

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

*Consideration in Detail*

Resumed from an earlier stage of the sitting.

**Clause 4: Section 44 amended -**

Debate was interrupted after the member for Kingsley had moved the following amendment -

Page 4, lines 5 to 11 - To delete the lines.

Mrs C.L. EDWARDES: Prior to the taking of 90-second statements, the minister had responded to the comments made on this side of the House. In summary, we felt it was an insult that the clause set out that universities should not dissuade or discourage an enrolled student from joining a guild. We now find that it is an insult to universities other than Edith Cowan University. I believe that shows some inconsistency. A guild or university council might write to the minister and say that it will certainly not dissuade or discourage enrolled students from joining a guild, so the minister can take out the clause that applies to those organisations. The logic that is applied shows a level of inconsistency because even if the minister were to say, as he has said, that it would not occur, if at any time in the future it does occur, he has the power to act. The inconsistency in the logic is that the current guild and the current university council of Edith Cowan University will not comprise the same people in a decade hence.

If the minister is not concerned now about Edith Cowan University, he should not be concerned about the other universities because they have already given commitments and have been supportive of the legislation. The mere fact that they have said that they do not care whether the clause is in the Bill shows a level of inconsistency of logic. I suggest to the minister that it is not an issue. He has shown that it is not an issue for Edith Cowan University. Therefore, as other universities have quite clearly expressed their support for the legislation, as the minister has indicated in this House, the provision in the clause is an insult to them.

The minister has not said who expressed the concern that universities could use the Bill as a tool to gain extra funds. Again, I do not understand why that does not apply to Edith Cowan University. If there were concerns about the other universities, surely the same concern - to all intents and purposes no-one believes the situation will ever arise - will apply to the other universities as well. There is an inconsistency. I strongly suggest that the minister support the amendment.

Mr A.J. CARPENTER: The substance of the amendment was debated in great detail before the luncheon break. I explained the position. The Government does not intend to support the amendment.

Mr B.K. MASTERS: I apologise to the minister because I was not here just before the luncheon break and I think I may have missed some comment he made. Can the minister tell me why there is a need for this proposed subsection to be in the legislation? I was trying to follow what the member for Kingsley was saying, and I am afraid I lost track of the fact that, in theory, it will apply to only one university, and not to all five. That would be significantly against the interests of any university that tried to dissuade or discourage an enrolled student or an enrolling student from becoming a member of the student guild. Can the minister outline this situation, so that I can understand why there is a need for this proposed subsection?

Mr A.J. CARPENTER: I am reluctant to do so. The member's absence from this Chamber is his problem, not mine. However, in the spirit of goodwill, I will provide the member with the explanation I provided before the luncheon break.

Ms S.E. Walker interjected.

Mr A.J. CARPENTER: Excuse me? Did the member for Nedlands make a comment?

Ms S.E. Walker: I said that you make comments that you do not need to make.

Mr A.J. CARPENTER: I thought the member said a little more than that; in fact, I know she did.

I say to the member for Vasse that this proposed subsection has been included in the legislation after discussion between the guilds and the universities. It applies to three universities, but not to Edith Cowan University. To clarify the point raised by the member for Kingsley, a concern was expressed by representatives of the guilds about this hypothetical situation. That was addressed by them in discussion with their universities and this was the agreement they reached in the substance of this proposed subsection. Between Edith Cowan University and its guild, it was not deemed necessary. As I have said, and as the members for Kingsley and Vasse have agreed, I do not anticipate this situation ever arising. I have faith in both the current and future administrations of the

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universities. However, as I said, the proposed subsection is there as a result of agreement between the guilds and the universities.

Mr B.K. Masters: Do you have any understanding of why the universities and the guilds saw a need to agree to the inclusion of a subsection such as this?

Mr A.J. CARPENTER: I just explained that to the member. I have been on my feet for about a minute and a half and in the first minute I explained why there was a need.

Mr B.K. Masters: No; you said that the two bodies agreed that it would be included. I am asking whether you know why they thought there was a need to agree to the inclusion of a subsection such as this.

Mr A.J. CARPENTER: The fear of some of the representatives of the guilds was that, hypothetically - the member has raised many somewhat strange scenarios - the situation could arise in which the university administration might seek to maximise the flow of funds directed to it rather than to the guild by discouraging membership of the guild. This was to prevent that scenario from ever arising. It was not a matter of concern between the Edith Cowan University administration and the guild; therefore, it was not deemed necessary at that university and so is not in the piece of legislation that applies to Edith Cowan University.

Mr B.K. MASTERS: To paraphrase what the minister has just said, he is suggesting that, in theory, there is some lack of trust or goodwill between at least three of the universities and the guilds, and that to protect everyone's backside and to ensure that that lack of trust cannot be manifested by a university discouraging students from enrolling as members of the guilds, this proposed subsection has been included in the legislation. Is that a reasonable paraphrasing of the minister's statement?

Mr A.J. CARPENTER: The member does not need to paraphrase my statement. The words are in *Hansard*.

Ms S.E. WALKER: Is there any definition in the Bill of how the universities should or should not act?

Mr A.J. Carpenter: No.

Ms S.E. WALKER: How will the universities know whether they are acting in a way that will dissuade or discourage?

Mr A.J. Carpenter: It is a matter of commonsense and judgment.

Ms S.E. WALKER: Is it open-ended?

Mr A.J. CARPENTER: It is not open-ended; it is a matter of commonsense and judgment, just as with our interpretation of the English language in everyday life.

Ms S.E. WALKER: Is there a penalty for acting in a way that dissuades or discourages?

Mr A.J. Carpenter: There is no penalty in the legislation.

Amendment put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Thursday, 7 November 2002]  
p2833a-2840a

Mrs Cheryl Edwardes; Mr Alan Carpenter; Mr Bernie Masters; Ms Sue Walker; Mr John Day; Dr Elizabeth Constable; Mr Colin Barnett

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Ayes (18)

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

Noes (25)

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

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Pairs

Mr M.J. Birney	Ms A.J. MacTiernan
Mr R.F. Johnson	Mr J.B. D’Orazio
Mr R.N. Sweetman	Mrs C.A. Martin
Mr B.J. Grylls	Mr J.A. McGinty
Mr M.W. Trenorden	Mr J.C. Kobelke

**Amendment thus negated.**

Clause put and a division taken with the following result -

Ayes (23)

Mr P.W. Andrews	Mrs D.J. Guise	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr J.N. Hyde	Mr N.R. Marlborough	Mr D.A. Templeman
Mr C.M. Brown	Mr R.C. Kucera	Mr M.P. Murray	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr A.J. Dean	Mr M. McGowan	Mr J.R. Quigley	Ms M.M. Quirk ( <i>Teller</i> )
Dr J.M. Edwards	Ms S.M. McHale	Mr E.S. Ripper	

Noes (17)

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

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Pairs

Ms A.J. MacTiernan	Mr M.J. Birney
Mr J.B. D’Orazio	Mr R.F. Johnson
Mrs C.A. Martin	Mr R.N. Sweetman

**Clause thus passed.**

**Clause 5: Sections 45 and 46 replaced -**

Mr J.H.D. DAY: This clause is the heart of the legislation. It will amend the Curtin University of Technology Act 1966. Similar provisions later in the Bill apply to the Edith Cowan University Act 1984, the Murdoch University Act 1973 and the University of Western Australia Act 1911. This clause imposes a tax on students for the privilege of attending university. It is not a tax on students for the purpose of providing educational activities, academic pursuits, covering the cost of teaching or laboratory activities, or anything like that. It is

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Labor's tax on students for the privilege of attending university to fund a range of peripheral organisations and activities, many of which are very valuable and others that the Opposition would argue are far less valuable and in some cases offensive.

The main point is that students should have a choice about whether they wish to belong to these organisations and to fund them. Many activities of student guilds are valuable and worthwhile, and are generally supported by students. Other activities are unacceptable, extreme and even offensive, which alienate the overwhelming majority of students on campuses, in addition to the rest of the community. For those reasons the Opposition does not believe that this clause, or the intent behind it, should be supported.

The clause contains a number of proposed subsections that need further exploration. An important question relates to proposed subsection (1), which reads -

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

The Opposition wants an indication of the criteria that will be used by the student guilds and, more importantly, by the university councils to determine that fee level. The upper level of the proposed fee next year for students at the University of Western Australia is \$140 and around \$100 for students at Curtin University. Universities in other States charge far more. It is \$460 at the University of Sydney, with an additional joining fee of \$90 for first year students. New students at the University of Sydney must pay \$550 up front before they can even enrol to start studying and when they are faced with many other expenses. There is every likelihood that the fees proposed to be charged in Western Australia will increase in a fairly short space of time.

We must know the criteria to be used by the university council in determining the fee level. Secondly, we need to know what guarantees there will be, if any, that the fees will not creep up to the levels common in universities in other States of Australia. I seek a response from the minister on those issues.

Mr B.K. MASTERS: I wish to follow on from the member for Darling Range on the issue of how much the fees are likely to be next year and in future years. I am indebted to Lorraine Van Der Ende, President of the Australian Liberal Students' Federation. Several members of that organisation have produced a document entitled "Voluntary Student Unionism: Experiences in Western Australia and Victoria". Based on the information in that document, the average compulsory student fee in Australia in 1999 was \$264. The Australian National University's fee was \$195; Griffith University, \$250; the University of Melbourne, \$252; Monash University, Clayton campus, \$373.32; Northern Territory University, \$130; Queensland University of Technology, \$280; University of Sydney, \$460, with first year students also paying an extra \$90 levy; University of Queensland, \$260; University of Technology Sydney, \$355.75; University of Wollongong, Wollongong campus, \$361, with first year students also paying an extra \$73.80 joining fee; and the University of Wollongong, Shoalhaven campus, \$180.50, with first year students also paying an extra \$73.80 joining fee.

When this matter was debated some months ago the minister indicated that he thought the likely applicable fee next year in Western Australian universities would be more than \$50 and, hopefully, a lot less than \$100. That is my recollection of the figure the minister had in mind only a few months ago. It now seems to be generally agreed that a fee of \$140 will be payable by students next year, should this legislation come into effect in time for this fee to be charged. Three years ago the average compulsory fee throughout Australia was \$264. What confidence does the minister have that that fee of \$140 will essentially stay the same over the next few years? Three or four per cent may need to be allowed for inflation. I am concerned - and this is something that the Labor Party has regularly protested about - that the cost of tertiary education will become more and more difficult for people from the lower socioeconomic strata of our society, and we are therefore providing university places for the wealthy and the elite only. The minister will probably respond by saying that the higher education contribution scheme fee is measured in tens of thousands of dollars a year and there are mechanisms available for students to borrow the money or pay that debt off once they commence work. However, the bottom line is that every additional cost that a student has to bear to undertake tertiary education is just another impediment or hurdle to their access to that tertiary education. In theory the fee will be \$140 next year; what is to stop the compulsory fee in Western Australian universities doubling, tripling or quadrupling over the next three or four years?

Mrs C.L. EDWARDES: Why is this fee based on a recommendation from the student guild? Everything about this legislation focuses on the guild - no less than 50 per cent of the fees will go back to the guild, and the guild will recommend what the fee will be. Everything is geared towards ensuring that the guild is heavily involved in this student amenities and services fee. The minister suggests that the universities have always missed out. Universities should have a fund to enable them to provide these amenities and services. The activities we are talking about are essentially activities supported by the guild. The guild will provide a report. I can understand that the guild would want to put forward a budget showing income and expenditure and make a recommendation

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on what the fees should be. I do not see that as being very good practice. That budget could be prepared on the basis of a wish list. If a student guild forms the basis of recommendations for student amenities fees, there may be some conflict between the council and the guild in future. If we are to have an amenities and services fee, I hope a reasonable figure is always set and that it will not be used to fund all sorts of activities, which might be grand, but we cannot all afford what we would like in life. Some rationale should enter into the debate.

I attended a conference the first thing this morning and I heard Robin Williams say that students from overseas bring \$4 billion into Australia. That is huge. He said that figure represented more than the income from wheat for the Australian economy. What was more interesting was his statement that by 2025 more overseas students will be coming into Australia and learning in our higher educational institutions than students from Australia. From a planning perspective and how we look at university placements and the like, that is a frightening figure. That amenities and services fee of \$140 will be an additional component of the cost for families who send their sons or daughters to Australia. A fee of \$140 on a \$1 300 course is a little over 10 per cent. Will the figure be around 10 per cent? Will it be 15 or 20 per cent? The member for Darling Range referred to a figure of \$550-plus compared with the cost of a unit at \$1 300 a year, and that is enormous. That will prevent some people from participating in those units. I know that young people in my electorate have real difficulty paying their fees. Some fees, such as textbook fees, must be paid up-front; many students defer paying their fees or pay them off on a monthly basis. If they are working part-time, that is where most of their funds go. Considering the likelihood that in 2025 the number of overseas students will be greater than the number of Australian students, does the minister believe 10 per cent is a reasonable figure? This figure should not discourage students from going to university; it should be a realistic figure.

Mr A.J. CARPENTER: The Bill contains no criteria for setting the level of the fee. That is a matter to be worked out between the universities and their guilds. The mechanism for doing that is set out in the report, to which the member for Kingsley referred.

Mr J.H.D. Day: Do you have some idea what the criteria should be?

Mr A.J. CARPENTER: Obviously affordability will be important, as will the range of services and amenities to be funded and the cost thereof. It is critical for the universities in Western Australia to maintain the very modest fee regime that they have at the moment, for all sorts of reasons, not the least of which is the political reason. I have urged them in that direction. The latest indication - in response to the now absent member for Vasse - was that Murdoch University was anticipating a prospective fee of approximately \$140, and the other three public institutions a fee of approximately \$100, which is an increase on their current fee structure but not to the levels in other States. There is no guarantee in this legislation, nor did I seek to include it, that fees will not rise in the future.

Mrs C.L. Edwardes: Do you see it being no more than 10 per cent?

Mr A.J. CARPENTER: I do not understand what the member means. No more than 10 per cent of what?

Mrs C.L. Edwardes: The cost of a unit.

Mr A.J. CARPENTER: We cannot have that sort of structure. HECS fees vary from course to course and subject to subject, so we cannot strike that sort of arrangement. The pressure must be on the universities and guilds to maintain an affordable rate.

With regard to maintaining the guilds' balance sheets, wish lists and so on, we must remember that the guilds exist by virtue of election by the students. Guild counsellors would be most unwise to recommend an exorbitant fee structure. It would not be in the best interests of their members. No legislative mechanism exists to address that point, but the natural pressures in the university environment will maintain some degree of modesty in the fee structure.

The point the member for Kingsley made about overseas university students and their value to the Australian economy is important. I was aware of it before I became the minister. It was raised with me, perhaps paradoxically, by the university vice-chancellors. The universities in the other States, which the member described as having very high fee structures, have become more competitive than our universities in general in attracting overseas students. In the marketplace, universities must display all their services and amenities in the best possible light. The Leader of the Opposition scoffed at that suggestion when I made it. When I was in Dubai with the Leader of the House, we spoke to educational representatives, including the Dubai education minister. They were very particular about wanting to know -

Mrs C.L. Edwardes: It could exclude Australian students in favour of overseas students because they can afford the fees.

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Mr A.J. CARPENTER: I misinterpreted the member for Kingsley's comment. I interpreted the member's remark to mean that our universities would become uncompetitive for overseas students. I take issue with the point people are making. Universities in Australia would be very foolish to neglect what will still be the base of their clientele - the students from their own areas. I deliberately did not include in the legislation mechanisms to cap fees because it would then become an ongoing political issue for Governments of the day. It is not the business of government to do that. We are providing a mechanism for universities to impose the fee. The Government will not impose a fee.

Ms S.E. Walker: Yes it will.

Mr A.J. CARPENTER: No it will not.

Ms S.E. Walker: You don't seem to be able to take responsibility for your actions.

Mr A.J. CARPENTER: The member for Nedlands does not seem to be able to understand very simple issues.

Ms S.E. Walker: I understand very simple things and I understand you.

Mr A.J. CARPENTER: If the member for Nedlands understands me, we probably do not have a disagreement. We will be providing the universities with a mechanism by which they can impose a fee. Yes, they will provide the guilds with funds.

The member for Kingsley pointed out that the guilds are central to this legislation.

Mrs C.L. Edwardes interjected.

Mr A.J. CARPENTER: That is right. It is part of the purpose of the legislation and I make no apology for that.

Dr E. CONSTABLE: I refer to proposed section 45(3), which reads -

The amenities and services fee is payable to the Council by each enrolled student, except a student exempted from doing so, or made ineligible to do so, by Statute.

Will the minister explain which students are exempted from paying fees? This has been central to the debate to this point. I understood that no-one would be exempted. Either I have missed something along the way or we have not reached that point. We have been talking about the compulsory nature of these fees rather than the possibility of exemption. Who might be ineligible to pay the fees?

Mr A.J. CARPENTER: There is the capacity for exemption in the legislation. Professor Yovich from Murdoch University suggested in his letter to me that categories of students who would be exempt from the fee would be students enrolled at other universities who cross-enrol at Murdoch, students enrolled offshore in twinning programs and students enrolled in short courses that are not part of Murdoch qualifications. I assume that broad range of categories will apply to all students exempted. In other words it will apply to students paying a fee at another university and taking a short course but not to degree level, or supplementing study at that campus and students who are offshore.

Dr E. Constable: Will externally enrolled students resident in Western Australia or some other part of Australia be required to pay a fee?

Mr A.J. CARPENTER: That is not laid down in the legislation but we addressed that point earlier. The universities will have the capacity to strike rates of fee for different categories of student, whether they are full time, part-time or external.

Dr E. CONSTABLE: I refer also to proposed subsection (6). Are there any constraints on what the university's proportion of the funds might be spent on? On what amenities and services does the minister think the university's portion of the fees should be spent? For instance, would it be appropriate for the university's proportion to be spent on library books? They are very serious aspects of this legislation.

Mr A.J. CARPENTER: I do not intend to prescribe exactly what universities should spend the funds on. The intention is not to be prescriptive; it is for services and amenities outside the courses of study for the students. This legislation will provide the universities and guilds with a stream of income that we broadly define as funds for amenities and services.

Dr E. Constable: Staff salaries could be described as a service to students. That is why I am asking you to define it.

Mr A.J. CARPENTER: I do not intend to prescribe exactly what universities must spend the funds on.

Dr E. Constable: Could it therefore be spent on staff salaries?

Mr A.J. CARPENTER: The legislation is not prescriptive. The funds are for services and amenities outside the course of study for the students.

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Dr E. Constable: Therefore, it could not be spent on library books.

Mr A.J. CARPENTER: It will depend whether the universities, in consultation with the guilds, deem that to be an appropriate expenditure.

Dr E. Constable: That is not outside the course of study.

Mr A.J. CARPENTER: The legislation does not in any way attempt to prescribe in the minutest detail every -

Dr E. Constable: I was not asking you to, I was asking for some guidance.

Mr A.J. CARPENTER: The member for Churchlands did not ask for that detail, but then she asked about a particular item.

Dr Constable: I used it as an example.

Mr A.J. CARPENTER: That is exactly my point. I am saying that the legislation provides the universities and their guilds with the capacity to discuss and reach almost a contractual arrangement on what the fees should be for.

Dr E. Constable: What if they cannot reach agreement?

Mr A.J. CARPENTER: I do not think that will arise. There may well be disagreement. Why would it be in the interests of universities and their guilds to remain in disagreement?

Dr E. Constable: The guild might ask for something that the university does not think is appropriate.

Mr A.J. CARPENTER: This process eventuated after lengthy exchanges between the universities and the guilds. This whole piece of legislation is borne from agreement. The member for Churchlands is now suggesting that they will immediately fall into disagreement and the legislation will fall down.

Dr E. Constable: I am not suggesting that. I want the minister to tell us what the minister has discussed and understands.

Mr A.J. CARPENTER: I have no doubt that the universities and their guilds will reach agreement.

Dr E. Constable: Perhaps they will be able to, so the minister should tell us about it and provide some detail rather than make the superficial comments he is making.

Mr A.J. CARPENTER: The member is seeking to have a prescriptive -

Dr E. Constable: I am not . I am asking you to explain the legislation.

Mr A.J. CARPENTER: She is seeking a prescriptive analysis, including whether the guilds can spend the money on library books. That will be a matter for discussion between the universities and their guilds. We are talking not about industrial relations, but about university campus life and people who want to improve the educational services and amenities on campus. I have absolute confidence in the capacity and integrity of those people.

Dr E. Constable: Then show some confidence in us.

Mr A.J. CARPENTER: I am. It is a pity the member for Churchlands cannot share that confidence. I am disappointed in the member's whole approach to this.

Mr J.H.D. DAY: The purpose for which these funds can be compulsorily acquired by student guilds is very important. We need more information about the purposes for which the fees may be used. For example, we need to consider the situation in which a student guild may wish to make donations to political parties - the Labor Party, the Liberal Party, the National Party, the Greens (WA), the Australian Democrats or whatever the case may be - in a partisan way. What mechanisms are there, firstly, for the students on campus to know this is happening and, secondly, for the council of the university to approve that activity or otherwise? Does the minister rule out the possibility of that occurring and, if so, how can it be ruled out?

Mr A.J. CARPENTER: We venture back into the field of the hypothetical. I have never sought to be totally prescriptive about the way the money can be applied. I read through the list of the broad range of amenities and services, which has already virtually been agreed upon among the senates, councils and guilds to which the fee can apply. This list includes student representation, social society, social activities, cultural activities, sporting activities, welfare, catering, commercial activities, capital funds and infrastructure, investments and reserves, and other services and amenities consistent with the objects and powers of the guild. That is taken from the draft statutes of the University of Western Australia. The finer detail will be provided in the statutes that will come before the Parliament. I do not anticipate that those statutes will include such things as whether money can be

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expended on library books and if so what books, the publishers, authors and so on. We must have some confidence that the universities' administration, the vice chancellors, staff, and guilds can come to an agreement.

In relation to whether money can be given to political parties, I would not stand before the Chamber and say that this legislation on its own makes that impossible. However, for all the other reasons I mentioned - including the purely political result of such an action - I doubt very much that it will occur. Again, there are in-built safeguards in the method of election to the guild and in the agreement that must be struck between the guilds and the senates. By the way, the Government of the day, whichever party is in power, appoints its representative to the senate and has an influence on the senates and councils on universities.

Mr J.H.D. Day: It has not stopped the more extreme and militant guild activities in the past, nor has it stopped the guilds making donations to political parties. What will stop it in the future?

Mr A.J. CARPENTER: This legislation requires that money be spent on services and amenities for the students. The member for Darling Range was talking about affiliation fees or moneys sent to offshore bodies, which have nothing to do with the services and amenities for the students. I deliberately did not want legislation that is so prescriptive that it detailed every single piece of possible expenditure. The statutes that will come before the House from each university will have more detail, such as that which I outlined from the University of Western Australia draft statute. Members opposite might not have enough confidence in the university senates and administrations, and the relationship they can strike with their guilds that the money is expended in the best possible way, but I do.

Ms S.E. WALKER: Every time a member has raised a question the minister has sighed or shaken his head or looked exasperated. However, it is his job to tell us what this legislation is about, and he must be accountable. The minister has sought, through this legislation, to ruthlessly impose on our young people a student tax. I do not know how old the minister's children are, but if they were university age he would know that students experience a lot of financial difficulty to get themselves through university. Is the minister telling us that he has not considered what it will cost those students? I wish he could tell me that he has considered this. When members ask what the minister thinks it will cost students, he just sighs. The minister thinks we are stupid for asking the question. The minister has introduced legislation that will have a profound effect and impact on young people at universities, many of whom cannot afford to pay these fees, and he sighs and acts as though we should not be asking the questions. The minister is accountable to this place. He is giving superficial answers. We are not asking for the nitty-gritty. I want to know whether the minister has given any thought to or discussed with the council or the guilds - which do not represent the body of students - the amenities and services fee outlined in proposed section 45. Has he discussed the hardship that the imposition of these fees may cause?

Mr C.J. BARNETT: I move -

Page 5, lines 3 to 7 - To delete the lines.

This clause provides that the percentage of the amenities and services fee paid to the student guild must exceed 50 per cent of the fees. I can see no reason for that requirement in the legislation. A more reasonable proposition would be that the level of contribution should be in some way related to the guilds' membership. Let us take the absurd situation at Edith Cowan University. If the compulsory levy on all ECU students was \$100, at least 50 per cent of that would be paid to a guild that currently has a membership of six per cent of the students. That is taxation without representation; it is an affront to the basic principles of fairness and democracy, and I see no justification for it. It is a simple amendment. We object to the compulsory imposition of this tax on education by this minister and this Government, particularly a tax that is levied on students, and we object to its being allocated in this way to this body. For that reason this provision should be deleted. If the student guilds are good enough, they will attract membership and a commensurate amount of the funding will be collected from that membership.

Mrs C.L. EDWARDES: I support the amendment. Clause 4 identified that the money transferred to the guild has a relationship to the number of members of the guild. Therefore, if 60 per cent of enrolled students are members of the guild, it will get 60 per cent of the amenities and services fee. The Leader of the Opposition's proposal to delete proposed section 45(5) will mean that if 10 per cent of enrolled students are members of the guild, the guild will get 10 per cent of the fees collected; if 40 per cent are members of the guild, it will get 40 per cent; and if the membership is 80 per cent, the guild will get 80 per cent of the fees. That is fair and reasonable. Under proposed subsection (6), any money raised through the services and amenities fee that is not transferred to the guild according to the proportion of its membership will still be spent on student amenities. Is that not the whole purpose of it, or is it about propping up the guild, and that is why proposed subsection (5) makes sure that the guild will get at least 50 per cent of the fees, irrespective of the number of enrolled students who are members of the guild? It is unreasonable to ensure that there is a guaranteed fund. There is no other



**Extract from *Hansard***

[ASSEMBLY - Thursday, 7 November 2002]

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Mrs Cheryl Edwardes; Mr Alan Carpenter; Mr Bernie Masters; Ms Sue Walker; Mr John Day; Dr Elizabeth Constable; Mr Colin Barnett

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guarantee in the Bill. There is no guarantee that the fee will be set at a particular figure, no guarantee of a cap or anything else, other than that the guild will receive at least 50 per cent of the fees, irrespective of the percentage of enrolled students who are members of the guild. I suggest that if a fee is to be raised for amenities and services, and proposed subsections (4) and (6) allow that money to be spent on amenities and services, a guaranteed level of funding should not be provided to the guild.

Mr J.H.D. DAY: The guilds on university campuses will be in a privileged situation as a result of this legislation. As has been said by previous speakers, one of the purposes of this clause is to guarantee that guilds will get more than 50 per cent of the total amount of income, regardless of their membership level. I know of no other organisation in the community that is in that privileged position - and an awful lot would like to be - whereby, regardless of their membership level, the guilds will have a guaranteed level of income from their potential membership. Whether it be a cricket club, other sporting clubs in the community, a range of social clubs or whatever the case may be, thousands of organisations in the community would like to be in that privileged position. The Opposition cannot see why the guilds on the university campuses should be placed in a situation over and above that of every other like organisation in Western Australia whereby they will have a guaranteed income, regardless of their membership level, regardless of how good they are and regardless of the value of the services they are providing and the benefits they are offering to their members.

As I said earlier today, if guilds are doing their job well and they are providing benefits to students, students will want to join. That appears to be happening to some extent at the University of Western Australia, where the current membership level of the guild is around 50 per cent. When guilds are offering benefits and doing their job well, students will want to join. There needs to be an incentive to the organisations to do their job well to attract students. Proposed subsection (5), as it currently stands, is clearly not an incentive to guilds to do their job properly and well. Therefore, the Opposition supports the amendment that has been moved by the Leader of the Opposition.

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