzzle to me, undoubtedly he must have fallen into some bad company which saw in him an easy victim to further their bad intentions.

I will not talk about the company he fell into. Another reference stated that he had an excellent educational background until he commenced university studies, when he became involved in the movements mentioned, which no doubt interfered with his studies, resulting in a complete failure in his examinations at the end of 1971.

The point I make is that the Bill will make it easier for student guilds to accumulate enormous funds and give them to young people who may then become involved in political activities to their detriment. I have mentioned two examples. Rupert Gerritsen became involved in the anti-Vietnam movement and planted a bomb in Adelaide Terrace. He had no intention of harming anyone, but he planted the bomb and it was expected to go off. When it did not go off, someone rang the police in the early hours of the morning so that the police could ensure that people going to work in the city that morning would not be harmed. That is a small point that is very relevant today. Rupert Gerritsen has been worried for all these years that Julian Ripley was, he says, wrongfully convicted of planting that bomb.

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It has worried another man, a family man in Albany called Mike Payne who rang my office. He said he had spoken to his family and was worried about this issue.

*Points of Order*

Mr J.C. KOBELKE: I did not take a point of order earlier under Standing Order No 94 that these remarks are totally irrelevant, because I thought the member was damning herself from her own mouth by the total irrelevance of her comments. However, she is going on and on about individuals under the privilege of Parliament. I am not sure, given her absolutely appalling record so far on this matter, that we can trust her. I therefore ask you, Madam Acting Speaker, to apply the rule of relevance. What the member has said so far is clearly irrelevant to the matter currently before the Chamber relating to student guilds.

Mrs C.L. EDWARDES: Members opposite might not like the story being told but it is clearly relevant because the individuals that are being spoken about were members of a student guild. Under this legislation, guilds will receive enormous sums of money, which will be used for future political activities. The member is relating political activities that occurred in the past in which members of a guild were caught. We have heard the judge's statement and comments from the parents, family and friends. It therefore has absolute and total relevance to the types of activities that can occur with young men and women, and did occur with young men at that time. The comments by the member for Nedlands are totally relevant. Members opposite might not like it; that is too bad.

The ACTING SPEAKER (Ms K. Hodson-Thomas): I do not believe there is a point of order. However, I ask the member for Nedlands to keep her comments relevant to the Bill before us.

*Debate Resumed*

Ms S.E. WALKER: They are relevant because these issues hang around for years. The history of this matter has now got to a point at which Mr Gerritsen has contacted the Premier about Mr Ripley's activities all those years ago. This issue has hung around for years. Mr Gerritsen engaged in political activities because of his involvement with the guild and its access to funds. This Bill will give enormous funds to young people in a climate in which the world is poised in a very difficult position on terrorism and possible war. We will now give these guilds enormous funds. We were told today that \$50 000 would go to the National Union of Students. We have already seen the type of literature in which that body is engaged. At least 50 per cent of the funds raised under this Bill will go to student guilds and, as stated by the member for Mitchell, \$50 000 will go to the National Union of Students.

The point is that I have received a copy of a letter from Mr Gerritsen to the Premier. As I said, Mike Payne said that the matter had worried him for years. He said that then Detective Sergeant Kucera is now in a powerful position -

*Points of Order*

Mr J.C. KOBELKE: Although the member can draw some tenuous relevance to the behaviour of a member because he or she was a member of a student guild - probably 100 000 student guild members have gone into all walks of life - it is totally irrelevant to the Bill, which relates to guilds, to then go on about personal matters that occurred decades later. Drawing a reference, as the member has on a number of occasions, to someone who was associated with a guild 20 to 30 years ago may have some relevance, although I doubt it. However, the member cannot draw any relevance to the Bill before the House by referring to the details of a case that occurred 30 years ago.

Ms S.E. WALKER: I will close shortly, but my point is that getting involved in political activities when one is naive or young or if one holds idealistic beliefs can cause problems all the way through one's life, and those problems can have a ripple effect. That is the point I wish to make about giving large sums of money to young people. It is relevant to the two young men I have mentioned, particularly Rupert Gerritsen, because those political activities still linger in their lives today. It is also relevant today to Mike Payne, who was involved in the university and the guild.

The ACTING SPEAKER: I will not caution the member for Nedlands, but I remind her to keep her comments relevant to the Bill before us.

*Debate Resumed*

Ms S.E. WALKER: Part of the alleged confession by Mr Ripley was that he doxxed in Mr Gerritsen as the person who made the phone call about the bomb. In fact, Mike Payne has come forward now after all these

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years and said that he made the phone call. The point I make is that now Mr Gerritsen has approached the Premier -

*Point of Order*

Mr J.C. KOBELKE: An approach to the present Premier some 30 years after an event that was tenuously connected to a guild has nothing whatsoever to do with the Bill now before the House.

The ACTING SPEAKER: There is no point of order. I remind the member for Nedlands to keep her comments very relevant to the Bill.

*Debate Resumed*

Ms S.E. WALKER: The letter from Mr Gerritsen to the Premier dated 23 October 2002 raises what one young man says happened to another young man who got caught up in political activities. The letter has attachments regarding events pertaining to the placement of a device intended to destroy property at the Department of Labour and National Service, a statement by Michael John Payne and commentary on the evidence presented at the trial of Julian Ripley in March 1973. The letter states -

Dear Geoff,

As you may be aware, I have recently raised allegations that Julian Eric Ripley was wrongfully convicted in March 1973 . . .

I make that point, Madam Acting Speaker -

*Points of Order*

Mr J.C. KOBELKE: The member is quoting from a letter, which she said was dated this year, about matters that occurred more than 30 years ago that have a tenuous connection to a university guild. I do not believe that referring this year to a letter of a personal nature about what appears to be an act of terrorism can be related in any sensible or rational way to the Bill with which we are currently dealing. I ask you, Madam Acting Speaker, to consider the importance of Standing Order No 94 if we are to proceed in this House with important matters and if we are to not allow the abuse of standing orders by permitting members to talk about whatever they want to talk about.

Mr M.F. BOARD: Madam Acting Speaker, you have ruled, under advice of the Clerk, at least twice on this point of order raised by the Leader of the House. The Leader of the House has raised no further information and your ruling should stand.

The ACTING SPEAKER (Ms K. Hodson-Thomas): I ask the member for Nedlands to conclude her remarks. She has not had much opportunity to continue in the past two minutes.

*Debate Resumed*

Ms S.E. WALKER: Mr Gerritsen says that it is not the first time these allegations have been raised about Mr Ripley's innocence. He says at the end of his letter -

I trust that you will give serious consideration to these matters and see that justice is finally done, albeit nearly 30 years after the event.

My point is that universities will be collecting and harvesting large sums of money from students, who can barely afford to pay for their university education. Those large sums of money will be administered to young people who are vulnerable to being caught up in all sorts of idealism, of which we have seen examples. Mr Gerritsen's letter reads -

It is not the first time that these allegations have been raised. In fact they were raised publicly almost immediately following Julian's conviction. I have also continued to maintain that Julian Ripley's conviction was wrongful since that time, stating this in my pre-sentence report . . .

As the instigator and organiser of the events in question, and the person who assembled and placed that explosive device, I can assure you that Julian Ripley had no part in those proceedings.

A person who was involved as a young person now regrets it and is trying to right a wrong. When young people involved in those situations are given large sums of money, it can have terrible consequences. I am happy to give the minister a copy of this letter and I am happy to table a copy of it.

The ACTING SPEAKER: The member cannot table a copy of the letter.

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Ms S.E. WALKER: I seek leave to lay it on the table.

The ACTING SPEAKER: The document can be tabled for the balance of today's sitting.

Ms S.E. WALKER: I will leave it on the Table and people can look at it in its fullness. In response to a grievance I raised last year, the minister said that he would not introduce compulsory student unionism. This Bill is now before the House. I therefore question the minister's sincerity in his response to my grievance on that day.

**MR M.F. BOARD** (Murdoch) [7.22 pm]: Like my colleagues, I oppose the Bill. We will be turning back the clock significantly in Western Australia with this legislation. In 1994 the previous Government introduced the Voluntary Membership of Student Guilds and Associations Bill on the back of a situation that had occurred during the 1980s when various student groups, particularly the guilds, had been associated with political activities that cost large sums of public money that had not been approved by the majority of the students. In fact, that money was lost.

Members on this side of the House hold the political philosophy that voluntary association is the fundamental right of every Australian.

Mr N.R. Marlborough: Do you have voluntary association in the Liberal Party?

Mr M.F. BOARD: We do.

Mr N.R. Marlborough: No wonder you are in opposition.

Mr M.F. BOARD: We have voluntary association. Does the member for Peel know that we can cross the floor when we vote?

Mr N.R. Marlborough: We encourage you to do that.

Mr M.F. BOARD: We will not do that on this Bill, I can assure the member for Peel.

Mr N.R. Marlborough: Stop being so bloody pious.

Mr M.F. BOARD: Why pious? The Government has introduced a Bill to impose a compulsory fee, which is a veiled process for helping student guilds and for reintroducing a policy that was discredited and abused.

Mr N.R. Marlborough interjected.

Mr M.F. BOARD: Yes it is. It is veiled in this loose legislation, which will not stand up to scrutiny. What happened in 1994 when the voluntary student guild Bill was introduced? Why are we debating this Bill today, when the Minister for Education has admitted that membership of student guilds in this State is very low? Has the minister explained to the House why the membership is low? Why have students decided not to belong to guilds? Why have they voted with their feet and their wallets and not joined the guilds? What did the guilds not provide to try to attract students? What caused students to decide that it was not in their interests to belong to the student guild? The minister did not explain that to the House in his second reading speech and I doubt whether he will be able to explain it in the consideration in detail stage. He cannot speak for tens of thousands of students in this State. By a unilateral political decision to foster the votes of politically active university students on the Labor side of politics, he is seeking to cast a net over the tens of thousands of students and impose a fine on them for attending university - a fine veiled behind an amenity fee. What will the students being forced to pay receive for their money that they could not receive six months ago? I suspect it will be very little. Those funds will be corralled into guild funds to support various campaigns and other issues the guilds want to support.

Why does this legislation apply only to four public universities? If the minister is genuine, why has he not spoken to the Minister for Training? Why are we not talking about TAFE and other educational institutions? Why are only universities to be subject to a compulsory fee for amenities? Has the minister introduced a Bill to cover those other educational institutions? No. Why not? What is the difference between university amenities and amenities at TAFE or any other educational institution? There is very little difference, other than for some of the political activities that occur. Why is the rate to be compulsorily acquired by the student guild set at 51 per cent of the student fee? Why is it not 45 per cent, 40 per cent or 55 per cent? The rate of 51 per cent is a controlling rate, is it not? That also veils the truth. If a student were given the choice of paying \$350 and getting nothing, or paying \$350 and ticking the guild box, which would make him eligible for a few free jugs of beer at the tavern, a few cheap film tickets and the opportunity to utilise a few services, of course he would tick the guild box. The minister would no doubt then come into this place and say that the legislation was successful because guild membership had increased to 85 per cent participation. A student would be a mug if he did not

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tick the box. Why would students pay the money and get zip when they could get something for their money? That is what this is all about. This is not about giving students the right to make a choice; it is about compulsory association and the bulk of the money going to the guilds. I ask the minister to explain to this House what students will now get for their money that they could not get before; that is, the services that they could not previously purchase separately or voluntarily acquire from the guild.

How many elected guild members will be happy once they finish their student activities and enter the land of competition - the marketplace in Australia? Many of them might be commerce, law or other students who will become involved in competition against others when they enter the workplace. Will they support compulsory association once they are in the workplace? Would they feel happy about having to pay a compulsory fee to an association such as the Western Australian Chamber of Commerce and Industry? Would they be happy, as an employer or an individual, about any other compulsory association? Would they feel happy about being forced, as a result of their employment, to be involved in a social club of their workplace? Of course they would not. What happens when students go from university to the workplace? Universities provide a political arena.

This issue is all about money. It is all about utilising that money for guild purposes, such as assisting in guild campaigns that are politically based or concern internal matters of the university. It is about resources. Other speakers have indicated that some of the money has already been earmarked to go to national and other bodies that already run significant campaigns that are political in nature. I have nothing against student politics. I admire student politics. In fact, people who get involved in student politics should be patted on the back and encouraged. However, every student who chooses not to be a member of a guild should not have to fund those activities. Members opposite should agree with me.

The Premier today made a significant speech about the liberties of the Australian community. He said that Labor members respect the freedom of the individual. That sounds to me like a Liberal philosophy. He said that individuals should be free to desecrate, tear up or burn the Australian flag. They should have the right to make that choice. I am sure that he would not encourage them to do that, but he said it would be their right. How does that fit with the rights of individuals -

Mr A.D. McRae interjected.

Mr M.F. BOARD: No, the Labor Party has policies that suit and policies that do not suit. If they do not fit into a little box, they are somehow ostracised.

Mr A.D. McRae interjected.

Mr M.F. BOARD: No, we do not. We respect the flag. It is a symbol of our country that everyone should respect. On the one hand we have the philosophies of liberty, equality and fraternity. On the other hand is a compulsory scheme in which everybody must be involved, regardless of what they get. If a student does not tick the box, he gets nothing, but he still must pay the fee. That is the way it will work. However, I do not think it will work. The community and students will see through this. In many ways, the Government has misread the feelings of the bulk of students in Western Australia. This Bill may appease the guilds, guild presidents and certain people who have a political agenda, but what the Government has forgotten is that the vast bulk of students who will face this compulsory fee will not be happy. This move will provide a great source of support to those who seek to take a different stance within the university. The minister should mark my words: that force will be strong and it will grow, because people want freedom; they do not want to be compelled to support anything.

I do not understand how the minister could stand in this House and talk about the freedoms and rights of parents to not pay a school fee, for which they get a service. The minister said parents would have the option to pay that fee. However, in this case, people will be forced to pay a fee whether or not they get a service. The minister knows that those two things do not stack up, whichever way he wants to balance them within Labor Party policy. Students, their families and the rest of the Western Australian community know that.

The Liberal Party does not support the Bill. We oppose it not only on philosophical grounds, but also because it is unfair, unjust and takes us back at least 10 or 12 years to the days when small numbers of students controlled large sums of money and did inappropriate things with that money. I hope that some services can be provided from this funding, but at the end of the day, we will find that the bulk of the student body in Western Australia will be unhappy.

**MR P.D. OMODEI** (Warren-Blackwood) [7.35 pm]: I was not going to raise my concerns on this issue, but having listened to the debate, I think it is important that I indicate, from my constituents' point of view, what I think about this legislation. I refer to the second reading speech in which the minister said -



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... this Bill fulfils an election commitment of the Gallop Government ... to ... the people who so overwhelmingly elected us.

I remind members of the House that the Labor Party received 35 per cent of the vote. That means that 65 per cent of Western Australians did not vote for the Labor Party. However, they may have issued their preferences to the Labor Party. Like the member for Moore, I did not go to university. As a matter of fact, I never went to school for long. Many members might say that it shows, but I do not mind their saying that.

Mr A.D. McRae: We would never say such an ungenerous thing.

Mr P.D. OMODEI: I know that the member for Riverton would certainly not be cruel to me. However, it is important that we understand what is happening here. This issue involves the idea of “whatever it takes”. It is about Labor Party philosophy. It is about furthering the ends of the Labor Party in Western Australia. It is not about guild services for students; it has nothing whatsoever to do with that. This Government often criticises the federal Government for the way in which it funds state instrumentalities such as the Departments of Health, Education and so on. In this situation, the universities provided resources to the guilds, so there was obviously an indirect connection with the funding provided to universities by the Commonwealth. To be honest, I am not in favour of there being any compulsion for students to join the guild. I have four children who have all been to university.

Mr N.R. Marlborough: Do you support national service?

The ACTING SPEAKER (Ms K. Hodson-Thomas): Order, member for Peel!

Mr P.D. OMODEI: My children are much better educated than I. I never asked them whether they were members of the guild. However, I could make a pretty good guess that they probably were not, because they come from a background in which they were always taught to look after themselves. That is similar to the people the member for Moore spoke about. The Government has made this move. I do not think the minister has his heart in it at all. In the minister’s response to a grievance by the member for Nedlands, he said that he would not introduce compulsory guild fees. They are his words. Now he has to do the bidding of the Labor Party. We know how the Labor Party works; its members kick and scrap behind closed doors and then come out and give the impression that everything is sweetness and light.

Mr N.R. Marlborough: It is a lesson you should learn.

Mr P.D. OMODEI: We know, as does the member for Peel, that that is not the case. The Labor Party is imposing its will on students in Western Australia. Students of a young age are impressionable. This Bill will put a lot of money into the guilds. Those guilds were providing a service with funding from the universities. If the guilds need more resources, that is a matter between them and the universities; they should ensure that the universities properly fund the guilds. I am not opposed to guilds providing care for young children whose parents attend university.

This Bill is just another method by the Labor Party to introduce politics into every stream of society. It is starting with the education system and trying to influence people who are at a very impressionable age. I am told that if someone is not a socialist when he goes to university, something is wrong with him. Somewhere along the track, people realise that there is more to life than socialism. Life is about freedom of spirit and the freedom of the individual to make up his own mind about what he will do. This issue should be about people making up their own minds whether they want to be members of a guild. I am repeating myself, but I see this as another means by which the Labor Party can further its political agenda. It is another “whatever it takes” situation, and it will place a great burden on students, many of whom struggle to find and fund their way through university. I oppose the Bill.

**MRS C.L. EDWARDES** (Kingsley) [7.40 pm]: I also oppose the legislation. The second reading speech talked about not infringing freedom of association principles. The minister interjected into the debate this afternoon to reinforce his claim that he supports freedom of association. The legislation establishes an amenities fee, more than 50 per cent of which will go to the guild. Students do not have to join the guild, but they will have to pay an amenities fee. The Labor Party is encouraging compulsory unionism from one step back: students do not have to join the university student guild, but more than half the money they will pay as an amenities fee will go to the guild to fund whatever it wants to do. They do not have to join the guild, but they must pay the fee. The freedom of association implications are similar to those discussed during the union debate. The legislation we debated earlier this year strongly referred to freedom of association. Most people would read that as a person’s right to join a union or not join a union. However, the reality is totally different. The Government unashamedly supports collective bargaining. If any employer or employee calls the Department of Consumer and

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Employment Protection for information, he is advised to talk to the union; that it will be able to help. A number of small businesses have done that and received no help whatsoever because no union wants to be out of step with the other unions. Not one union wants to break ranks with what the other unions are doing. The Construction, Forestry, Mining and Energy Union's latest log of claims has some similarity to the legislation before us. The CFMEU's latest log of claims includes a bargaining fee. It is said that people do not have to join the union; however, the latest log of claims includes a requirement that workers, contractors and the like are strongly encouraged to become members of the CFMEU. A bargaining fee of \$500 per annum for every employee is also proposed. There will be some form of freedom of association, but workers will still have to pay a fee. That debate was held on the eastern seaboard earlier this year and last year. Someone who is not a member of a union and supposedly gets some benefit out of the bargaining that has taken place must pay a fee. The so-called principle of freedom of association goes out the window!

At the end of the day, the philosophy of this Government and the Labor Party is for people to pay in any event. That is what this legislation is all about: a student must pay his amenities fee. He does not have to join the union, but more than 50 per cent of his money will go to the university's guild of students, and it can do whatever it wants with that money. People do not have to join the guild but they must pay the fee. There are no real freedom of association principles in the Labor Government's bones. It has shown that through this legislation and its dealings with unions.

**MR A.J. CARPENTER** (Willagee - Minister for Education) [7.44 pm]: I thank -

Mr P.D. Omodei: Isn't anyone from the vegie patch going to speak?

Mr C.J. Barnett: They don't think, speak or represent their constituents.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Order, members!

Mr C.J. Barnett: Is anyone alive back there?

The ACTING SPEAKER: Order! The minister has not even started.

Mr A.J. CARPENTER: I know the Leader of the Opposition did not go to the bar very often while at university, but he is making up for it now.

Mr C.J. Barnett: I heard that smart-alec comment.

The ACTING SPEAKER: I call the minister to order.

Mr A.J. CARPENTER: If the Leader of the Opposition keeps quiet, he will survive the night. If he keeps rabbiting on, I will tear him apart.

The ACTING SPEAKER: I call the minister to order for the first time. I remind members that I am on my feet. I was providing the minister with an opportunity to continue his remarks without interjection. I ask him to in future take his seat when I stand.

Mr A.J. CARPENTER: Thank you. I congratulate and thank members for their contributions to the debate. At the base of this is one important issue that I cannot walk away from. The rest is rhetoric and basic disagreement about philosophy. That one issue is the financial impost. There is no doubt that what we are doing will impose a financial impost on students through a compulsory services and amenities fee. I honestly believe that the rest of what we heard from members came from the winds that have been blowing backwards and forwards for 20 to 25 years. There was nothing new in tonight's debate. I heard these arguments when I was at university in the 1970s. The text of the speeches will show that that is where most of the thinking and criticism of this legislation is lodged - 20 or 30 years ago. The stuff about compulsory unionism, politicisation of student life and so on is old hat. The world has moved on.

However, the issue of the financial impost concerns me. I agree that we must deal with that issue.

Mr J.H.D. Day: And also what the funds are used for.

Mr A.J. CARPENTER: If the member looks at the legislation and the agreements between the guilds and universities, he will see that there is no great fear that the money will be siphoned off. We have moved on from the days the member referred to when he said that someone was sending money to the Palestine Liberation Organisation in the 1970s. It is a nonsense.

Mr J.H.D. Day: I was explaining the genesis of this sort of concern.

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Mr A.J. CARPENTER: It does not happen. This legislation contains a requirement for the guilds and the university senate or council to agree on the broad areas of spending. Any university senate or guild that agrees to siphon its money overseas would be foolhardy. I do not think it will happen. I have had very lengthy discussions with the university vice-chancellors about this. There was a long process of negotiation between the vice-chancellors, the university representatives and the guild representatives. I think I have a clear idea about what they want to use the money for. It will not be frittered away through affiliations with overseas political organisations or doubtful political causes. The world has moved on, and our legislation reflects that. The legislation contains a requirement for the university senate or council to set down, in conjunction with the guild, the broad areas of expenditure. As the member for Churchlands said, the legislation contains very strong and clear accountability mechanisms. I honestly do not think that that is a valid argument, although I understand that members raise it because it is more emotive than factual. It is an easy line to run.

The Leader of the Opposition centred his argument on the assertion that this will force students to join the student union. It will not.

Mr C.J. Barnett: What happens when they enrol?

Mr A.J. CARPENTER: I invite the Leader of the Opposition to read the legislation. The Leader of the Opposition said that when someone enrolls in university, he automatically becomes a member of the guild, and that he can later resign if he chooses.

Mr C.J. Barnett: We will do so, during the consideration in detail stage. You did not even understand your own press release. You put out a press release today. The Opposition asked a question during question time, and the answer was exactly the same, except you left out the paragraph you got wrong. What sort of incompetence is that? On the day of debate on the legislation, the minister cannot even describe it in a press release.

Mr A.J. CARPENTER: The Leader of the Opposition should read the legislation. On page 3 of the Bill, under clause 4, "Section 44 amended", proposed section 44(7) reads -

A student may elect at the time of enrolment not to become a member of the Student Guild . . .

That is game, set and match in the argument about compulsory guild membership. A student, at the time of enrolment, can choose not to become a member of the guild. It is in the legislation in black and white. How the Opposition can make the logical leap from that to saying that this legislation forces a student to become a member of the guild or student union - I do not believe that the two are synonymous - defies my understanding. It is in the Bill. One of the issues the Government had to deal with was this very argument, about whether students should be forced to join the guild. I do not believe that the terms "student guild" and "student union" are synonymous at all. We could have a discussion about that, but it has been had before. There has been much discussion in court cases on this point as well. The Government decided, in consultation with the guilds and the university vice-chancellors, that it would specifically address this point and make it quite clear in the legislation that this was not compulsory guild membership. It is in the legislation.

Mr C.J. Barnett: Do you seriously think that a student will pay \$100 to become a member of the guild and then turn around and cease to be a member? There will be some provision for cheaper prices or access to facilities by having a guild card. This is effectively enshrining guild membership. It is a rort.

Mr A.J. CARPENTER: I do not pretend to be able to read the mind of every student enrolling at the University of Western Australia. All I can do is provide quite clearly in the legislation the clause that says that a student enrolling does not have to become a member of the guild.

Mr J.H.D. Day: Would there be any advantage in not being a member?

Mr A.J. CARPENTER: What advantage would there be in not being a member? That is a completely different question. The member for Darling Range has gone from the basic point to something other than that. There is no argument about this legislation imposing compulsory guild membership. It does not do that. The argument about whether automatic membership of the guild is a breach of the principle of freedom of association has been argued before, not only in Australia but also internationally. I have read all the speeches in the upper House from the debate in 1994. The member for Churchlands would be interested to know that I actually read her speech. I enjoyed the apparent inconsistencies in her remarks today. We are all allowed to change our mind. As I said to the Leader of the Opposition, time moves on, and clearly time moves on for the member for Churchlands, because she seemed to have a different set of opinions back then. This point about whether automatic membership of a student organisation is a breach of the principles of free association has been argued back and forth, and in nearly every jurisdiction that I can find it has been determined that it is not a breach of

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those principles. In any case, this legislation states that a student may elect, at the time of enrolment, not to become a member of a student guild, and, to answer the position of the Leader of the Opposition, an enrolled student may resign at any time from membership of the student guild. As far as I can understand it, that kills off that argument.

The Deputy Leader of the Opposition also used that point, and a range of other debating mechanisms. He asserted that the fee was not really for amenities, but was about repaying Labor mates and left-wing sympathisers who dominate guilds by supporting compulsory memberships. It is not the case that the Government is repaying anybody. Who are we repaying, and for what? This measure was in our election policy documents, and we have moved in this direction. We have done it, as I said we would.

Mr C.J. Barnett: Is this the Government's top priority in education? Does it matter at all?

Mr A.J. CARPENTER: If it does not matter to the Leader of the Opposition, he should not come into the Chamber and listen to the debate. It is important, and other people think it is important. The student guilds think it is important. We can have a debate about what I am delivering for education in this State at another time. This measure was an election commitment, and it was supported when the Government was elected. This is one of the policies of the Government, and we are doing it. It has absolutely nothing to do with any repayment of left-wing sympathisers. That sort of argument is almost not worth responding to.

Mr J.H.D. Day: Did the state executive of the Labor Party last week tell you to get on with this? They sent you a letter, did they not?

Mr A.J. CARPENTER: I intended to answer that point when I got to the arguments of the member for Darling Range. He did raise that point, but he also conceded that this was a Labor Party election commitment. He said erroneously that there had been some direction from the state executive last Monday, or whenever it was. A vote was supposed to have been taken at the state executive meeting last week to tell the Government to get on with this. I was at that meeting and, to the best of my recollection, there was no such vote. I gave a report to the state executive about the intention of the Government, and that was about it. No vote was taken. I do not know who is providing the member for Darling Range with the information, but it is not accurate. The member also said that the timing of the Bill was designed to avoid a negative reaction. I take that to mean that, if this legislation were introduced at a later stage, there would be a negative reaction to the Government, which would cost it politically.

Mr J.H.D. Day: The argument was that this debate is going on while students are occupied by examinations.

Mr A.J. CARPENTER: That is right; he did say that. I can honestly say that the thought did not cross my mind. If I took the member's other points of view as fact, I would be creating the worst possible environment. If students are preoccupied and worried about other things, and I am introducing something which, according to the member for Darling Range, will create pandemonium and anger among them, this would be the worst possible time to introduce the legislation. This legislation has been brought into the Parliament at this time because the Government wants to have it in place by next year. The universities want this legislation to be in place so that they can collect the services and amenities fee next year. One of the reasons they wish to do that is that their guilds are in many cases in a critical financial situation, which few would dispute. The student guilds of Edith Cowan University and Murdoch University are in a critical financial situation. I had to contact all the vice-chancellors because there was a prospect that this legislation would not be passed this year. I had to plead with all the vice-chancellors that, should the worst happen and the legislation not be passed in time for enactment next year, they would continue to support their guilds financially. Otherwise, in at least two cases, the guilds would collapse. I did not want that to happen.

Mr J.H.D. Day: That is a fair point. Maybe that creates a case for universities to partly fund guilds.

Mr A.J. CARPENTER: I did not want the student guilds to get to the point at which they collapsed. This is obviously the best mechanism to ensure that does not occur. That explains the timing, from my point of view. Whether the Government is successful in negotiating the passage of this legislation in the upper House is another matter. I sincerely hope it is.

The Deputy Leader of the Opposition and the shadow Minister for Education referred to the quantum of the fee. They pointed out that universities in other States charged significantly more in guild fees than universities in Western Australia. That is an undeniable fact. It may well be that, in the future, guild fees in Western Australia will be increased. I sincerely hope that does not occur to the extent that it becomes a financial burden on the students of Western Australia. At the moment, guild fees in Western Australia are very modest. The guilds and vice-chancellors have indicated to me that they intend to maintain modest fees. We do not want circumstances

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in which the financial burden becomes too large. We have to remember that the amenities and services fee will be set by universities' senates and councils in consultation with the guilds. The guilds are the democratically elected representatives of the union - of the students.

Mr P.G. Pandal: Whoops-a-daisy. I hope Hansard heard that.

Mr A.J. CARPENTER: I will correct that in *Hansard*. They are the democratically elected representatives of the students. The students will have a direct say, through that mechanism, about the level of the fee. It is an issue that the universities and students can work through together. It is not in the best interests of the universities to set fees that are prohibitively high. It is especially true in the political environment of Western Australia in which one side of the political spectrum - unlike its counterparts in the rest of Australia - is determined not to allow an amenities and services fee to be paid to student guilds. That mechanism exists everywhere else in Australia. For some reason or another, the political environment in Western Australia is different. It would be unwise of the university administrations and guilds to make the imposition of this fee a major political issue in the future. At one stage or another - God forbid, but it will happen - there will be a change of government in Western Australia. No university or guild representative would want to again go through the pain that has been inflicted since 1994. There are imperatives that will drive the universities in Western Australia to maintain their modest amenities and services fees. I sincerely hope that situation continues.

Other contributors to the debate included the education spokesperson for the National Party, who also raised the issue of choice. There is clear demonstration of the Government's commitment to choice in the legislation. Another issue he raised, which the Leader of the Opposition also raised during question time today, was the quantum of the amenities and services fee that will be transferred to the guild. He asked why it would be not less than 50 per cent. The Government anticipates, as do many members of the Opposition, that guild membership will be in excess of 50 per cent of students. In the unlikely - but possible - outcome that a smaller percentage of students opt to join a guild, the guilds would be unable to provide the services and amenities they are desirous of providing. The Government wants to provide a critical mass of funding. It has taken a lot of negotiation between the universities and the guilds to establish this. The Government is also keen to avoid simply providing university administrations with a new stream of revenue. This legislation is concerned solely with student services and amenities. It is not designed to provide an alternative stream of income for university administrations, which could have been the case. The Government wants to bind university administrations and guilds for the common benefit of students. The mechanism to be used was agreed by the student guilds, vice-chancellors, university administrations and the Government. It was agreed that there would be a minimum 50-50 split. If more than 50 per cent of students - upon enrolment - elect to be members of a guild, the additional percentage would be reflected automatically by the transfer of the fees to the guild. That is very fair. It takes account of reality. During the negotiations a fear was expressed by some people in the guilds that if we did not have this type of mechanism, we would leave open the possibility of university administrations not encouraging guild membership. In fact, it would be in their interests to discourage guild membership because they would have an additional stream of income provided directly to them. This issue was discussed with the vice-chancellors, who were keen to allay any fears along those lines. The compromise mechanism was arrived at after many months of negotiation involving university administrations, vice-chancellors, guilds and the Government. I think it is a fair compromise, although it is not a theoretically perfect model. It is there to do a job and I expect it to do the job.

The member for Wagin and other opposition members asserted that the mechanism meant there would be no pressure on guilds to perform well. I refute that. The guilds are under pressure from students and university administrations to perform well. The final financial arrangement is a result of negotiations between the guilds and the university administrations. There is a strong incentive for the guilds to perform well. Why would they not want to?

Mr T.K. Waldron: Complacency. They do not have to worry about the money side of things.

Mr A.J. CARPENTER: No. The member should remember that the guilds are elected, just as we are. If a member is sitting in a comfortable and safe seat, it could be said - unfairly - that there is not much impetus to perform well. However, everyone in this House knows that we want to perform well; we have been elected to perform a role for our constituents. It is human nature for all of us, irrespective of where we are in the political spectrum, to want to perform well. That is why we put ourselves forward with all our little foibles and quirky politics. We all want to perform well. Nobody wants to have the finger pointed at him and be called a lazy dud and be told that he is wasting money. Due to the accountability mechanisms that have been built into this legislation and the arrangements between the guilds and the universities, there is an impetus for the functions that will be performed by the guilds and/or universities to be performed well. The other thing members must

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remember is that in these modern days, as opposed to 30 years ago, universities are in a competitive market place. Universities are now competing for students with other universities all over Australia, the region and the world. No university wants to be known as a place where the student guild blew its money and there are no services or amenities and -

Mr C.J. Barnett: Which university does not have services here?

Mr A.J. CARPENTER: I am talking about quality of services. University administrations and guilds want this legislation so that they can provide a better quality service and amenity.

Mr C.J. Barnett: Tell me which campus is deficient and which services -

Mr A.J. CARPENTER: I will get onto the services and amenities that have been adversely affected since 1994 and are no longer provided. However, members must understand that the bigger picture in this argument is that this State's universities are in a competitive environment. They must always ask themselves what other universities can provide in the form of not only on-campus physical facilities but also services such as human resources and a range of support for students that are important in attracting students to their campuses.

Mr C.J. Barnett: Give us a break. University students do not select a campus according to the guild's services. What an absolute joke! You know nothing about tertiary education if you think a student picks a course or a university according to the university's services.

Mr A.J. CARPENTER: The member misunderstands what I have said. The range of services, amenities and facilities on a campus have an impact on a university being able to market itself to students, particularly overseas students.

Mr C.J. Barnett: You ought to go to university and see what it is like.

Mr A.J. CARPENTER: The Leader of the Opposition and I could probably spend all night exchanging these sorts of comments. However, I would prefer not to. I have the advantage over him in that I have followed him in his role as Minister for Education. Therefore, I know what people have said about him and his strengths and weaknesses in the education portfolio.

Mr P.D. Omodei: They will say the same things about you, too.

Mr A.J. CARPENTER: Of course they will. One of the issues that we must address is the way in which this State's universities are able to present themselves in the international market place, the mechanism for doing that and what they can sell as part of their attraction as a university. We can disagree about whether this is fact or fiction, but it is a fact. That is one of the other points that the member for Wagin raised. He also referred to the size of the university services and amenities fee, which I have addressed.

The member for Vasse made some interesting contributions to the debate. At one stage he likened me to Goebbels or somebody like that. There are no lies, let alone big ones, in the second reading speech. The inability of our universities to raise a services and amenities fee over the past eight years has had an adverse effect on their capacity to provide services for their students. That is what I have said in the second reading speech and it is one of the important issues that we are trying to address in the legislation before the House. It is not a lie to assert that point and, as late as this evening, I have been speaking to representatives of the student guilds in Western Australia about this very issue. Since 1994 funding to sporting, cultural, religious and social clubs has been almost nonexistent at Murdoch University and Edith Cowan University because of their inability to raise funds.

Mr B.K. Masters: Could you be a little more specific when you say that funding is not available?

Mr A.J. CARPENTER: Funding for sporting, cultural, religious and social clubs is not available. Subsidised child care is not available any more. One of the arguments put forward by the other side related to the increase in mature age students now working and undertaking university courses at the same time. I would have thought the capacity for subsidised child care on the campuses was an important facility for them. I am advised that since 1994 subsidised child care has not been provided at any campus and neither has subsidised health checks and services. Student counselling and advice is no longer provided at ECU and it has been reduced at the University of Western Australia and the Curtin University of Technology. Emergency loans for students are no longer available at Murdoch University. One of the very important services that was provided by student guilds was financial counselling and a range of other services that dealt with employment and housing issues. Sexual assault referrals are no longer in operation at any universities.

Mr B.K. Masters: Are you comfortable with the duplication of services; that is, the guild and another service provide one set of service -

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Mr A.J. CARPENTER: Absolutely. Even though the Leader of the Opposition said that he did not attend it frequently, he spoke about the benefit of having a university tavern. There are taverns and pubs all over town but we do not deny universities the right to have one on their campus on the basis that there is one available over the road.

Mr B.K. Masters: Why should we subsidise taverns?

Mr A.J. CARPENTER: In general, the university taverns are good operating businesses for the guilds. The argument that they should not be there because that sort of service is provided elsewhere in the community does not stack up. Let us take sporting organisations as an example, so we can talk on a level that is easier to understand. Under the member's analysis or argument, why should universities have subsidised sporting organisations? Students could join the Claremont-Nedlands Cricket Club. Why do they need to have a university cricket club? Why do students need to be involved with any university sporting team? All these types of teams are available throughout the community. Employment services are available in the community but the fact of the matter is that university students are at university and the capacity for them to have that service provided at university is a good one. There is nothing wrong with that. The basic issue is how those services should be funded and whether it should be based on a user-pays principle or a universal provision. If it is based on the former, it is very difficult to have the services established because universities, and certainly not the guilds, do not have the resources with which to do that. We do not have that same argument with local government. I live in the local government area of Melville. How often do I use sporting facilities provided by the City of Melville? How often do I use the library or any of the facilities that the City of Melville provides? I do not argue about paying the rates because I do not use the facilities. I accept that this is a universal provision that is good for my area in the same way that I accept that this legislation is good for the university life. We are engaging in a philosophical argument about whether it should be strictly a user-pays system or a universal provision to which everybody can contribute and then make a choice as to whether they want to use the facilities. The service will be available if they want to use it, which is a good thing. Members on this side of the Chamber and perhaps some on the other side also think that it is a good thing to have the universal provision of these sorts of facilities at universities so that they are there when students want to use them, and many will. That includes - member for Wagin - students coming from the country as I did and who want advice about what is available not only at university but also in the community. I did not have a clue what was available in the wider community. I lived at St Georges College and knew that I could get advice at the university about a range of things including employment options, and I did. In fact, I received very good advice; they told me to go home!

Mr J.H.D. Day: Who funded the careers advisory centre? Would it have been the university itself?

Mr A.J. CARPENTER: I do not know if it was provided by the guild or the university body. When I injured myself at university - I was stupid enough to be walking barefoot and stubbed my toe - I received free medical treatment, for which I was very grateful. The argument that services should not be provided unless they are on a user-pays principle is an internal argument. However, I do not agree with it. There should be universal provision and all students should contribute. That measure has been implemented all over Australia and it has not destroyed tertiary education. Student guilds will now be able to provide subsidised food and beverages, meeting rooms, orientation information, more support for overseas students, increased support for student clubs and societies, lunchtime health and sporting activities, cultural events and activities, bands, student theatres, advocacy services, financial counselling, an increase in the textbook subsidy scheme, and an increase in emergency interest-free loans, which will greatly expand to assist low-income students. The last provision is very important, especially as this levy will be imposed. Further, for the first time, Edith Cowan University will be able to employ professional staff, such as advocates and counsellors on matters involving Centrelink and Austudy. It will now be able to reinstate university sexual referral centres and a range of activities and events. I have a list detailing other services that universities will be able to provide, including computer equity loan schemes, and the like.

The levy is a good measure because it will provide greater amenities and services, and in the longer term - not in a month or a year - it will provide universities with the capacity to not only upgrade existing sporting and cultural facilities - which, despite what the Leader of the Opposition says, are important - but also develop new ones. The universities will have a stream of income and, in concordance with the guilds, they will develop the facilities in the long term, because they know that the money will be coming in. I do not want to go off on a tangent about the federal funding environment faced by our universities. However, the ability to access money to provide facilities and services on campuses is clearly an issue for universities. Unfortunately, they can rely less and less on our federal Government, which, at the same time, seems to be imposing a helluva bigger financial impost on our students than that proposed in the Bill. The proposals in the Bill are important for the long-term planning of universities, which will serve to benefit students.

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The Deputy Leader of the Opposition and the member for Nedlands referred to a poster produced by a student organisation as an example of the way in which student money that is compulsorily acquired can be shockingly misused. As I recall, the poster was produced - I do not have verification of this, but I do not doubt it - by the National Union of Students. Either the Leader of the Opposition or his deputy stated that the University of Western Australia Guild of Undergraduates was intending to increase its payment to the National Union of Students from \$8 000 this year to \$50 000 next year.

Mr J.H.D. Day: It will be in 2005.

Mr A.J. CARPENTER: Is it 2005? The president of the University of Western Australia guild is in the parliamentary precinct, and I asked him about that decision. He said that it paid only \$8 000 because it does not have the money to pay the full affiliation fee. Therefore, it is receiving a heavily discounted rate. If university guilds are committing a crime by their affiliation with the National Union of Students, I fail to see it. I agree that we can argue about the nature of the documentation, material or posters produced by the National Union of Students. However, in the overall scheme of things, it is a minor point. We are not engaged in a debate about Western Australian university guilds' wholesale funding of radically anti-Australian political organisations, either at home or abroad.

Mr J.H.D. Day: That poster was pretty un-Australian. It was disgraceful.

Mr A.J. CARPENTER: That is the opinion of the member for Darling Range, who, like me, attended university when this sort of debate was going on. If a university student has an opinion, he or she is free to voice it to the guild members. Students are free to organise like-minded people to run for guild elections in an attempt to have a real effect on guild policies.

Mr J.H.D. Day: Some students are really aggravated if they are forced to pay for that rubbish, even if it is only 10c a year. It really gets under some students' skins.

Mr A.J. CARPENTER: That is one argument, and, from the member's point of view, it has a level of validity. However, it is not a point of view I embrace. If a person disagrees with the views of an association with which he or she is involved or to which he or she contributes financially, or disagrees with the way in which it is conducting itself, he or she must apply pressure on that body to stop what it is doing. For example, many of us have disagreed with some of the issues that our local government authorities are addressing and about the way in which such issues are addressed. Some of those issues really get under my skin. However, I have the ability to lobby councillors and to complain to the council. Ultimately, I have the ability to run for council. Indeed, I have the ability to shake the activities and opinions that might dominate a council, in the same way that students have the ability to shake the activities and opinions of student guilds. For example, I refer to the UWA Liberal club. In a recent debate about the referendum, I heard the president of the UWA Liberal club on radio. She is a very articulate young woman who was able to argue her case very strongly. That type of activity has an impact, because no university guild or administration wants to be held up as an organisation that is frittering away the revenue it acquires from students. They do not want to be seen doing that.

I understand that the decision to become affiliated to the National Union of Students is made at the campus level. In 1997 the University of Western Australia held a referendum on whether to disaffiliate from the National Union of Students, which was defeated.

Mr C.J. Barnett: Who voted?

Mr A.J. CARPENTER: The students. I do not know how many voted and I am not aware of the proportions. However, I am advised that that was the outcome. Again, there is a clash of views about this issue. I accept that, and I accept the fact that there is probably no resolution to that clash of views. I do not have a particular anxiety about the guilds' affiliation to the National Union of Students.

Mr B.K. Masters: Why will you not give students the option of not becoming a member of the guild and of giving their money to another worthy cause?

Mr A.J. CARPENTER: Yes, I will. I have already explained that the whole impetus for the Bill is to provide resources for universities. In the context of some of the remarks that have been made during the debate, the member for Vasse made an interesting comment - it may have been made tongue-in-cheek - that university students should be able to choose to donate to a worthy cause, such as the National Union of Students. The member is sitting next to people who have just decried the National Union of Students as an unworthy cause.

Mr B.K. Masters: We are talking about freedom of choice, and you are talking about compulsory unionism.



**Extract from *Hansard***  
[ASSEMBLY - Tuesday, 5 November 2002]  
p2525e-2567a

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Mr A.J. CARPENTER: I understand the member's argument. However, my point of view, as illustrated in the legislation, is that the money is for university life. It is not intended to be given to other organisations.

I have dealt with some of the points raised by the member for Churchlands, but she and others also asked how comfortably this sits with the policy on school fees. We could probably have a legitimate debate about that issue. However, if we reverse the context of the issue, we could also apply that question to the arguments from the member's side of the House. My position is this: for the compulsory years of school, the fees are non-compulsory; however, for the non-compulsory years of school, the fees are compulsory, as they are for universities in this case. It is perfectly consistent. I think that deals with that issue.

There are philosophical arguments about whether this is a good thing or a bad thing and whether it imposes compulsory unionism. Clearly it does not. There is an argument about the financial impost, which I agree is a difficult issue. However, universities will be able to provide financial mechanisms to assist students, and there is a capacity for loan funds and so on. I do not want to impose an unnecessary financial burden on anyone.

The rest of the argument has been well and truly aired over a long period. Essentially, we have heard nothing new on matters such as political donations and so on. However, it is addressed in the legislation, because the senate or council, in consultation with the guild, will decide the broad areas of expenditure.

Question put and a division taken with the following result -

Ayes (26)

Mr P.W. Andrews	Dr G.I. Gallop	Mr J.A. McGinty	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr S.R. Hill	Mr M. McGowan	Mr D.A. Templeman
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mr P.B. Watson
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr M.P. Whitely
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Ms M.M. Quirk ( <i>Teller</i> )
Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	

Noes (20)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr W.J. McNee	Mr R.N. Sweetman
Mr C.J. Barnett	Mr J.P.D. Edwards	Mr B.K. Masters	Mr T.K. Waldron
Mr M.F. Board	Mr B.J. Grylls	Mr P.D. Omodei	Ms S.E. Walker
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.G. Pandal	Dr J.M. Woollard
Mr J.H.D. Day	Mr M.G. House	Mr D.F. Barron-Sullivan	Mr J.L. Bradshaw ( <i>Teller</i> )

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Pairs

Mr M.P. Murray	Mr M.W. Trenorden
Mrs M.H. Roberts	Mr M.J. Birney
Mrs C.A. Martin	Mr R.F. Johnson

Question thus passed.

Bill read a second time.

*Consideration in Detail*

**Clause 1: Short title -**

Mr J.H.D. DAY: This clause proposes that the Bill be cited as the Acts Amendment (Student Guilds and Associations) Act 2002. Many people will regard that as a somewhat sanitised description of the overall purpose of the Bill. It is the case that in general terms it affects student guilds and associations. However, as was discussed in the second reading debate, the real purpose of the Bill is to impose a charge on students who attend universities in Western Australia and for that charge to be passed through the university administrations to the student guilds and associations. It will be a compulsory charge on students. In effect, students will be required to be members of the particular guild or association. I accept the minister's comments that they will not be forced to be members and will be able to opt out. However, they will be required to pay exactly the same

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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amount of money whether or not they choose to be members. There will not be any benefit in not being a member.

Therefore, the question that needs to be asked is: why would people not be members of a guild or an association when they must pay the same amount of money? They would be mad not to be a member, because they would exclude themselves from voting in elections and from standing as candidates in elections for the controlling councils and boards of the student associations. Therefore, we argue that students will be required to be members of student guilds and associations by virtue of the fact that they will be required to pay the fee. From next year that fee will be up to \$140 a year for full-time students at Murdoch University and around \$100 at other universities. The Opposition believes that the title of the Bill does not describe the overall purpose of the Bill as explicitly as it could. I therefore move -

To delete “Student Guilds and Associations” and substitute “Compulsory Student Unionism and Taxation”.

Mr C.J. BARNETT: That is a more appropriate title for this legislation, particularly as it includes the word “taxation”. A charge, price or fee is levied directly in exchange for a product or a service. However, taxation is the requirement to pay an amount of money for which there is no direct return. Under this Bill university students will receive no direct return, although they will become members of a guild. A student could become enrolled and choose not to become a member of the guild. Membership will not accrue as a service and no guild service will accrue, but the student will be required to pay \$140 at Murdoch University, for example. That is a tax. The member for Darling Range is right; this is a Bill about taxes.

It is another example of the Gallop Labor Government imposing taxes on the people of this State, although it went to an election on the basis that it would not introduce any new taxes. The first act of this Minister for Education was to impose a tax on students regardless of whether they wished to be members of a guild or wished to make use of guild services. Clearly, the word “taxation” must appear in the title.

Mr A.J. CARPENTER: We just debated this issue in the second reading debate. Everybody knows this is not a tax; that is a ridiculous assertion. Governments levy taxes.

Mr C.J. Barnett interjected.

Mr A.J. CARPENTER: Are universities Governments?

Mr C.J. Barnett You are imposing a tax to be collected by the university.

Mr A.J. CARPENTER: We will be in for a long night if we are going to stoop to this level of debate so early. We have had the debate about whether the fee will affect compulsory membership of student unions. It will not do that.

Mr C.J. BARNETT: This minister has no idea at all. If a council imposes a tax or a charge, that is an element of taxation imposed by local government under delegated powers within the Local Government Act.

Mr A.J. Carpenter: Imposed by what?

Mr C.J. BARNETT: Councils can impose rates or charges. This is a tax; it does not matter who collects it. This Government is introducing a tax on insurance under the Fire and Emergency Services Authority legislation to be collected by local government. It is a tax to fund the fire and emergency services. At least some people will get a service from that tax. This is a piece of government legislation that will not only empower but also effectively require universities to charge enrolled students an amount of money. If they do not pay it, they will not be able to graduate. That will be a severe penalty on students. If a student becomes a member of the guild, he will receive no direct service. The more blatant example is that if the student chooses not to become a member of the guild, he must pay \$140. He will receive no guild membership, nor will he be eligible for any services. It is a tax. The only reason it can be applied is that this Government is requiring and empowering the universities to levy this tax. The word “taxation” should appear in the title of the Bill for any sense of accountability.

Mr J.H.D. DAY: This amendment has been moved for the serious purpose of more adequately describing the objects of the Bill. It is open to the Government to introduce legislation, as it has done, to impose a tax on a group of people or the population at large - in this case university students. The reality is that university students will be charged a fee regardless of whether they use particular services. The Opposition believes that it would be far more appropriate for membership and payment of fees to such organisations to be voluntary, as they are now. Legislation was introduced in 1994 to achieve that. The status quo is working well. However, the Government and the Opposition have a major difference of opinion on this issue.

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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The Opposition believes that the fees should be voluntary and the Government believes that they should be compulsory and enforced by an Act of Parliament regardless of whether students will use the services. As the Leader of the Opposition said, that amounts to a tax on students, and it is known on university campuses as Labor's GST - the Gallop student tax. It is appropriate that that fact be reflected in the title of the Bill.

Mr C.J. BARNETT: It is not an insignificant tax; therefore the word "taxation" should be in the title. The fee might be \$100 or \$140 for each student in the first year. However, the average fee in Australia in 1999 was \$264. That is a very high rate of taxation on students. If the number of enrolled students is 70 000 - there are concessions for part-time and external students - at an average of \$100, the tax impost on the university population of this State would be in the order of \$7 million. That is not an insignificant impost on students. The Government has not visited campuses and asked students if they want this impost, nor has it conducted a survey. It would not be very difficult to do that. Why not visit the University of Western Australia campus and ask the registry to survey students to see whether they want to pay the fee? That has not been done.

The Government should ask the six per cent of students who are members of the Edith Cowan University Student Guild what they think. Better still, it should ask the 94 per cent of ECU students who are not members why they have not joined the guild. Surely the fact that 94 per cent of ECU students are not members of the guild tells the Government something. Even the minister must understand there is something wrong with the guild if 94 per cent of students choose not to join it. Now they must suffer a compulsory fee of probably \$100 of which half will go to the ECU Student Guild, the same guild that lost \$750 000 as a result of talking to its Labor mates and investing in Western Women in 1989. The Government is now seeking to give it access to \$1 million to \$2 million of student money. What investment advice will the Labor Party give that guild? What little sham will it raise so the six per cent of students at ECU can invest and probably squander the money contributed by the other 94 per cent of students? That is why the title of the Bill must be explicit and describe this as a measure of taxation.

Dr E. CONSTABLE: I support this amendment because it goes to the heart of an issue raised with the minister, whose response I am yet to understand exactly. I am referring to his inconsistency regarding the application of compulsory fees. I think I understood his very interesting explanation earlier. I will read from my notes because his response was a little complicated. We are talking about a matter of principle regarding whether fees should be compulsory.

The DEPUTY SPEAKER: I remind the member for Churchlands that the Speaker has indicated that the debate on the short title is exactly that and the member should not stray from it.

Dr E. CONSTABLE: I am speaking to the amendment, as you will notice, Madam Deputy Speaker. Either the minister was being very creative or he did not understand the principle of compulsory fees. The question was whether fees should be compulsory. His explanation on this notion is that they should not be compulsory - so they should be voluntary - in the compulsory school years 8 to 10. However, fees for students who choose to stay on in years 11 and 12 or who attend a tertiary institution should be compulsory. I think his notion is scrambled on this issue. Either he agrees with the principle of compulsory fees or he does not. He cannot apply the argument to a few years of schooling and then say that that argument does not apply to older children. The principle applies to students in years 11 and 12 and tertiary students just as much as it does to students in years 8, 9 and 10. That was the minister's argument for young students; however, he said that it does not apply once those students are older. That is a great inconsistency that the minister needs to come to grips with.

Mr J.H.D. DAY: We are discussing the short title of the Bill and a proposed amendment. The member for Churchlands was entirely correct in drawing attention to the inconsistency of the minister's argument on secondary school students and university students. One of the main points is that there is an artificial distinction between years 8 to 10 and years 11 and 12 in secondary schools. The minister made the point that years 8 to 10 are compulsory years and that years 11 and 12 are voluntary years. In reality, it is an artificial distinction. Education is important across all those years. The minister should move away from that distinction. That is the first point. The second point is that his explanation that it is appropriate to have voluntary fees for years 8 to 10 and compulsory fees for tertiary students is inconsistent. The fees paid by school students are used for academic purposes.

The fees paid by university students are not used for academic purposes. That is largely why the Opposition opposes this Bill. The fees paid by university students are not used for educational or academic purposes but for other, ancillary purposes on university campuses that can be and have been funded in other ways. As the member for Churchlands said, the minister is getting very confused in his arguments in this respect. The amendment is appropriate.

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Mr A.J. CARPENTER: I am not confused. I pointed out the circumstances and the consistency in those circumstances. In any case, this may be an issue that we can address later. It is not relevant to this point about the short title.

Dr E. Constable interjected.

Mr A.J. CARPENTER: No, it is not. The amendment proposes to insert the words “Compulsory Student Unionism and Taxation” in the short title. It is not a tax.

Mr C.J. Barnett: What is a tax then?

Mr A.J. CARPENTER: A tax is imposed by government. The Leader of the Opposition said that it is for revenue.

Mr C.J. Barnett: That is what it does.

Mr A.J. CARPENTER: He went on to talk about local government. This involves universities. It is not a tax.

Mr C.J. Barnett: What is the difference between a fee and a tax?

Mr A.J. CARPENTER: This is not a tax.

Mr C.J. Barnett interjected.

Ms M.M. Quirk interjected.

Mr A.J. CARPENTER: The Leader of the Opposition was never the Treasurer, but he probably should have been because he may have been better than the previous one. As has been pointed out by the member for Girrawheen, in general terms, fees recover a cost. Taxes provide a revenue base and are imposed by government.

Mr C.J. Barnett: Fee for service.

Mr A.J. CARPENTER: It is a fee for service. We agree on that point.

Mr C.J. Barnett: If you enrol and do not join the guild, it is clearly a tax. There is no service.

Mr A.J. CARPENTER: It is not a tax. It could not be defined as a tax by anybody who is serious about this discussion. It is certainly not compulsory student unionism. The Government will not agree to this amendment.

Amendment put and a division taken with the following result -

**Extract from Hansard**  
[ASSEMBLY - Tuesday, 5 November 2002]  
p2525e-2567a

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Ayes (20)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr W.J. McNee	Mr R.N. Sweetman
Mr C.J. Barnett	Mr J.P.D. Edwards	Mr B.K. Masters	Mr T.K. Waldron
Mr M.F. Board	Mr B.J. Grylls	Mr P.D. Omodei	Ms S.E. Walker
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.G. Pandal	Dr J.M. Woollard
Mr J.H.D. Day	Mr M.G. House	Mr D.F. Barron-Sullivan	Mr J.L. Bradshaw ( <i>Teller</i> )

Noes (26)

Mr P.W. Andrews	Dr G.I. Gallop	Mr J.A. McGinty	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr S.R. Hill	Mr M. McGowan	Mr D.A. Templeman
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mr P.B. Watson
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr M.P. Whitely
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Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	

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Pairs

Mr M.W. Trenorden	Mr M.P. Murray
Mr M.J. Birney	Mrs M.H. Roberts
Mr R.F. Johnson	Mrs C.A. Martin

**Amendment thus negatived.**

**Clause put and passed.**

**Clause 2: Commencement -**

Mr J.H.D. DAY: The Opposition will not oppose this clause, but I would like some explanation about subclause (2), which indicates that different provisions of the Bill may come into operation at different times. What does the minister have in mind? Does he expect that the different universities will commence imposing these fees at different times during next year or that not all will come into effect next year? Will some come into effect in the following or subsequent years? What is the case?

Mr A.J. CARPENTER: The intention is that the changes for all universities will come into effect at the same time. Hopefully, from our point of view, they will be implemented next year. However, the regulations need to be dealt with. They must come before the Parliament and can be disallowed. It may be that one is disallowed and another is not. The clear intention is to have everything progress at the same time.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 44 amended -**

Dr E. CONSTABLE: Section 44(2)(e) is to be deleted. The indefinite article is used in that provision, which states -

Shall be a recognized means of communication between its members and the Council.

Proposed new paragraph (e) uses the definite article "the", and states -

Shall be the recognised means . . .

Does that mean that there is only one way in which students can communicate with the council? I do not think that is a subtle change. It could be a major change. Is that a drafting error or a deliberate change to narrow the ways in which students can communicate with the council?

Mr A.J. CARPENTER: It is not an accident. It is deliberate and it narrows the range. However, it does not preclude other organisations of students from communicating with the council or senate. The member should bear in mind that this Bill binds the administration - that is, the senate or council - and the guild in the decision-making and accountability process. It recognises that relationship by changing the word "a" in the Act to "the". This recognises that the guilds are the representative bodies of students for the purposes of this legislation.

Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Dr E. CONSTABLE: If students who have paid their fees and who may or may not have signed up with the guild do not like the way their guild representatives are doing something, will they be able to raise those issues with the council or will they have to go through the guild? How limiting is the change from “a” to “the”?

Mr A.J. CARPENTER: It does not stop other organisations of students - such as the Liberal Club - directly communicating with the senate or the council. It recognises that, for the purposes of the financial arrangement that we are building and the enactment of this legislation, the guild is the recognised representative body of students.

Dr E. Constable: If a group of students that disagreed with the way the guild was handling its finances wanted to complain to the council or the senate, would it be able to do that?

Mr A.J. CARPENTER: Yes, of course.

Mr J.H.D. DAY: The member for Churchlands has raised an important issue. I ask the minister about the possible situation in which a majority of students become completely disaffected with the recognised student organisation of Curtin University, the Curtin Student Guild, and want to form an alternative organisation that would have the support of the majority of students on that campus. It is a hypothetical situation but it is not impossible. It would appear from the proposed new paragraph that the alternative organisation that might be formed would be precluded from being a recognised means of communication between enrolled students and the council. The amendment provides for the existing student guild to be the recognised means of communication rather than a recognised means of communication. That would appear to be unduly restrictive on any alternative organisation that is formed. It would be far more appropriate to leave that aspect of the legislation as it is.

Mr A.J. CARPENTER: I do not agree. I recognise the theoretical position the member is putting. He would have to agree that it is extremely unlikely. He is postulating the potential for an alternative guild. It would probably be easier for students to take over the existing one. I think I have explained the reason for the change. In creating a relationship like this, we must have a recognised body that the university administration can deal with. That body must be recognised as the communicative or representative voice of the students. We are providing a fee-raising mechanism, and at least 50 per cent of the fees will go to the guild. There is a clear imperative for this kind of relationship and this amendment. In all honesty, I do not think that it precludes other organisations of students from being able to complain to the council or administration, which the member for Churchlands was concerned about. They will still be able to do that. In fact, they will also be able to complain and seek to affect the policies of the guild. This is a clear-cut and necessary amendment given the changes that will be put into place through this legislation.

Mr J.H.D. DAY: Can the minister guarantee that any body of students that wishes to have communications with the council will not be precluded from doing so? I can foresee the situation in which some students who are in disagreement with another body of students seek to invoke this provision and argue that the student guild is the recognised means of communication. They might use it to their advantage, thus precluding another body of students from communicating with or complaining to the council of the university. I ask the minister to clearly guarantee that that will not be possible under this legislation.

Mr A.J. CARPENTER: It is not my intention with this legislation that other organisations of students on a campus be prohibited from communicating with the university administration. I would not want it to happen.

Mr C.J. BARNETT: I refer to proposed section 44(6), which states -

Subject to subsection (7), a student becomes a member of the Student Guild upon enrolment, for the period of enrolment.

That seems fairly clear to me. Anyone enrolling at the university becomes a member of the guild. It happens automatically; they do not tick a box, elect or fill out an application form. When a student enrolls he or she becomes a member of the guild. That is compulsory student unionism. It happens automatically. A student is deemed to be a member on enrolment. Proposed section 44(7) reads -

A student may elect at the time of enrolment not to become a member of the Student Guild,

A student must take a positive action not to be a member of the guild. That is why this is effectively compulsory student unionism. Surely, at the time of enrolment, even under this dreadful legislation, a student should be given the choice: “Do you wish to become a member of the student guild - tick yes or no.” Students should have a choice, but they are not given that choice. They are automatically made to be members of a guild.

Members should think of the 15 000 international students studying in Western Australia. Those students will not be familiar with language, custom or university tradition. They will be enrolled in a student guild, probably without their knowledge. Many of them will not know what a student guild is. They will be deemed to be

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members of a student guild without making a conscious decision to be or not to be members. Surely this part of the legislation should say a student will be given a choice on enrolment on whether he or she wishes to join the guild. Then there is the separate matter that the amenities fee will be paid whether or not a student decides to become a member of the guild. Those two parts should be distinct. That is what freedom of association and freedom of choice is. There should be two distinct questions: whether the student wishes to join the guild, and the separate question of the amenities fee. Students will be inadvertently guild members without their knowledge. It is effectively student unionism being forced by stealth on unknowing students. When I enrolled at university I received reams of forms to fill out at the registrar's office. Most students probably did not understand what most of it was all about. Essentially, they were interested in the choice of subjects, and whether or not they gained a place. It was a competitive environment, and it is more so today. Students will find that, by default, they are members of the guild. A reasonable piece of legislation that respected freedom of association would make it the discrete, explicit choice of the student whether or not to join the guild. Under this legislation there will be no such choice. I presume there will be some procedure, or an application form, not to join the guild. That is hardly democracy.

Mr A.J. CARPENTER: This point was the subject of quite some discussion. The proposition put by the Leader of the Opposition was put up and argued back and forth. Various other options were put about what mechanism would be put in place to see a student either become a member of the guild or not. This option resulted from a consensus between the administrations, the guilds and the Government. I do not have a problem with this option. There will be a mechanism, which will be devised by the universities, for students to opt out automatically at the point of enrolment. On the enrolment form there may well be a box to tick if the student does not wish to be a member of the student guild. I would encourage this. I do not think that is an unduly difficult decision for an enrolling student to make.

I do take some degree of issue with the assertion that students will be enrolling into universities without being provided with any information about what they are getting themselves into in relation to the student guild. It will be incumbent on the universities, and also the guilds, to explain quite clearly what is available, and what electing to stay in the guild brings. It would be unwise and unfortunate for universities not to fully inform their prospective students about this clause, because if there were some difficulty later on, they might suffer some pain as a result. However, it is worth looking at proposed sections 44(6) and 44(7) together. They read -

- (6) Subject to subsection (7), a student becomes a member of the Student Guild upon enrolment, for the period of enrolment.
- (7) A student may elect at the time of enrolment not to become a member of the Student Guild, and an enrolled student may resign at any time as a member of the Student Guild.

This provides a simple mechanism for a student to opt out with the information about what the guild represents and what it provides. If a student is subsequently unhappy about the fact that he or she has enrolled automatically as a guild member, the second part of section 44(7) can be invoked, and the student may resign. I understand the point raised by the Leader of the Opposition. There was much debate about it. Upon enrolment, a student may choose not to be in the guild, but at any time thereafter, including the next day, the student can elect to resign from the guild. I would strongly suggest that it is in the best interests of the universities and of the guilds to provide all the relevant information for students at the point of enrolment, so that the scenario the Leader of the Opposition is talking about does not occur. I reaffirm the point I made in my second reading speech, that these two proposed subsections together make it absolutely crystal clear - I was very strong on this point - that this piece of legislation is not compulsory guild membership. If I wanted to have compulsory guild membership, I would not have put those proposed subsections in - it is as simple as that.

Mr C.J. BARNETT: It is guild membership by default, as a student has no choice but to pay the fee. There will probably be some pecuniary benefits of guild memberships - concessions or discounts - so any student, given that all students will have to pay the fee, will take it.

Mr A.J. Carpenter: What is wrong with that?

Mr C.J. BARNETT: It is essentially forcing union membership. The students are not being permitted to choose. They are deemed to be part of the guild, and because they are forced to pay the fee, they will take the membership. Guild membership will rise, and the Government will say that this has happened because the guilds are so fantastic and are providing such wonderful service that people thronged through the doors to join up. That will not be the case. It will be because students will have no effective option. They will be forced to pay, and will be deemed to be members on enrolment, and there is probably some benefit of memberships. The benefit might be \$5 out of a fee of \$140, but they might as well get that back, so people will take their guild

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membership. It should have been an explicit choice. I am not at all convinced by the argument of the minister. He should not be joining people into associations of any form without those people making a conscious decision to join that association. This is just deeming them to be members, and it is quite inappropriate.

Mr B.K. MASTERS: Following on from what the Leader of the Opposition was saying, it is not just the ability to choose to go with or not go with the guild, it is also a choice of whether the money goes to that guild. This legislation does not allow any choice in that respect, so it is compulsory unionisation by default.

Mrs C.L. EDWARDES: Proposed section 44(7) is in the negative. Proposed section 44(6) says that a student becomes a member of the student guild upon enrolment, for the period of enrolment. The student must make a decision not to be a member, not a decision to be a member. It is in the negative. Depending on how the form is actually drafted and the like, the student must make a conscious decision not to be a member of the guild, because as soon as the fees are paid, under proposed section 44(6) the student is automatically a member of the guild. Proposed section 44(7) brings in choice, but it is in the negative. The decision must be made not to be a member of the guild. Students must inquire, and go out of their way to make sure that they have crossed, or ticked, or whatever is required on the enrolment form not to be members of the guild. Over the page, proposed section 44(9) says that the university shall not discourage or dissuade in any way a student from becoming a member of the guild. The drafting of the form will be critical. It is not just a matter of putting up posters and giving information about the guild. It will depend on how the form is drafted. It could be caught, very craftily, by proposed subsection (9). It has nothing to do with freedom of association; that is a whole lot of nonsense. It is sheer nonsense to say that it would not infringe freedom of association.

Mr C.J. BARNETT: As someone who has benefited from being at university, and who has been a university lecturer and has spent a lot of time with students, I must say that if this legislation reflects the views of university students, I am very disappointed in them as individuals and as a group. One thinks of university students as being somewhat idealistic and concerned about the rights and freedoms of individuals. I do not think the bulk of university students would, in any way, support such compulsion and collective thinking. If they do, they are intellectually weak. I think university students are far brighter, far better informed and more forward thinking than that. That is where the Government is right out of touch. I have spent a lot of time with university students and most of them are not intellectually weak. They understand their rights and freedoms and will stand up for them. We want university students to think for themselves, be individuals and stand up for their rights and freedoms. We do not want them to be party to collectivist legislation designed to prop up organisations, whether those organisations perform, are financially sound, provide good service, or fairly and properly represent the views of students. This is a real cop-out inspired by a group of university students who presumably cannot make their way through university, and, therefore, probably not through life.

Mrs C.L. EDWARDES: Regarding proposed subsection (9), what does the minister understand is meant by a university dissuading or discouraging an enrolled student? Even the way the enrolment form is crafted could well infringe proposed subsection (9).

Mr A.J. CARPENTER: The proposed subsection exists because the Government wants to guard against the very remote possibility that university administrations may want to minimise guild memberships to maximise the stream of revenue that flows to the administrations. That is why the provision is there. I do not honestly believe that university administrations will discourage guild membership. I hope they do not. The provision addresses the concern. We could dream up lots of hypothetical situations in which universities may send literature to people discouraging them from joining a guild. I do not believe that will happen.

Mrs C.L. EDWARDES: How broadly will that be interpreted? What if a student has an enrolment form that states he does not have to become a member of a guild by virtue of proposed section 44(7)?

Mr A.J. CARPENTER: I will not postulate on what mechanisms universities will put in place that can be construed that way. I do not think they will do that. As the Leader of the Opposition mentioned with overseas students, universities will outline the responsibilities and benefits of being a member of a guild. If they advise students that they do not have to join a guild, that is something I do not regard as active discouragement.

Dr E. CONSTABLE: Do proposed subsections (6), (7) and (9) mean that university enrolment forms cannot have a yes/no option, as was suggested by the Leader of the Opposition? Will universities be able to provide basic information about the right of a student not to join a guild even though the amenities and services fee must be paid?

Section 44(4)(a) is to be deleted. I require clarification on what was previously meant by prescribing classes of membership. Does that refer to postgraduate students being a class of membership? What about part-time students? What difference will the deletion make to the operation of the guilds?



Mr Colin Barnett; Mr John Day; Mr Terry Waldron; Mr Dan Barron-Sullivan; Mr Bernie Masters; Mr John Bradshaw; Dr Elizabeth Constable; Mr Arthur Marshall; Mr Jeremy Edwards; Mr Bill McNee; Acting Speaker; Mr Phillip Pandal; Dr Janet Woollard; Ms Sue Walker; Mr John Kobelke; Mrs Cheryl Edwardes; Mr M.F.; Mr Mike Board; Mr Paul Omodei; Mr Alan Carpenter; Deputy Speaker

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Mr A.J. CARPENTER: The member raised two points. Upon enrolment, a student will have the capacity to elect not to become a member of a guild. As the Leader of the Opposition said, they can opt out.

Dr E. Constable: Is information given to students or do they somehow have to know what are their options?

Mr A.J. CARPENTER: I addressed those points when I spoke about this issue before. The legislation is not prescriptive in how universities communicate with prospective students. It would be very unwise for universities not to keep prospective students fully informed of what enrolment entails, including membership of a guild. This concept will be promoted, not shied away from, by the universities. The universities and guild representatives approached us, not the other way around. They want to promote this as part of university life. I would be very surprised and disappointed if universities did not fully inform their prospective students.

The member referred to section 44(4)(a) being deleted from the original legislation. That refers to prescribing classes of membership and the conditions or qualifications of membership of student guilds. It involves categories of enrolment such as external, part-time and full-time. In the future, amenities and services fees will be dealt with by university statutes. It is not the intention of the Government to deal with that specifically in this legislation.

Dr E. Constable: Will fees be pro rata for part-time students?

Mr A.J. CARPENTER: I have information from the universities that confirms that external and part-time students will receive a significant discount. For example, external students at Curtin University will be charged \$35, which is approximately 25 per cent of the normal fee.

Debate adjourned, on motion by Mr A.J. Carpenter (Minister for Education).