

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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

*Second Reading*

Resumed from 12 December.

**HON DERRICK TOMLINSON** (East Metropolitan) [5.41 pm]: At the outset, I will explain my personal position on the question of amenities fees at the University of Western Australia. When I first enrolled as an undergraduate student at the University of Western Australia, the only fee payable was the guild fee. It was a compulsory fee. No other fees were payable. At that stage the University of Western Australia was, and some would argue still is, the only university in Western Australia. It was a free university as provided under the bequest that established it. I continued to pay guild fees for the four years I was a full-time undergraduate student. I continued to pay guild fees for the four years I was a part-time undergraduate student. In the four years I was a part-time postgraduate student, I paid no guild fees because guild fees were not payable by postgraduate students. I had no objections whatsoever to paying those guild fees because I used the amenities that the fees covered. I can recall that at that time the guild built Hackett Hall and I can recall the Prime Minister of the day, Robert Gordon Menzies, coming to the University of Western Australia and opening Hackett Hall, which was paid for entirely by the UWA Guild of Undergraduates. My son currently is an undergraduate student at the University of Western Australia. He has just completed his third year. He has two years to go. In that time my wife has paid both his higher education contribution scheme fees and his guild fees. We prefer to pay the guild fees because we acknowledge the amenities that those fees provide for the students. That is my personal position on the question of fees.

I make this observation: in the time that I have been associated with the university, as a student, a member of the faculty and now the father of a student at the university, I have observed the guild becoming less and less relevant to the student body. I find that disappointing because the guild, as the association of the students, had an important role in the life of the university. As the University of Western Australia has grown in size, an increasing number of university students have had to have part-time jobs, as a consequence of which they spend less and less time at the university and more and more time earning the money that gives them the capacity to attend university. This has meant that they spend less time using the amenities of the UWA Guild of Undergraduates. Therefore, it is becoming increasingly less relevant, so much so that I was disappointed to hear my son ask me the other day what was the point of paying the fees, as the guild did nothing for him. He is a committed student who has been very involved with student life at the university. He has been invited to study at honours level and will be at the university for another two years. His question to me was: why pay the fees when the guild of undergraduates does nothing for him? That epitomises the irrelevance that the guild of undergraduates is assuming in the life of the university. However, the guild of undergraduates is exceedingly important in the structure of the university. How is the university defined in the University of Western Australia Act 1911? Section 4 of the Act states -

The University shall consist of a Senate, Convocation, staff and graduate and undergraduate students:

The university is a community of scholars; that is the tradition of a university. It is not a place where teachers and students come together for the teachers to give out information for the students to absorb and regurgitate. It is a place in which there is a meeting of minds. That community of scholars exists as a university. I am talking in terms of the traditional university. Unfortunately, in the "multiversities" as we know them today, student guilds have become less relevant. Students see themselves less and less as part of that community, and the academics are more and more removed from the scholarship of their students and more self-absorbed in either their teaching or their own research. That is a stage that the universities are going through. Not only is the guild of undergraduates a part of that community of scholars, but also it has a statutory position on the governing body of the university - the senate. In addition to the guild of undergraduates, the students have an elected representative on the senate. The students are not only an integral part of the university but also, in some respects, the *raison d'être* for its existence. They are also an integral part of the management of the university. For that reason, my personal position is that guilds should play a very important role.

I now turn to the Bill before us. I will concentrate on the University of Western Australia, because that university is the one I know best; it has been my university for a long time. The provisions of the Bill are virtually the same for each of the universities. The names are changed to suit the circumstances of each university. In some places the guild is called a student association and in other places it is called a student guild. Some universities have a senate, and others have a council. Apart from those changes to meet the circumstances of each university, the provisions in the Bill for each university are substantially the same. I will concentrate on the University of Western Australia. The University of Western Australia Act states at section 28(2b) -

It is not compulsory for any student or person seeking enrolment as a student -

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

- (a) to make a subscription or pay any fee required by the Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or
- (b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

Subsection (2b) is a redundant provision, because under the federal funding of universities, universities may not charge any fee to any student for any course-related material; for example, if a lecturer wanted to roneo notes he is prohibited from asking for a fee to cover the cost of the duplicated material. Students may not be required to pay a charge for an excursion. Any course-related charge is prohibited under the funding of the federal Government. Subsection (2b)(b) is a redundant clause because of the provisions of the federal funding of universities which have operated since 1973.

Hon Jim Scott: Under (2b) the charges are not to be!

Hon DERRICK TOMLINSON: Yes, they are redundant; they cannot be. It is not compulsory to make a subscription or pay any fee. This is significant: a student may choose to be a member of the guild. Section 28(9) states -

Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.

That is not changed in the current Bill. The guild will determine the fee with the concurrence of the Senate, and members of the guild pay that fee. The procedure now is that on enrolment a student opts into the guild. My son ticks the box, "Do you wish to be a member of the guild?" A fee is then calculated and the fee is paid, but the important thing is that he chooses to be a member of the guild. Clause 16(3) of the Bill inserts a new subsection, which reads -

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

This is the fundamental difference between the two positions. The position enacted by the previous Government was that students may opt to become members of the guild. If at the time of enrolment they opt into membership, they pay the membership fee. The Bill before us states that a student is a member of the guild upon enrolment unless he opts out. It is a voluntary membership. What is the significance then between opting in and opting out if the net result is that a student chooses to be a member of the guild? Let me illustrate the consequences of opting in versus opting out, not of the guild of undergraduates but of the State School Teachers Union of Western Australia. For four years I was concurrently an undergraduate at the University of Western Australia and a student at Claremont Teachers College. The day before I graduated from Claremont Teachers College with my teachers certificate, one of the lecturers - I cannot recall whether it was Ben Cook or Cyril Cook, or even Mr Kagi - put a form in front of me and every other graduating student and we were told fill it in. We asked what it was and we were told not to ask questions; we had to fill it in if we were to be employed by the Department of Education. As the education department was the employer of every graduate, whether he or she had passed or not, we all filled it in. By filling in that form we were opting to become a member of the union. The fee for our union membership was deducted at source, so we never saw that portion of our pay cheque. I do not know what my union membership cost me, because no-one ever told me; it was simply taken out of my pay.

In the 1972 federal election I found myself in the invidious position of being the Liberal Party candidate for the seat of Perth; the opposing candidate was Hon Joe Berinson. The State School Teachers Union and the Council of State School Organisations combined as part of a national campaign to make education the number one issue in the 1972 election. That campaign to fight against the crisis in education under the incumbent Liberal Government, for which I was an election candidate, was funded by not only union fees but also a union levy. Therefore, there I was, as a member of the union, paying for a campaign against me as a candidate! Shortly after that election, deduction of fees at source was removed as a penalty for industrial action. At that stage between 95 and 97 per cent of teachers were members of the State School Teachers Union. They had opted in, in the same way that I had opted in. However, when deduction at source ceased, 67 per cent of teachers decided to opt out and membership of the teachers union fell to 30 per cent.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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It is interesting that, on the one hand, there is opting in and, on the other hand, there is opting out. The question then was whether we paid the fee or it was deducted at source. The question now is whether people opt in or opt out. People deciding to opt in is the reverse of the situation that I just described with the teachers union, because they are electing to make a voluntary payment. They recognise that the facilities and amenities are provided by the student guild and that if they want to use those facilities and amenities they should pay for them, so they opt in to become a member and pay the fee. However, students who opt out of becoming a member will still have to pay the fee, because it is compulsory. Clause 16 of the Bill, which seeks to amend section 28 of the University of Western Australia Act, states in proposed subsection (2) -

Any student is eligible to be a member of the Guild.

*Sitting suspended from 6.00 to 7.30 pm*

Hon DERRICK TOMLINSON: I wish to refer to the illustration I used about the membership of the State School Teachers Union of Western Australia and make the point that at that time teachers' membership of the union was a fee deducted at source. The membership of the union was a 97 per cent penetration of teachers employed by the Department of Education; in other words, only three per cent opted out. They made a conscious decision not to be a member, to advise the employer that they were not a member, and to advise the employer that he was not to deduct a union membership fee at source - it was an opting out. After a decision was made to abolish deduction at source, I made the point that membership of the union was reduced to a 30 per cent penetration of teachers employed by the Department of Education in Western Australia; in other words, only 30 per cent of teachers made a deliberate decision to pay the union membership fee - in other words, to opt in to the union. There is an interesting psychological question here: why does opting out, when a decision about membership is not required because membership subscriptions are deducted at source, produce such a different result of membership from when people must make a deliberate decision to opt in? It is significant. When the guild of undergraduates' fee was compulsory, 100 per cent of students were members of the guild. When student membership became voluntary following the amendments passed by the previous Government, the membership of the guild of the University of Western Australia declined to 30 per cent - in other words, 30 per cent opted in. The parallel of numbers is probably coincidental, but the large difference between the numbers opting out and the numbers opting in is significant. Coincidental or otherwise - only 30 per cent in the case of the University of Western Australia versus the State School Teachers Union - the difference in opting in or opting out is significant. At Edith Cowan University the membership of the guild declined to six per cent. There were some peculiar circumstances at Edith Cowan University because of the unfortunate decisions taken by the student guild to invest capital into Western Women Financial Services Pty Ltd and the tragic financial consequences thereof. That was a peculiar circumstance; in the other universities the membership of the guild is between 25 and 30 per cent. The significant factor is the psychological difference between opting in and opting out. The Government is aware of this. The Act as it now stands requires the decision of the prospective student, on enrolment, to opt in; to volunteer membership and payment of the fee. This Bill reverses the decision of membership, and instead of providing for a voluntary opting in, it provides for a voluntary opting out. I suggest that it could be predicted with a certain confidence that the same psychological factors will operate. I do not know what those are; I cannot explain them, but they are real. If a student is asked to opt in, it is a conscious, deliberate, and considered decision. Opting out is equally a conscious and deliberate decision. However, if the fees are deducted at source; that is, on enrolment or out of salary, the conscious and deliberate decision is a different one. Why is this Government arguing for voluntary membership of the guild, when it is an opting out decision as opposed to opting in? It is because the Government knows that most students will simply not care. They will become, or remain, members of the guild, as the Bill requires; they are members of the guild upon enrolment unless they decide otherwise; as opposed to becoming members of the guild when they decide to do so. I want members to think carefully on that difference, because that is the only difference between the Act as it now exists and the amendment that is proposed.

With that mind-set, I now turn to the other provisions of the Bill. In clause 16, proposed section 28(2) reads, in part -

(2) Any student is eligible to be a member of the Guild.

I will return to that at a later stage, because the question of the functional autonomy of the university is involved. Section 4 of the University of Western Australia Act 1911 reads, in part -

The University shall consist of a Senate, Convocation, staff and graduate and undergraduate students:

That is the university. Convocation is all people who have graduated from the University of Western Australia. I am a member of convocation, as are many members of this Chamber. Active or otherwise, we are part of the University of Western Australia. The other parts are the senate, which is a combination of appointed and elected

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Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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members; the staff; and the graduate and undergraduate students. That is the university. Proposed section 28(2a) in clause 16 of the Bill reads -

The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

I, as a member of convocation, other members of convocation in this Chamber, the university senate, a graduate student or an undergraduate student of the university - they are the university - may do nothing to discourage or dissuade a student from being or becoming a member of the guild.

Hon Peter Foss interjected.

Hon DERRICK TOMLINSON: Exactly. The Bill is not silent on the fact that the university shall not in any way dissuade or discourage students to become or remain members of the guild. However, it is silent on the issue of coercion or inducement. Therefore, it is a case of no ticket, no start - coercion or inducement. Workers who are not members of a union cannot work on building sites. Let us translate that to the universities because no ticket, no start does not work at universities. In the light of no ticket, no start, let us look at the most basic services for which the student guilds are responsible: the refectories. That is where the bulk of students eat. Universities may do nothing to dissuade or discourage students from becoming guild members, but the Bill is silent on the fact that the university may do nothing to coerce or induce students into becoming guild members. In answer to my son's question about what is the point of his being a member of the guild because it does nothing for him, I must ask him where he will eat if he is not a member of the guild. Will he eat at the greasy spoon on Broadway?

Hon Peter Foss: It has gone.

Hon DERRICK TOMLINSON: God forbid.

Hon Kim Chance: What else have the Romans ever done for us?

Hon DERRICK TOMLINSON: What else have the Romans ever done for whom?

Hon Kim Chance: For us.

Hon DERRICK TOMLINSON: In the minister's case, given his adipose visage, I suggest they have given him too many fatty foods.

Hon Ljiljanna Ravlich: That is a bit rough coming from you.

Hon DERRICK TOMLINSON: But I have lost 20 kilograms; therefore, I can be virtuous.

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon DERRICK TOMLINSON: Although we have now moved to a level of jollity in this debate, I want members to think seriously about this matter. The Bill is quite clear that universities may not dissuade or discourage students against guild membership. Membership is voluntary by opting out, not by opting in. The university - members, me and the Archbishop of Canterbury - may not dissuade or discourage membership. We may do nothing at the point of enrolment or at any time that a student may resign to dissuade or discourage that. There is bilious silence on the alternative. The Bill says that members, me and the Archbishop of Canterbury may do whatever we will to coerce or induce membership. That is a considerable difference. Two factors are now operating, one of which is the psychological factor of opting in and opting out.

I cannot explain it, but it is real. Members opposite know it is real because their party affiliation is very aware of it, as is mine. We are all very aware of it. To that we add a legal or statutory provision that no-one may do anything to dissuade against membership, but people can do what they like to coerce people in. I will tell my son that his choice is either membership or the greasy spoon! When it comes to the tavern, it is fortunate that my son is a non-drinker; he cannot stand the smell of alcohol. He hates the fact that I have two scotches each night. I do not know why he is like that; it must be some strange factor of heredity. However, he does go to the Bent Elbow. Why does he go there? Because that is where his mates are, particularly those of the opposite gender. He is a red-blooded Australian male! He is a chip off the old block!

Hon Kim Chance: Does he drink chamomile tea?

Hon DERRICK TOMLINSON: He certainly does not; he drinks only water. I will have to tell him that the guild runs the tavern and if he is not a member of the guild he cannot go to the Bent Elbow. He cannot go if he does not have his ticket - no ticket, no start!

Hon Graham Giffard: Are you really going to say that to him?

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon DERRICK TOMLINSON: I certainly will. I happen to know the minds of the people who have drafted this legislation. Why is it that those people - who I know as decent human beings; I like many of them - are so bent on coercion? Why is it that they are so bent on compulsion? Why do they not want freedom of choice?

Hon Kim Chance interjected.

Hon DERRICK TOMLINSON: The Leader of the House is looking quizzical. The question is opting in versus opting out and the Government has chosen opting out. Opting out is psychological coercion, is it not? Members should think about that. Having made the provision of psychological coercion for opting out, the Government then says it shall be unlawful to dissuade or discourage a student from doing so. The Government is silent on "coerce" or "induce". It is a question of why the Government supports not only compulsion, but also coercion? I will illustrate the coercion. I became a member of the State School Teachers Union of WA because, as a graduating student, the membership form was placed in front of me. I was a member of the State School Teachers Union for 10 of the 11 years that I was employed by the Department of Education as a teacher. At no stage did I think of opting out. In fact, I was president of the Geraldton branch of the SSTU for two or three years.

Hon Peter Foss: A leftie!

Hon DERRICK TOMLINSON: Yes, a leftie! I was a delegate to the state conference of the teachers union for two or three years.

Hon Peter Foss: Horror!

Hon DERRICK TOMLINSON: Yes, horror! I was actively involved in the SSTU, even though I was a member of the Liberal Party. I can remember standing up at one of the state conferences and the state president asked me how I could be the president of the Geraldton branch of the SSTU and also president of the Geraldton branch of the Liberal Party.

It was incomprehensible to him.

Hon Kim Chance: Have you always been confused like that?

Hon DERRICK TOMLINSON: No, I have never been confused. As far as I was concerned it was a simple matter. I chose; I had freedom of choice. Although I made that choice, members of the State School Teachers Union of WA asked why the people who were not members of the union should benefit from the pay rises that the union negotiated. They wanted to discriminate so that union members would get the pay rise and those who were not union members would not get the pay rise. That is coercion.

Hon Jim Scott: It's a payment for services.

Hon DERRICK TOMLINSON: Payment for services, is it? It is the old payback: they give the money to their mates but they discriminate against those people who are not their mates. That explains WA Inc, does it not?

Hon Graham Giffard interjected.

Hon DERRICK TOMLINSON: Yes, it was fundamental to WA Inc. That is the psychology of it. That is the corruption of morals.

Hon Graham Giffard: You are a write-off.

Hon DERRICK TOMLINSON: I am right on. It is starting to hurt, is it not? Government members are starting to respond, are they not, Mr Deputy President?

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon Ljiljanna Ravlich: Why didn't you opt out if you were so unhappy?

Hon DERRICK TOMLINSON: I did.

Hon Ljiljanna Ravlich: Yes, because you knew you were going somewhere else. I must say that for you plain ignorance is a bit rich. You wanted the benefits and you took the benefits.

Hon DERRICK TOMLINSON: One day I will explain to members my career decisions in my eleventh year of teaching. They were purely serendipitous. As far as I was concerned I was going to be a teacher for the rest of my life. Had I remained in teaching I would now be in my twenty-fifth year as a principal of a senior high school. The circumstances that occurred were merely serendipitous. However, I will leave members to their imagination; I know the facts.

I return to the serious question I asked about coercion and the freedom of choice, which is what this legislation is about. The Government has presented it as a voluntary membership, but it is a coercive membership. It is a

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

psychological and real coercion because the legislation does not outlaw inducement or coercion. The Government is silent on inducement and coercion. It is vocal on dissuasion and discouragement but silent on coercion. Why?

I return to clause 16 of the Bill and proposed section 28(2), which reads -

Any student is eligible to be a member of the Guild.

Section 28(2) of the University of Western Australia Act currently states -

Subject to the conditions and qualifications for membership prescribed by Statute any student may be a member of the Guild.

This legislation will take away the qualifier that it is a decision of the senate, according to the statutes of the senate of the University of Western Australia, to allow a student to become a member of the guild. It will take away from the University of Western Australia - and I presume from all the other universities - its functional autonomy for self-government.

Hon Graham Giffard: Don't be silly.

Hon DERRICK TOMLINSON: Yes, it is. It is fundamental to the nature of a university that it be a self-governing body. We are talking about academic freedom. I have heard members in this debate say that universities are places of intellectual foment. I applaud that. They must be places of intellectual foment. However, they must be places in which people are free to express an opinion, free to think and free to speak. For a university to have that freedom it must have the power to govern itself.

In this simple clause, the Government is taking away that discretion to decide. The Opposition does not want the university senates to decide the membership. Any student shall be a member of the guild by statute of this Government. Why do members opposite want to use that coercion and want to continue to strip people of their freedom?

Hon Alan Cadby: They're control freaks.

Hon DERRICK TOMLINSON: I do not think it is a question of their being control freaks; I think the Government has a strong intellectual, philosophical commitment to the denial of that freedom. It constantly wants to control and regulate.

I began by exposing my personal commitment to university student guilds. I will continue to pay my son's membership of the guild because I believe in payment for use. If my son is using the facilities of the university, I believe he should pay for that amenity. That is my deliberate decision to opt in. However, I object to a statute of this Parliament denying the right of an individual to decide. Regardless of any argument that members opposite might mount, the words of this Bill deny the right to choose because it is a compulsion to opt out, and a compulsion to opt out is not a choice. I do not support this Bill.

**HON SUE ELLERY** (South Metropolitan) [7.56 pm]: In supporting the legislation I will canvass a couple of issues raised in the debate so far. Like the speaker before me, I will reveal my history up front. I held elected positions in both the University of Western Australia student guild and what was then the national student organisation, the Australian National Union of Students, when I was based in Melbourne.

Several members interjected.

Hon SUE ELLERY: The conservative opposition to this legislation and the murmurings from members opposite are not new to me. I agree with Hon Derrick Tomlinson that this issue marks the difference between the Australian Labor Party and the Liberal Party. I am experiencing a sense of déjà vu because the arguments I have heard in the past few sitting days were presented by the Liberals on campus when I was there 20-plus years ago.

At the heart of the Opposition's argument is the notion that this legislation constitutes a form of compulsory unionism. Nothing in this legislation compels membership of any guild or student association because of the existence of the opt-out provision. Membership remains voluntary. It is consistent with universities across Australia. In preparing my notes for my speech tonight, I examined some work done by the Australian Vice-Chancellor's Committee in preparation for submissions it made to, I think, a Senate inquiry on a proposition similar to that proposed and passed in this place by Hon Norman Moore when he was Minister for Education. The AVCC did a survey of its membership about May 1999. All of the member universities provided students with a choice of membership of their associations. Many of them provided a form of either religious or conscientious objection while still collecting a fee that would be used for student-related purposes. A form of membership opt out by which students are still liable for a fee is the norm across Australia. This legislation provides that opt-out provision at the point of enrolment and the choice can be exercised at any stage after enrolment. In this country there is nothing new or radical about this legislation.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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I also think that the compulsory unionism analogy fails because there is a distinguishable difference between the nature of trade unions and that of student organisations. They do have some things in common. At the heart of what they have in common is the objective of representing their respective members' interests. However, what distinguishes them is that student organisations have a much greater focus on the provision of direct services, such as the cafeteria and those sorts of services. A better analogy, and one that has already been flagged in this debate, is with local government, in which rates are paid, a range of representative functions are exercised and services are provided, which the local community may or may not use. However, if a person owns property, that person will pay rates.

If we were to apply the model for student guilds in Hon Norman Moore's legislation to local government and make the payment of rates voluntary, what impact would that have on the capacity of local government to provide the range of services we as a community expect? In fact, let us take it up a level. Let us apply the Hon Norman Moore model to all fees, rates and taxes and make them all voluntary. Human nature being what it is, we would expect less income and, therefore, fewer services for our communities. That is important, because the fact that Western Australian students, of whom much has been made in this debate, elected not to join student associations during the period of the current legislation - that is, since 1994 - is not proof of student support for voluntary student unionism. It reflects not a commitment to freedom of association but, rather, a decision not to pay a charge when it is made voluntary. That has been achieved at a very high price.

Why is it that the legislation provides that certain levels of the fee will be directed to the guilds and student associations? That is because of the devastating effect that the current legislation had on the guilds. It eroded their capacity to such an extent that they needed to be rebuilt. We do not make any apology for that. The universities, which in many cases had to prop up the associations out of moneys that should have been spent on direct teaching and research programs, will now be able to redirect that money to their core functions. Prior to the current legislation, student associations provided a wide range of services - we have heard about some of those already - including campus sports facilities; catering and food services; welfare services, including a vast range of services that are essential to students such as housing assistance, financial support and health services; retail outlets such as book shops, which provide subsidised books for students; student employment placement services; vacation employment programs; development courses such as curriculum vitae writing; effective studying courses; job search assistance; child care; and orientation activities and information, which are critical to new students for more reasons than one. Since the introduction of the current legislation, these services have been either cut completely or so reduced as to be of limited value to students.

Another critical issue, which in part answers one of the questions asked by Hon Derrick Tomlinson about the autonomy of universities, is that the universities support the legislation, because they have used strong and vital student organisations as part of the marketable assets of their universities. Universities these days are far more competitive in the domestic market as well as overseas. The measure of the university is not limited to its teaching and research record; it relates also to campus life and the support services for students. Key drivers of the cultural and social life on campus and providers of the student services are the student organisations and the guilds. Decimating them decimated part of the marketing capacity of the universities. For those reasons, university administrators support the legislation and have been calling on us to hurry up and pass it through this place.

Hon Barry House interjected.

Hon SUE ELLERY: And tavern 100. Hon Barry House cannot tell me that he did not do tavern 100.

We are unapologetic that part of the objective of this legislation is to rebuild the capacity of those associations and guilds to contribute to a vibrant campus life.

I turn to the opposition to this legislation. The debate in the other place was far more heated on this issue than the debate I have heard so far in this place.

Hon Peter Foss: We are much more moderate here, that is why.

Hon SUE ELLERY: We must be. It also relates to the view that student associations and guilds are hotbeds of political activism, and that somehow that is a bad thing. Many in this Chamber and those who came before us - it will hopefully be the same for those who come after us - learnt about politics, campaigning, engaging in debate and building coalitions through these student associations. Indeed, our political views were tested and developed by virtue of the political debates that occurred within student associations and guilds. However, those opposed to this legislation argue that that political activity is not appropriate.

Hon Robyn McSweeney: It certainly isn't.

Hon SUE ELLERY: I am glad Hon Robyn McSweeney made that comment by way of interjection, because the test is not whether the student association or guild is involved in political activity but whether it is held

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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accountable to its members for its actions. Representative student guilds hold annual elections, have a range of open forums, have a capacity to call general and extraordinary meetings, and have referendum mechanisms. In addition, they are subject to the -

Hon Peter Foss: If the majority use their position improperly against the minority, they can be sued.

Hon SUE ELLERY: They will also be subject to the ultimate test to which we are all subject - the ballot box at the next election.

Hon Peter Foss: You miss the point. It is what is called the oppression of the majority. It is possible that if you join an organisation for purpose A, the majority may decide to use it for purpose B. You do not have much choice, whether you subscribe to it or not; it is an oppression of the minority.

Hon SUE ELLERY: I am sure that is an argument Hon Peter Foss will develop when he gets a chance.

Student guilds and associations are also subject to standard financial auditing processes. The test should not be whether a guild or student association is involved in political activity but whether it is democratic and is governed and abides by the statutes of its university. If the answer is yes - it is in the case of Western Australian university student associations and guilds - the political and other decisions of the student representatives will stand or fall by those democratic mechanisms. Political activity should not of itself be a reason to restrain them. This is not radical legislation. It reflects agreement between the universities, the elected student representatives -

Hon Peter Foss: I thought it was an amenities fee. Isn't it an amenities fee and not a political fee?

Hon SUE ELLERY: I am not describing it as a political fee.

Hon Peter Foss: You are saying it is for amenities.

Hon SUE ELLERY: If Hon Peter Foss listened to what I was saying, he would know that I was describing some of the reasons that have been put forward in this debate to oppose this legislation. Those reasons have included the political activities of student guilds.

Hon Peter Foss: Proposed section 41A states that the money is to be used for amenities and services. I do not think political activity is either.

Hon SUE ELLERY: I am trying to address that issue. If Hon Peter Foss listened to what I said -

Hon Peter Foss: What will the money be spent on?

Hon SUE ELLERY: I listen a lot to what Hon Peter Foss has to say.

Hon Peter Foss: So you should.

Hon SUE ELLERY: Why does Hon Peter Foss not pay me the same courtesy?

Hon Peter Foss: I get occasional interjections and I respond to them.

Hon SUE ELLERY: The legislation further builds on accountability by requiring the university senates to define, by statute, the categories of expenditure for fees paid to the guilds. That might allay -

Hon Alan Cadby: They are so broad that I cannot find anything that they cannot spend the money on.

Hon SUE ELLERY: It would be up to the university senates. I also listened to Hon Alan Cadby without interrupting him.

Hon Peter Foss: We are allowed to pass interjections. You occasionally get them.

Hon Nick Griffiths: But yours are so unruly.

Hon Peter Foss: No they are not; they are very responsible.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members! This is not a debate on interjections; it is a debate on the Bill. Hon Sue Ellery could perhaps address her remarks to me.

Hon SUE ELLERY: Indeed, Mr Deputy President, I will do so. I will conclude my remarks. The point I was trying to make is that it is within the power of the university senates to define, in their own statutes, categories of expenditure for fees paid to the guilds. The senate members who will make those decisions will be accountable by way of election. The senate is also required to set the specific mechanisms for financial auditing.

The passing of this legislation will see this Government tick off another of its election commitments. I commend the Bill to the House.

**HON LOUISE PRATT** (East Metropolitan) [8.10 pm]: I thank Hon Norman Moore for providing me with some of my inspiration for joining the Australian Labor Party after I had spent much time in 1994 campaigning

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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against voluntary student unionism. I thought at that time that I should do something about my dislike for Liberals. Therefore, in part I also thank Hon Norman Moore for providing me with some of my inspiration for seeking election to this place. My first experience of this place was listening to the voluntary student unionism debate and organising protests outside the Parliament. At that time Hon Norman Moore was named "Stormin' Norman" because of his reputation in education circles.

I am very glad to speak in support of this Bill because student guilds support a vibrant and equitable campus life. During previous debate on this Bill, a member mentioned student politicians with their noses in the trough. I think the member was looking at me as if to ask what student activists and student representatives get out of being involved in their student guild. They get a warm feeling about making a contribution to campus life. I was pleased to be an unpaid volunteer for the student guild for three years. It was a very rewarding experience. A vast number of students volunteer their time on campus.

This Bill seeks to address the negative impacts of the 1994 legislation on the provision of student amenities and services in public universities and to remedy the impact it has had on campus life and campus culture in general. At the time we called it anti-student legislation. The legislation undermined student control of student affairs. Student representatives are still articulating that concern today. In 1994 the legislation had very bad ramifications on the infrastructure of the guilds and their ability to convey the student voice and represent students' concerns to the university and the wider community. The legislation limited the nature and operation of guilds and attempted to emasculate them, because of a narrow concern about political activism. The Government at the time was prepared to decimate those organisations' services of advocacy, representation and cultural activity, which represent a vast part of the fabric of campus life. Hon John Cowdell said in a speech to this place that the guilds were to be starved to death and that some, such as Murdoch and Edith Cowan University guilds, may keel over quickly because of their debt ratio and lack of assets.

Upon sad reflection, how true Hon John Cowdell's words were. Edith Cowan University guild has to all intents and purposes collapsed, despite the best efforts of students to provide a very limited range of services under the voluntary student unionism model. Murdoch University guild is on the brink, having struggled along on loans from the university and with its options quickly coming to an end. Failure to pass this legislation will see the loss of 60 jobs at that university.

I will take a moment to reflect upon the audit report in 2002 from Hall Chadwick chartered accountants. Under the heading "Inherent Uncertainty Regarding Going Concern" it states -

Without qualification noted in the statement noted above, attention is drawn to the following matter:

As stated in Note 1 to the financial statements, the financial report has been prepared on a going concern basis. The ability of the Guild to continue as a going concern is dependent on adequate financial support being made available from the Murdoch University or from alternate sources.

Members opposite have said that if guilds do not attract the membership they need to survive, that is too bad; they obviously do not deserve to exist. However, that is not the view of the universities or of the students. The fact of the matter is that without this legislation these organisations are not sustainable. They are very important to university and campus life.

I note the ongoing comments by members opposite about freedom of association. I do not have the citations in front of me, but a number of test cases in South Australia have established that to join a student association is not an affront to freedom of association. In my view, to pay a fee for being a part of campus life is a bit like paying for a drivers licence. We are not allowed to drive unless we have a drivers licence. It is also a bit like paying local government rates. These things are controlled by democratic institutions.

Guilds provide many vital services to both members and non-members. Often they find it impractical to distinguish between students who are eligible and students who are not eligible to receive services, and sometimes they do not want to distinguish, because a student is in need. The new model will allow students to access services irrespective of their guild membership. That is probably the model that most universities will fall into, because they will recognise the importance of maintaining a universal student body that treats all students the same, irrespective of whether they have paid their fees to the university or the guild. I hope that will mean that students will be able to maintain fairly seamless access to services.

The student guilds of the University of Western Australia and Curtin University have survived the onset of VSU in this State, but with vastly curtailed services and with a significant dependence on the university. Failure to pass this legislation will cause them to further curtail their activities and services. That will lead to a further fall in membership of important organisations that are integral to the campus life of the universities. The universities have also had to commit additional resources to provide amenities and services. I want to acknowledge at this

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

point that the previous Labor Government stepped in to support student organisations because it recognised the important contribution that they make to campus life.

The Voluntary Membership of Student Guilds and Associations Act has caused difficulties for the universities in supporting the guilds and providing amenities and services. The current Act denies universities the right to raise a student amenities and services fee to support the provision of these essential amenities and services. This is an untenable situation that has now reached a point of crisis. This Bill will allow universities to raise such a fee. I believe that will greatly enhance the quality of student life and student facilities, within our universities, which is a vital part of the university experience. In particular, I want to highlight student participation in clubs and societies. Clubs and societies are a vital way of contributing to a person's education, because they extend the learning experience and professional skills. They are every bit as valuable as the formal learning experience on campus. That applies to organisations from a wide range of political perspectives, whether it be an engineering society, AIESEC, or the campus Liberal club, which was very active in utilising guild support when I was on campus.

Hon Peter Foss: Membership of them is not compulsory, though.

Hon LOUISE PRATT: Yes, but without the universal collection of amenities fees, there is no capacity to support clubs and societies on campus.

Hon Peter Foss: If students did not have to pay a universal fee, they could afford to join the clubs.

Hon LOUISE PRATT: Most of the clubs have nominal fees. In fact, students can participate in most of these activities without even being a member, because that is the nature of campus life.

This Bill has been developed after extensive consultation and agreement between individual universities and their guilds. It reflects the common aspirations of the administrations of all four public universities, each of which operates under its own Act. It includes the guild being recognised as the means of communication between students and the university, and the senate or council of the university in accordance with the university statutes. A student may elect at the time of enrolment not to become a member of the guild. An enrolled student may resign at any time as a member of the guild. In other words, membership is not compulsory and the Bill cannot be said to offend the principle of freedom of association.

Hon Barbara Scott seems to have misunderstood the nature of this legislation because she implied that the solution to this problem was to introduce the model used in Victoria. She did not understand that this provision is contained within the legislation. She basically implied that if we inserted a provision similar to the one that is before us it would be good enough, because she assumed -

Hon Graham Giffard: She also said she had no objection to a compulsory fee.

Hon LOUISE PRATT: She assumed that the Bill before us had arbitrary membership provisions. I found the majority of her speech to be misinformed. She was an advocate for a model similar to that in the legislation before us. The Australian Vice-Chancellors' Committee believes that representative student organisations work best when membership is universal and supports universal membership. Although that will not be the situation entirely in this instance, this model will enable universal participation in campus life. As I said previously, irrespective of whether students give their money to the guild or the university, they will have made a contribution and they should be able to access the full gamut of services on campus.

Hon Peter Foss: It does not matter who they give it to, it all ends up with the guild anyway.

Hon LOUISE PRATT: I am a firm believer that it should all end up with the guild, because students would prefer their money to be controlled by students and not by the universities.

Hon Peter Foss: This is where the compulsion comes in because they have to pay the money anyway.

Hon LOUISE PRATT: I did not hear that interjection from the honourable member, so I cannot respond to it. The amenities and services fee can be set at an amount approved by the senate or council after it receives a report and recommendation from the guild. I note that some members opposite also made some rather flippant remarks about fees of \$400 or \$500 -

Hon Peter Foss: If we are to fall in line with the rest of Australia, I suspect that will happen.

Hon LOUISE PRATT: Western Australia has always had much more modest fees than other States. In my experience at the University of Western Australia those fees were set by a general meeting of students. They were not just set by the guild council.

Hon Graham Giffard: It is the same at Murdoch University.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon LOUISE PRATT: Yes. The guild council must take its proposed fee structure to a student meeting. In my experience those meetings were attended by a couple of hundred students and there was generally lively debate about the merits of the proposals. When I participated in those discussions, any increase was always very modest or there was none at all. I thought that was an equitable way of negotiating those matters.

As members will be aware, a minimum 50 per cent of the guild fee will go to the guild, but I firmly believe that the majority of the fees will end up in students' hands, as students would rather the guild used the money than the university. I believe students find that their guilds are inherently accountable in that sense - more accountable than the universities themselves. The part of the 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. I hope that will mean an integrated approach to the provision of services.

I note that Hon Norman Moore suggested there should be a referendum on this issue, but I would like to highlight my experience at the University of Western Australia. Students in favour of voluntary student unionism ran on tickets to get elected during the campus elections and they failed; and that, in effect, is a referendum.

Hon Derrick Tomlinson: So what? That is like saying you will have a referendum on one vote, one value.

Hon LOUISE PRATT: I think the member is just being belligerent because he cannot win the argument.

In University of Western Australia elections, all students are eligible to vote regardless of whether they are members of the guild. It comes down to the fundamental integrity of the whole student body. This is a point the Opposition has failed to comprehend. It is important to maintain the integrity of the student body and that universal voting right, although others would say that people who are not members do not deserve to vote. Under the Government's legislation the universities will be able to continue to decide their own voting systems.

One of the reasons the Liberal Party pursued this legislation in 1994 was precisely because guilds have been very effective in representing students' interests. I saw the effectiveness of the campaign run by the National Union of Students in the federal election in 1993 against the prospect of fee hikes that, since the election, have come true.

Hon Peter Foss interjected.

Hon LOUISE PRATT: No, that is not why I support it. In 1993 I was perhaps a naive student activist who said that I would just be a student representative and I would not join a political party. I was adamant about that at the time. I have since learned the naivety of my opinion at that time. It is only through guilds that students have an effective voice within the university and the community, and they are able to organise against moves that are detrimental to students.

Hon Alan Cadby referred to the impact of the fee, as did a number of other members. He spoke about the equity of being forced to pay this fee. I would like to ask members opposite about the equity of thousands of families around this State being sent debt collectors' notices by their schools because they were unable to pay the compulsory fee. Now members opposite have the cheek to talk about equity in relation to this legislation. It is a very cheeky thing to do.

Hon Simon O'Brien: Are you against this compulsory fee?

Hon LOUISE PRATT: No; just hear me out. I have just been talking to people from the University of Western Australia, asking them how they will deal with issues of equity when it comes to paying these fees. Students do not have to pay the fee upon enrolment; they will be invoiced. They can receive an interest-free university loan to pay it, if required. I was the beneficiary of such loans when I was at university, and I had trouble paying telephone bills and rent because I had too many books to buy.

Hon Bruce Donaldson: Did you come from the country or the city?

Hon LOUISE PRATT: I lived on the outskirts of the metropolitan area, so I lived at St Catherine's College along with many other country students.

Hon Bruce Donaldson: Then you would know how expensive it is coming from the country to go to university.

Hon LOUISE PRATT: Yes; it is an incredible cost. I acquired a number of university loans to see me through those days. In fact, the guild loans I received were extremely important to me. Guilds will, under some circumstances, also assist students with particular financial situations without the need for repayment under very specific and accountable conditions. The arguments about equity are a complete and utter furphy, because the universities and the guilds are very mindful of those impacts on students. The guilds are the watchdogs of the universities, fighting the increases in book fees and photocopying fees and the proliferation of other fees. Examples of the contributions of guilds include the guild of Murdoch University being involved in preventing

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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the university from cutting a range of courses; the University of Western Australia's ongoing discussion about anonymous assessment; and the Curtin University guild's successful opposition to a \$250 student tax for international students. Every day, guilds provide significant outcomes for students. They help to save students' time, money and reduce their hassles, which helps improve their university education. Membership of student guilds provides value for money. Historically, guilds are as accountable as any other organisation; in fact, they are even more accountable because of their democratic structures.

Hon Simon O'Brien: Cut it out. Every time they waste \$10 000 or \$15 000 on a refugee campaign?

Hon LOUISE PRATT: They do not. I wish. Being a big supporter of refugees, I would love to see guilds do that - in fact, no, I would not. They do not and would not do that because they are accountable. They would not waste money on that.

Hon Peter Foss: What sort of a service amenity fee is that?

Hon LOUISE PRATT: Exactly; it is not a service amenity fee; therefore, they would not do that.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon LOUISE PRATT: They do not do that. Members opposite are living in the 1970s -

Several members interjected.

The DEPUTY PRESIDENT: Order, members! There are some rules to this debate. Although a certain level of interjecting is acceptable, the current level of interjections is not. The member might like to address her comments through the Chair.

Hon LOUISE PRATT: My apologies, Mr Deputy President. I was trying to say that I believe members opposite are stereotyping student organisations according to members' views of the 1950s, 1960s or 1970s, depending on when they went to university.

Hon Derrick Tomlinson: The 1950s in my case, darling!

Hon LOUISE PRATT: Student organisations today are very contemporary. In order to deliver accountable and equitable services, they undergo financial planning and have accountants, managers and other necessary staff that any service organisation is expected to have.

Hon Peter Foss: Do you think we did not have those services in the 1970s? Do you think we do it all with quill pens?

Hon LOUISE PRATT: I do not know how it operated in the 1970s. I was born in the early 1970s, so I cannot be held accountable for that.

I believe that the 1994 legislation was not interested in freedom of association or accountability; it was largely an attempt to guarantee the emasculation of student organisations.

Hon Ray Halligan: Can you explain why you think that?

Hon LOUISE PRATT: Because of the political potency student guilds had in the 1993 election campaign. That is a good motivating factor. The guilds were an extremely powerful force in deterring students from voting for the Liberal Party in 1993.

Hon Ray Halligan: That is why we won the election.

Hon LOUISE PRATT: The Liberal Party did not win that election; it won the 1996 election.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! The member does not need to answer interjections and other members who have yet to speak will soon get their opportunity.

Hon LOUISE PRATT: I will highlight some of the things that Malcolm Orr, the Registrar of the University of Western Australia said. He agreed that the voluntary student unionism legislation was a poorly disguised attempt to emasculate the political power of the guilds. He said that the cogent argument that the legislation failed to understand the nature and purpose of student guilds did not change the resolution of the proponents of the amendments, who considered student organisations as the spawning ground for radical politics, and so the legislation was passed.

The University of Western Australia Act defines student guilds as an integral part of the university community. In addition, they provide a valuable mechanism for feeding student opinion into the university community. The guilds have long been recognised as the principal means by which students can gain experience beyond the academic discipline of their courses. According to Malcolm Orr, an outcome of the VSU legislation was that it

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

forced the guilds to become more efficient and cost-effective organisations. Indeed, in part, that is true. However, he says that there are sleeping problems, which are surfacing, that are confronting universities with having to make difficult decisions. That reflects on what was said about Murdoch University and the long-term viability of student guilds without the universal support through this type of fee because the membership base is otherwise too small. In spite of the hard work by guild officials, it seems unlikely that the guild will succeed in getting its membership much beyond 4 000 students out of 12 000 students. That is the consistent rate across all universities whether or not good campaigns have been run. There has not been much movement in membership above that rate. Therefore, there has been insufficient recurrent income from that source to provide a viable financial base for the future as an alternative to the systematic propping up over the past few years by universities and the federal Government. That propping up is not sustainable and the current membership base is not sustainable. We are rightly reverting to a universal system. Malcolm Orr concludes by stating -

*If no action is taken to counter the long term impact of VSU, it is possible that the Guild will go into decline, with static membership, exhausted reserves and reducing services. In such a scenario the organisation could start to disintegrate. The destruction of an institution which has served the University and its students well over many years would be regrettable, and a heavy price to pay for a Government's exaggerated fear of student radicalism.*

I conclude by saying that this legislation brings a balance back to campus life. There is a strong need for robust student organisations on campus. Without them, campus life is unbalanced. It becomes dominated by academic staff and university management, which are only one part of the university experience. The other part of university experience is student life. Student guilds make a fundamental contribution to student life and the university experience. Universities gain respect not only from teaching and academic records but also from the robustness and diversity of campus life. I congratulate all members who support this legislation and who, by doing so, indicate their support for improving education for students in this State. I commend the Bill to the House.

**HON SIMON O'BRIEN** (South Metropolitan) [8.37 pm]: The Acts Amendment (Student Guilds and Associations) Bill 2002 is just another instalment in a continuing suite of measures introduced by this Government, which finds itself in the happy situation of having acquiescent minor party colleagues in this House who are more than happy to join it in implementing a number of party platform measures near and dear to the heart of the Labor Party. This legislation is not as radical as some we have seen recently. This House has seen electoral changes rammed through unlawfully. It has seen a colossal attack on traditional and family values. It has also seen a range of measures through gay and lesbian legislation, which was nothing more than a cover to amend a number of Acts. It was implemented at the behest of radical members of the ALP as part of a social reform package. There are other thrills and spills that I could refer to, and a few more to come. This legislation is fairly modest in that it wants to take us back to the future; back to the 1950s when Hon Derrick Tomlinson was an alumni of one of the State's premier institutions. This legislation is concerned with removing the status of membership of student guilds and associations from one of voluntary participation to one of compulsory membership; more specifically, of payment of fees. This Bill is all about money and control. It is not surprising that the Government has the active encouragement and participation of those who are charged with managing the universities.

The universities have dollar signs in their eyes. They want another source of revenue, tax or on-campus revenue raising that will not be sheeted home to them directly. It is understandable that they have dollar signs in their eyes. It is also understandable that the Government has the full encouragement and cooperation of the guilds. What a colossal vested interest it has. This Government can come into this place and say, "Look, all the guilds think this is a terrific idea." Do members not think there is a teeny-weeny conflict of interest? Of course the guilds are all for it; it is a colossal revenue win for them. That is what this Bill is all about. It is also about exerting a control over the compulsory extraction of fees and a control also over some other measures contained in this legislation, as typified by the proposed amendments to section 20 of the Murdoch University Act 1973. I will return to that theme shortly.

Much has already been said in this debate about the Bill. I do not intend to go over old ground unnecessarily. I do not even wish to visit a range of issues that have been visited by other members because they are not necessarily issues that push my buttons. Firstly, I do not have a fundamental and philosophical objection to the existence of guilds; quite the reverse. I can foresee hypothetical situations in which I would consider joining a guild if I were at university. I would not have a problem with joining a guild if I had examined the reasons for my prospective membership and made a decision to do so. I would have a problem, and might feel inclined to dig in my heels, if I were compulsorily required to join a guild; or any other association for that matter. However, I do not have a problem with guilds and what the pure form of student association is about. Again I do not have an objection to any association, particularly a student association, that comprises members who feel

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

passionately about matters and is concerned with the issues of the day, whether they affect the life of the campus or whether they are the wider state of current affairs off campus.

In many fields of life organisations adopt various causes on behalf of their members. Sometimes those causes are obliquely relevant to their specific membership, but that is what organisations do; if that is what the membership of an organisation wants it to do, that is what it can do. I make it clear that I do not have a problem with guilds per se in the same way that I do not have a problem with trade unions per se, with professional associations per se or even with political parties per se. I judge people and organisations, not on what they are but on what they do. There is a meaningful role for student guilds and associations to play, but they should not have all the measures attached to them that are contained in this Bill. We have heard that the membership levels of guilds have declined sharply from previous levels. Well, hello! Naturally when compulsory membership becomes voluntary, membership will decline. What did members opposite expect? Like other organisations, guilds should be able to attract and retain voluntary membership. If the services they provide are as good as government members have indicated when they have been lecturing us about this, students will join and remain members. They will not need to be compelled to do so.

I am advised that the levels of student guild membership at several of our major metropolitan universities is from 30 to 35 per cent.

Hon Alan Cadby: All but one.

Hon SIMON O'BRIEN: That one is Edith Cowan University at which membership of the student guild is six per cent, the reasons for which have been touched on already. The level of 30 to 35 per cent of all students enrolled at university is hardly an incidental number.

Hon Alan Cadby interjected.

Hon SIMON O'BRIEN: They are large numbers, yet we have been told that some of the guilds, despite using facilities on a user-pays basis, are having difficulty managing financially and that the only solution is to get more money out of the people they are meant to be serving. We have heard some pathetic arguments in support of membership of guilds, such as it will enable members to hold a discount card to use at take-away food places like Subway. Many schemes provide discount cards. I do not know whether some members have qualified for their seniors' cards, which enable people to receive a discount in certain places. A range of memberships afford discounts at participating businesses. If students want that they should be able to have access to it. However, why should students be forced to pay a sum of money so that they can obtain a 20 per cent discount at Subway or have access to student counselling?

Hon Peter Foss: A student would be ahead if he spent \$2 000 at Subway.

Hon SIMON O'BRIEN: Hon Peter Foss is right. If becoming a member of the local student guild entitles a student to a cheap cup of coffee at the cafeteria - it means more than that, but this is the shallow argument - why should he have to pay \$80, \$100, \$200 or whatever the sum of money is? It would be a good deal because, after all, students who chose could buy a cheap cup of coffee! I am sorry, but if students want that benefit, it should be up to them to decide whether they take advantage of it.

Some of the arguments about financial problems being reasons for the compulsory payment of this amenities fee are as shallow as the examples I have just given about discounts on the cost of sandwiches or cups of coffee. There is a more serious side to this issue.

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: Does Hon Jim Scott have a cold or was he trying to attract my attention?

Hon Jim Scott: What if a business is operating at 100 per cent, but the income from membership declines so that the business ends up operating at 30 or 35 per cent?

Hon SIMON O'BRIEN: I hope, Mr Deputy President, that you did not think I was in any way encouraging unruly interjections. Hon Jim Scott asked what would happen if a businessperson had a current level of business of, say, 100 per cent and his income or turnover - the member should pay attention - suddenly dropped from 100 per cent to about 30 or 35 per cent. That would be a disastrous situation. Do members know what? That is what happens from time to time. Some other businesses might thrive and the level might go up to 135 per cent. That does happen. What the business must do then - whether it is a guild or some other business - is make some changes to accommodate that. However, the Government should not pass an Act of Parliament that provides that those people who used to buy goods from the business - I will call it Jim Green and Son - will still have to pay for those goods whether or not they want them, and that the Government will take all that money and give it to the managers of Jim Green and Son who can use it as they see fit. That is the analogy we have here. It is not a

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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valid argument to say that because the guilds reckon they need some money, it must be compulsorily acquired through a pseudo-tax on people who wish to engage in higher education.

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: My expert businessman advises me by interjection that he is glad I am not in business.

Hon Alan Cadby: I bet you are glad he is not a customer.

Hon SIMON O'BRIEN: I am glad he is not a customer.

Several members interjected.

Hon SIMON O'BRIEN: When other speakers have finished, I want to contribute two elements to the debate before I resume my seat. The first is an extension of the question of money and why it should be due. The second relates to the issue of control. We understand from the second reading speech that any enrolled student is eligible to be a member of the guild. That is fine; that is not a problem. I agree that any enrolled student in a university should be eligible to be a member of a guild, unless that student is disqualified by some other lawful means. However, I have a problem with the fact that a student will become a member of the guild upon enrolment for the period of enrolment. That is automatic. If the student wishes concurrently with his enrolment to be a member of the guild, that is also convenient. That is fine, insofar as it goes. However, the student does not get a choice. The Government is pursuing the nonsense line - I wish it would just be up front and honest about it and say that it is introducing compulsory student membership - that once the student has enrolled and concurrently becomes a member of the guild and pays his fee, the student can elect by his own positive action at that point not to be a member of the guild, or at some later time he can elect by his own positive action to resign from the guild but he will still have to pay his money.

Hon Bruce Donaldson: The fee will be the same.

Hon SIMON O'BRIEN: The fee will be the same. If that is not compulsory membership, it is so darned close that it does not matter. For all intents and purposes, it is compulsory membership, because it is the compulsory payment of a fee. I wonder how many people, when they pay this fee, will tell the universities to keep the \$150 or whatever it might be because that person does not want to be in the guild and does not want the cheap coffee or access to services that are provided by the guild. It is usury.

Hon Peter Foss: It is like the old days of compulsory unionism. You could have a conscientious objection, but you still had to pay the costs.

Hon SIMON O'BRIEN: Yes, they still had to pay the dough. I am not seeking to change the views of members opposite. That is not through a lack of enthusiasm on my part. I just know that members of the Labor Party are incapable of understanding the point that I am making. It is second nature to members on this side of the House who believe in freedom of the individual and the right of association. Members opposite seem incapable of comprehending the point that has been made. I will state it for the record and will probably have to leave it at that. I will underline how this legislation is about money and control. I point to the cynical provisions that require the senate or council of a university to collect the fee. Everyone will refer to this fee as a guild fee. Students will not ask one another whether they have paid their amenities fees. Be blowed! People will ask whether others have paid their guild fees.

Hon Derrick Tomlinson: Furthermore, on campus the students regard it as compulsory guild fees.

Hon SIMON O'BRIEN: Right. They will pay their compulsory guild fees, which will be collected not by Hon Louise Pratt's super capable guilds, which are responsible and entitled to manage their own affairs, but by the senate or council. The senate or council must do all this for the guilds. The guilds will not have to spend money to organise and run this process because the senates or councils of the universities will do it all for them. All the guilds will have to do is let the money come in.

What sort of money are we talking about? The Minister for Education put out a quite misleading statement when this Bill was introduced in the other place. He said that the percentage of the fees paid to the guilds would be equal to the percentage of students who were members of the guild, so if six per cent of students were guild members, as is the percentage at one university, that would be the percentage of the fee that the guild would receive.

Hon Graham Giffard: That was an error.

Hon SIMON O'BRIEN: As Hon Graham Giffard says, that error was conceded. I acknowledge that it was conceded. The guilds will be provided with a minimum of 51 per cent of the fees. Who cares! It does not make a blind bit of difference anyway. Everyone who enrolls in a blooming university will have to pay this fee. Surely just about every student will be a member of the guild, because students will automatically become members on

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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enrolment and will stay members. We are talking about a very high percentage - certainly not six per cent, 30 per cent or 51 per cent. This very large sum of money will not go in one parcel to the student association and in another substantial parcel to the university. Just about all of it will go to the student guild.

We should stop the nonsense that this legislation has somehow been designed to help the universities directly by injecting funds for minor works and other service provision. The only way it will do that is by getting a whole lot of student organisations, in some cases inefficiently run student organisations, off the financial backs of the universities that are struggling to maintain them. That is what this legislation is all about. It is about grabbing a whole lot of money off everybody and giving it to the guilds to use as they see fit. I agree that, in many cases, the guilds will use those funds to provide amenities and so on, but the basis of the collection of the fee is wrong. What makes it really wrong is this: does anyone in this House know what will happen if a person wants to enrol at a university, and is qualified to do so, but does not want to pay this fee? That person will not be able to enrol. Students who are part way through their degree course will be required at the start of next year to pay this money or they will not be allowed to enrol and will be out of the university. That is what I call a compulsory fee.

Hon Louise Pratt: They get an invoice when they enrol. They can have a loan to pay it off. They do not need to pay if they do not have the money.

Hon SIMON O'BRIEN: Apparently they do not have to pay invoices because they do not exist. They get a non-compulsory invoice. What happens if they do not pay the invoice? We do not know the answer, but it was an interesting little bubble.

Hon Peter Foss: They would be prevented from finishing.

Hon SIMON O'BRIEN: They would be prevented from finishing a year as opposed to starting a year; either way it would be a disaster.

This Government thinks that is all right. If this Government wants to think that is all right, bully for it. It will get together with the Greens (WA) and push through this Bill. It can then start charging people these unnecessary and unwanted fees from next year. It does not matter if people do not fit the model of university students from some decades ago when they were largely school leavers and full-timers who lived in digs and hung out at the local refectory or whatever. The Government does not have any regard for people who are part-timers; it has no regard for people who might be attending a satellite campus 20 miles, 200 miles or 1 000 miles from the main campus where all the wonderful amenities will be provided. They will still have to pay. Of course, as we already know and have heard from this debate, it has nothing to do with equity or providing services that people want and are prepared to pay for; it is all about taking money from students. That is what the Government wants to do. We have made clear our opposition to that principle. If student guilds are not capable of running themselves within their means and cutting their cloth according to their circumstances, it reflects badly on them. It is a pity that the whole student body must be victimised and ripped off in order to cover up for it.

The final point I touch on is that of control. I will illustrate it quite simply by differentiating between those of us on this side of the House who believe in freedom of association and know what it means, and those on the other side of the House who have a collective mentality that subsumes them and means that they cannot comprehend the sort of issues that we are arguing today. I direct members' attention to part 4, clause 10 of the Bill. Coincidentally Murdoch University is in my electorate. Clause 10(1) amends section 20 of the Murdoch University Act 1973 in the following terms -

Section 20(2) is amended by deleting "a recognized means of communication between its members and the Senate." and inserting instead -

the recognised means of communication between students and the Senate, in accordance with any Statutes that the Senate makes.

There is a huge difference there as a result of exchanging the indefinite article for the definite article. Labor Governments have a corporate state mentality, which means that they think the fundamental units in our society are sectors or groups, such as the student body, the university and the universities. However, the unit that makes up our society is individual people. That is the great failing of the mentality of those who are currently running this State. They fail to understand that the individual is the basic and most important building block in our society, and they change that for the collective - the student body, the work force or the sector. That cannot be more graphically illustrated than in the little amendment which exchanges the indefinite article "a recognised means of communication" - I am concerned about the start of the amendment more than the end - for the definite article "the recognised means of communication", because that precludes anybody else. That is what is wrong with that amendment. If members cannot understand that, there is no point my trying to bash it into their heads.

Hon Peter Foss: Peak bodies is another one.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon SIMON O'BRIEN: Yes. I introduce those observations with the qualifications I made in my earlier remarks, that I am not against guilds, but I am against some of the cretins who cannot run these organisations and go running to a compliant Government and say they are not getting enough money. People who are prospective members, customers or clients have a tendency to vote with their feet - that is what individuals do. The students have voted with their feet, and they have been voting with their feet for years. It will be interesting to see how they vote following this latest impost - it will be unwanted; it will certainly be unloved, but it will be another feather in the mouldy old cap of this misguided Government.

I know members are all hanging on my words to find where I stand on this legislation. I will actually be voting against this Bill, as will my colleagues, so I say good luck to the poor, long-suffering students and parents of students in this State.

**HON PETER FOSS** (East Metropolitan) [9.07 pm]: I attended the university at a time when it was known as "the" university, because it was the only university.

Hon Derrick Tomlinson: It still is.

Hon PETER FOSS: I also attended St George's College at a time when it was known as "the" college.

Hon Derrick Tomlinson: It still is.

Hon PETER FOSS: It probably still is. I was a member of the University of Western Australia guild at a time when it was known as "the" guild, because it was the only guild. I was even a member of the guild council. I held an executive position on the guild council; I was the treasurer. I was also president of the standing and statutes committee, and I participated as a member of the senior executive guild council. The interesting thing was that I did not use guilds very much, because I was also a member of the college, and I paid my subscription to the college. Like most other members of the college, I spent most of my time at the college and I got most of my amenities at the college, all of which I paid for. The members of the college went voluntarily to the college, we paid voluntarily at the college and we enjoyed our time at the college. As members might have understood, I was at university in the 1960s and stayed on into the 1970s when I did a second degree. Despite the scathing way Hon Louise Pratt referred to people who attended university in the 1970s - she seems to work on the basis that one should be entitled to instant disrespect merely because one is older - I would have thought one should at least be entitled to a certain amount of respect, although if there is no respect one could have been neutral. I do not think one should be subjected to that criticism because one was at university in the 1970s. That is one of those things that happens. I was there and I do not think I should be held in disrespect for it; nonetheless, I was there. The strange thing about it is that although Hon Louise Pratt accuses us as being the ones who want to go back to the 1970s, this Bill reeks of the 1960s and 1970s.

In the 1960s and the 1970s we had compulsory guild membership and compulsory payment of guild fees. In those days, the concession for people who did not want to be members of a union was that they could go along to the Industrial Relations Commission and establish conscientious objection. People who could satisfy the Industrial Relations Commission that they were conscientious objectors were excused from membership of the union. How generous was that? The wonderful thing about it was, just to make sure that people did not do it for financial reasons, they had to pay an amount equal to the union fee to the Government. Does that sound vaguely familiar? People were obliged to be members, like it or not, except under some circumstances in which they could opt out, but even then the money still had to be paid. That is what happened in unions in the 1960s and 1970s. This also happened at universities. This Bill takes us back to the 1960s and 1970s. I thought we had moved on from the times when restrictive trade practices, and all sorts of restrictive behaviour on the part of employers and vendors existed, and when unions were able to enforce compulsory unionism. Things have changed, generally speaking for the better. We have become more insistent on our right to freedom of choice and association. We did not have it in the 1960s and 1970s, and we put up with it, because we knew no better. We now know a bit better.

I will go over the history of the guild in Western Australia, which is an important thing to know about. At that time throughout the rest of Australia, most of the universities had two bodies. They did not just have a guild. They had a body called the student representative council and another called the union. Interestingly, the union provided the amenities at the universities. Both students and staff belonged to the union. The student representative council, on the other hand, was entirely a matter for students. One of the reasons the University of Western Australia prided itself on the fact that it had a different set-up was that, in the eastern States, the student representative councils had a very poor reputation. They did not do very much except get involved in ratbag type events. That is to be expected; when a body has no responsibility to spend any money and no real function other than to play at politics, it will quite likely end up as ratbag politics.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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In Western Australia, because the two bodies were combined - the SRC and the union were one body called the guild - it had a very large and important role to play, and it tended to take it quite seriously. For instance, during the time I was on guild council, we built the sports centre, after saving up a huge amount of money, and the new guild building, which has now been built onto quite significantly since then. We were rather obsessed with the material things of life for university students, and that was what we provided. We were in general more concerned with the provision of amenities and services, and not very concerned with student politics. That then started to change, and this is where the problem comes from the set-up we have in Western Australia. While it was being treated seriously as a means of providing amenities and services, it worked quite well. However, a group of people came in who saw the guild as an opportunity for it to make political statements about its view of the world. Its statements did not necessarily have anything to do with the university whatsoever, but it saw the guild as a forum to take up any issue that it believed in.

There are clubs at the university which are intended to do that. The various political parties all had clubs on campus. I would have thought that, if people wanted to push a particular barrow, they would join the club that pushed that barrow. For instance, if students joined a bowls club, they would not suddenly agitate for football. People might get upset if somebody kept referring to playing football and kept asking why there was no football oval during a meeting on the running of a bowls club. A reasonable answer to a person who said that at a bowls club would be, "Why don't you join a football club if you want to play football? This is a bowls club and we are going to play bowls." Many students who had happily contributed their money to the guild when it only provided amenities and services to the students got upset when people tried to use the guild as a larger stage for what was actually meant to be happening in the political clubs. Many people take the view that if they see an opportunity, they should use it. They believe that they are entitled to use it even if the majority of the people are against it. However, other people - they are well known as the silent majority - hold the view that if a group of people wanted to push a particular point of view, they should join a political club with as many like-minded people as they could find, and represent that particular point of view.

A bloke called Bob Pearce was particularly bad at using the student guild as a larger stage for political activities. He started a law degree at university and was then a member of the Young Liberals. He was one of the reasons I did not join that club. He also became a member of the guild council. He advocated the use of the guild council for political purposes. Again and again he tried to get it to have some views on the large political matters of the day. Certainly, like many political matters, they affected the students. However, like many political matters, most students were not terribly interested in them and did not think that the guild council was the appropriate place to air those views. Bob Pearce did not get very far with the guild council because, at that time, most of the members on the council represented the opinions of the body of students and did not believe that it was appropriate for those matters to be aired at the council. Therefore, Bob Pearce had a brilliant idea. Even though there were about 5 000 students at the university at that stage, he came up with the wonderful idea that he could requisition a general meeting of the guild with as few as 20 students. The good thing about general meetings of the guild was that, generally speaking, people did not turn up to them. I admit that the students were reasonably apathetic. The mass of the student body would not attend general guild meetings. Bob Pearce had only to get enough people to attend in order to requisition a general meeting. I cannot remember how many people were needed, but it was not many. They had only to sign a piece of paper for a meeting to occur.

Bob Pearce called a general meeting at which he wanted to put a view on the Vietnam War. It was fascinating that if he managed to get 20 students out of 5 000 students to turn up to the general meeting of the guild, he had done very well. He was able to ensure that the people who did attend would support his motion. He had only to stack the general meeting to pass resolutions that he could not get passed at the guild council. Many people were opposed to that. However, the general student apathy was such that it did not seem very likely that anything would happen to change the situation. People were concerned about whichever way the meeting went. For example, did it really matter whether 20 students at a general meeting said they supported or opposed the war in Vietnam? If only 20 students voted, it meant that 20 students had expressed their view and 4 980 students had not. The real message that came out of those meetings was that 4 980 students did not want to express a point of view on the matter at all. It did not matter whether 20 or 1 000 students voted for it; it still represented only a very small proportion of the students. That was a contentious issue. It was an issue on which people were sharply divided in the general and political communities at the university. When people joined the guild it was not to express political opinions; people joined it in order to enjoy amenities and services. Those people who believed that the guild should not express a view got together and made sure that the meeting was stacked. I moved that the motion not be put. Bob got quite upset about that. The reason that people were there and that they did not want the motion put was that they felt there had been a massive misuse of the guild for political purposes as opposed to the purposes that are supposedly set out in this Bill; that is, the provision of amenities and services. It might be possible to defend a fee for amenities and services if it could be guaranteed that it would be used for amenities and services. The reality is that things have changed. People who believe that they

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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have the capacity to use a university for political purposes will do so. We cannot say that they will not, because they will. The Bob Pearces of this world will continue to come back. At that general meeting my motion was passed overwhelmingly and the motion was not put. However, Bob did not give up. He kept requisitioning general meetings and gave notices of special resolutions at general meetings. He was determined to bring in political issues. I remember that he wanted to give some money to a village in North Vietnam. I am sure that was very worthy and if Bob really wanted to give money to a village in North Vietnam he was welcome to do so.

Hon Derrick Tomlinson: He may have wanted to give some money to Gerritsen for other purposes.

Hon PETER FOSS: That is true. He wanted to give our money. It was money that had been compulsorily acquired from each student. He wanted to send it to North Vietnam. Frankly, that is an abuse of the process. At that time, the statutes did not prevent it from happening. I do not think they do now either. There is nothing to stop it happening in the future. Whatever a person's views may be about whether money should be sent to North Vietnam - whether it be in the 1960s, 1970s, now or whenever - that person is entitled to his views. A person is entitled to spend his money in the way he chooses. People are not entitled to use other people's money for a purpose that is not an objective of the association they have joined. I do not care whether they have a majority or not. The suggestion by Hon Louise Pratt that people can always vote against it is hardly an answer when a person has no choice of walking away from an organisation. It is called an amenities and services fee but it is a "spend it on anything you like" fee by people who feel sufficiently active to stand for the guild council. How many people in an ordinary student body want to do that? Most university students and most people do not want to have anything to do with student politics. However, if a person wants to stop this, he must stand for election in order to stop his amenities and services fee being spent on things other than amenities and services. That is where the problem comes. We are making a mockery of voluntary membership. The situation arises when it does not matter whether a person is a member or not, he must pay the fee. Does that sound like 1960s and 1970s compulsory unionism? Of course it does. The people who wrote this legislation got the idea from the 1960s and 1970s. They are not inventing new ideas; they are using old ones. They know how to enforce compulsory unionism. They have done it before, they can do it again. Why come up with a new idea when there is a perfectly good old one to be used? The reality is that people will be told that they can either be a member of the guild, pay the money and get the services or not be a member of the guild, pay the money and not get the services. Does that sound like a choice? It is Hobson's choice. Students can have either the money and the box or hand over their money and not get the box. For the benefit of members on the other side who do not understand my elderly reference to the money or the box, I refer to a 1960s quiz program.

Hon Alan Cadby: *Pick A Box*.

Hon Nick Griffiths: Bob and Dolly.

Hon PETER FOSS: Bob and Dolly. Hon Nick Griffiths recognises it immediately. Good on him.

Hon Ljiljanna Ravlich: I had no idea what it was.

Hon PETER FOSS: I knew Hon Ljiljanna Ravlich would not know about it. That is why I gave a small translation for the benefit of those who were not around in the 1960s.

The reality of the matter is that this is a choice without a choice. To answer the question that was posed to Hon Derrick Tomlinson by his son: once this legislation is passed students would be stupid not to join the guild because at least they might have some say on how the money is spent although they will have no say about whether they pay it. The reality of this Bill, as with much of the legislation brought into the Parliament by this Government, is that it pretends to be one thing but it is plainly another. I sometimes wonder why the Government just does not do it in the way it is, in fact, doing it. We were told that two separate Bills did not offend section 14 of the Electoral Distribution Act and did not breach our Constitution. Rubbish! We knew exactly what those Bills did. Now this Bill has two provisions: voluntary membership of a guild and a compulsory fee. Where will the compulsory fee go? It will go straight back to the guild. Does that sound vaguely like that fake legislation we debated last year? Does it sound vaguely like a little window-dressing to make it seem other than it is? That is exactly what it is. That is exactly what the Government has done again. It believes splitting something into two parts changes its central character, but it does not. One of the fascinating aspects of this Bill - I am glad Hon Derrick Tomlinson pointed it out - is that inducements will be given to join the guild. I am glad that Hon Alan Cadby has a proposed amendment on the supplementary notice paper to change a rather iniquitous provision in the Bill that allows different fees to be charged to different classes of students. The provision has no qualification. There are different fees for different classes of students. One of those classes could be students who are members of the guild and another class could be students who are not. That could occur under that provision in the Bill.

Hon Alan Cadby: Murdoch University will offer additional ones.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon PETER FOSS: To whom?

Hon Alan Cadby: The university told me it will offer a loyalty discount to guild members.

Hon PETER FOSS: There we are! Murdoch University has told Hon Alan Cadby that it intends to make it cheaper for students to join the guild by offering a loyalty discount. Does that not have the old socialism tang to it? Students will get a loyalty discount if they join the guild. This is not compulsory unionism; students will just have to pay more for the amenities if they are not entitled to the loyalty discount. That sounds like a pretty good deal! They cannot vote, they cannot be members of the guild, but they can pay more for the privilege. That sounds like good, socialist, unionist thuggery if ever I came across it. It is not compulsory unionism but, boy, they will be made to pay if they do not join. Does that not sound rather like the way union thugs beat up people and put them in a container on a building site because they do not have a ticket? It sounds a bit like it to me.

Hon Ljiljanna Ravlich: The reason you got rid of workers when they didn't sign up to a workplace agreement.

Hon PETER FOSS: Hon Ljiljanna Ravlich knows perfectly well that was forbidden by the law.

Hon Ljiljanna Ravlich: Yes, you know! So much for your choice. That was an absolute corruption of the process. It was a choice that wasn't a choice and you know it. You are pathetic!

Hon PETER FOSS: Hon Ljiljanna Ravlich used to go around telling lies about that.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! We cannot have a number of shouting matches going on. Let us stick to one at a time.

Hon PETER FOSS: That was a total falsity on the part of Hon Ljiljanna Ravlich because there was a provision in the Workplace Agreements Act that prevented that. The reality is that a real opportunity existed to ensure that people who did not join the guild were not discriminated against. However, that opportunity was missed. As Hon Derrick Tomlinson pointed out, the fact that the opportunity was not taken is of great concern, even more so considering the express provisions in the legislation that encourage that form of discrimination. It is even more alarming given that Hon Alan Cadby has been told that the Murdoch Guild of Students intends to do just that with something called a loyalty discount.

The second time that I attended university, the university guild was very concerned about what the then National Union of Australian University Students was doing with affiliation fees. To put it mildly, the fees were being used in a totally irresponsible and one-sided political way on matters that had nothing whatsoever to do with student concerns.

Hon Derrick Tomlinson: Was that the NUAUS run by Bill Hartley, who was expelled from the left wing of the ALP?

Hon PETER FOSS: He was the one. However, the local student guild was able to withdraw from the NUAUS. The University of Western Australia student guild disaffiliated from it. That was a perfectly reasonable way of dealing with a ratbag organisation with which we did not want to be associated. What would UWA, Murdoch University, Curtin University of Technology or Edith Cowan University students do if the members of their guilds were to use the money in a ratbag way? Could they disaffiliate? No; if they did, they would lose any capacity to control their ratbag expenditure of money. That is the wonderful gift from this legislation. If students do not want to be associated with a guild, they cannot control how their money will be spent. What a wonderful, democratic system that is!

I would like to make a proposition to members. One way or another, everybody in Western Australia makes use of political parties, regardless of whether they belong to a political party or share the views of its members. As soon as an issue arises, they immediately seek out a political party that will support their point of view. I have seen it happen time and again. People say that they have no interest in politics, but they want a member's party to promise to do something.

Hon Derrick Tomlinson: They claim to have always voted Liberal.

Hon PETER FOSS: Exactly - or Labor or whatever. They have the desire to use a party. The party system is essential to our political system in Western Australia. We could not run this Parliament without political parties. If everybody is using these parties, how come only a few of us are paying for them? Why do I, as a member of the Liberal Party, have to pay for this system when everybody is using it? It is outrageous. What about members of the Labor Party? As soon as people join a union, they make a contribution towards the Labor Party. They get pretty good value because they get 60 per cent of the voting power. People must pay to join the Greens (WA).

Hon Giz Watson: Not much.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon PETER FOSS: There is probably a reason for that.

Hon Ljiljana Ravlich: People who pay to join the Liberal party get nothing.

Hon PETER FOSS: Exactly. We are all paying for political parties and we get no more out of them than does the ordinary person in the street. I have a solution. If everybody is using political parties, everyone should pay. We will call it the political party amenities and services fee.

Hon Derrick Tomlinson: And give a discount for members of the relevant parties.

Hon PETER FOSS: I will get to the detail later on. The important point is that there will be a political party amenities and services fee. It will be a compulsory fee to recognise the fact that parties in this State provide essential amenities and services to people. When a person turns 16 years of age - people seem to make important decisions at 16 years of age these days - that person will have to opt out of being a member of a political party. A person can choose to be in a political party, but if that person does not, he will be opted into one. The Electoral Commissioner will allot people as they come in. People can choose which party they want to join, or they can opt out and then they will not belong to any party but will still have to pay the fee. More importantly, so that political parties can continue to provide the amenities and services, the money paid by the people who have opted out of belonging to a political party will still go to the political party. It need not be in proportion to the number of people who join the political party, because that has nothing to do with it.

I think this is a very good idea. It will not be compulsory party membership. Nobody will have to join a party. Please understand me, it will not be compulsory. However, if a person does not join a political party, that person will not be allowed to have any participation in the political party. Because the political parties will not need to get people to join in order to get their money, the parties will give their services only to those people who do join the party. Members can understand that. A political party must look after the people in the party, not those who compulsorily pay the money but do not have any voting rights. What is more, we can arrange it so that those people who do not join the party will not get the special loyalty discount that will be given to members. I propose that in the first year we start with a fee of \$140 and move quickly to \$400 or \$500 per person - a poll tax. Everyone in Western Australia, whether or not they make use of political parties, will have to pay this fee.

I think that the parties will run a lot better. Some of the parties are on the bones of their backsides at the moment. Do members realise that some parties have had a big drop in membership? I know that the membership levels in some parties are down to about one-third of what they were a few years ago. This is disgraceful. We must legislate to ensure that people join political parties or, if they do not, that they pay for it, because political parties need the money so that they can provide political services to the people of Western Australia! The political parties will have a lot more money than they previously had. Until now this money has been used for political reasons; that is what people expect the money to be used for. We will allow the parties to spend the money on anything they like. Members might think that is a bit strange. People may join a political party because it is a political party, but those people have interests in other things. We are people of the world. We have a broad range of interests. For instance, one of the first things the Liberal Party will do is set up a personal training gym for members of the party. I think that is a pretty important thing to do with our political party money! I would like a luxury apartment in the middle of Perth, so a luxury apartment block will be built in the middle of Perth for members of the Liberal Party. I think that would be a useful expenditure of this money! I know that it will be spent on amenities and services for the party as opposed to the things for which we hold ourselves out to be a political party; that is, it will be spent not on political services but on other services.

This is a perfectly consistent argument. We have a very good reason for doing this. It is exactly the same reason that can be found in this Bill. The Bill does not make the guilds spend the money on amenities and services; they can spend it on anything they like, even if it is a ratbag idea, and people cannot stop the guilds unless they join them. It is a nonsense to say that it is very democratic and people will be able to determine how much is spent and what it is spent on. If they do not join, they will not have any say at all. What great logic that is! What a wonderful system! That sounds pretty democratic to me! That is what is being proposed by this ludicrous legislation. I suppose that is due partly to the fact that the Bill does not have the honesty to say what it is actually doing; that is, making guild membership compulsory.

I know why the Labor Party is so interested in this legislation. The lefties have always thought it is a marvellous opportunity to be able to use the student guilds not for amenities and services but for any purpose they like, in the same way that in the sixties the guild was being used - I am glad Hon Adele Farina is in the Chamber - by Hon Bob Pearce. We had to keep going back again and again to stop him from using the guild in that way. It was not enough to stop him once and say we did not want him to do it; we had to go back time and time again. The bulk of the people of Western Australia do not like having to fight people who are activists. Western Australians are not activists. The reason that activists can often get things done is that they keep pushing

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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because they have a bee in their bonnet about something and others do not. The reality is that this money will not be run to provide amenities and services for the benefit of students. It will be run by activists for the benefit of activists, because they are the people who will be on the guild, and the more they get active, the more the non-activists will run away from the place. Therefore, unless we put in the Bill a requirement that the money be spent on amenities and services, it will not be. If the guilds will get 50 per cent, or more, of the money without having to do anything, the guilds will have no desire to increase their membership. Why should they bother to provide a service when they will get the money anyway? In fact, the worse they treat students, the more likely it is that the students will opt out and the guilds will not have to respond to anything. That is how it will work. If we do not put in the Bill that the guilds cannot discriminate against people who do not join, they will. The Bill contains no protection against discrimination. The guilds have already come out with a good word for it - a loyalty rebate. What a lovely thought!

Times have changed. This is not the sixties or the seventies. It is a brave new world. The time when activists could command dollars just by being there and could force people to hand over money has gone. The time of compulsory unionism has gone. This is the twenty-first century. However, we would never guess that from reading this legislation. This legislation reeks of the mid twentieth century and of the lack of freedom and failure to understand individual freedoms that we had then. I admit that we put up with all sorts of things then. However, I had hoped that we had come a little way since that time. Evidently we have not, because as soon as people are given an opportunity, they haul out the old-style legislation.

It is interesting that earlier, Hon Louise Pratt wanted to abuse me and Hon Derrick Tomlinson because we were relics of the seventies. He is actually a relic of the fifties and I am a relic of the sixties.

Hon Derrick Tomlinson: I think it is insulting that I would be put in the seventies!

Hon PETER FOSS: We were relegated on the basis that we are harking back. We are harking back only because this legislation harks back. Surely in these days of such things as national competition policy, which neither One Nation nor the Greens like, the idea is that organisations get customers not by restrictive practices but by actually providing a service that customers want. That is the new word. People need to understand that if they really want people to join a group such as a guild, they need to persuade them to join by offering a service. I know students who do not want these services. In my time at college, we did not use the services of the guild very much. Most students now do not use those services. Most students spend most of their time off campus, because most of them must earn money. We spent a lot more time on campus in those days because we got our jobs in the holidays. We did not have a job during the week. My children worked. They spent their time at university in lecture rooms, tutorials and labs. Otherwise, they were out trying to get something else done - they would earn some money to stay at university. I think members will find that a large number of students spend a lot of time off campus.

Many of the amenities are for those who have the luxury of having the time to use them and who do not need to work. That is good. We are doing it for the people who actually have the money. We will take money off everybody so that the people who have the time to stay around the universities have some amenities. I remember in my time as guild treasurer actually having to deal with a loan to Robert and Janet Holmes a Court for the university flying club. It was a very good loan. I am glad we spent our money on good rich people in those days too! It is good to know that the Government is harking back to the sixties and seventies. It wants to look after the people who have the time to spend on university politics because they are not working. Those people have the time to suck coffee at the refectory. It is lovely to know that we are looking after the chardonnay socialists as usual.

I hope the Government is pleased with its legislation. It probably has become a watchword for the socialists. Good on the Government! It can say to those people that it has delivered their coffee time, their interest free loans, and all those things that are so dear to the socialist heart. It is just like the good old days of the 1960s and 1970s. Bring back Gough! Why does the Government not make him the patron of all the university student guilds? He would be proud of the chardonnay the Government is spreading among the socialists. He would be proud of those people who are very good at living off the public purse. He would be proud that the Government is getting back to good old compulsory unionism, and is not forgetting the old tricks of how to do it. It is effectively saying, "Yes, of course you can make your choice boy; go and pay your money over there." Is that not familiar? Yes, it is very familiar for us relics of the 1960s and 1970s. We remember those good old days when a shopkeeper did not have to worry about his customers or a union official about his members, because the Industrial Relations Commission made sure that there was compulsory unionism - people paid for it anyway. All those wonderful things from the 1960s and 1970s are beautifully enshrined in this legislation. We have a new batch of thrilling socialists keen to see it happen. Never fear, the rich old days for the socialists are coming back. The opportunity to practise left-wing politics by using the purse of other students is coming back. Wonderful times! Is it not nice? However, students must leave university one day and go out into the real world to earn

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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some money. Perhaps that life experience will not be so terrible. I do not quite know what are the perks of being a union official. It could be that it just means that these people will start to enjoy the perks of being a union official a little earlier.

Hon Bruce Donaldson: Yes.

Hon PETER FOSS: Hon Bruce Donaldson thinks I am correct. Perhaps that is it. Perhaps they do not have to face the real world; those people will always live off the fat of somebody else who is kicking in the money, whether he wants to or not.

Hon Bruce Donaldson: Some came in with the Burke Government as ministers, then we had WA Inc.

Hon PETER FOSS: Yes. I knew some of those.

The reality is that this is an archaic and outdated piece of legislation. It is a return to the situation of 40 or 50 years ago. It is legislation that has been dressed up to look like it is not what it is, but it is exactly that; it is what existed in the 1960s and the 1950s, and probably the 1940s, although I was not there at the time. It is exactly the same attitude: if people cannot be persuaded, if they cannot be served in order to enhance what they want, they must be compelled. I gave a speech quite early in my parliamentary career in which I read a speech by Dr Paddy O'Brien. I have not found the speech, but when I find it, I will let people know. It was a very good speech which told of the difference between socialists and non-socialists, and of the socialists' wish to control everything from morality to the lives of everybody - the totalitarian attitude. It is a wonderful summary of it all, and when I find it, I will give members the reference in *Hansard*.

Paddy, for all his faults, and he had many of them, was still very good at summarising political behaviour. He had got it down to a tee. If members read that speech, they will see that he could have been predicting this piece of legislation this year. He had it worked out. He knows socialists and knows that they love to run every part of people's lives and that they do not understand the concept of service. Members will read that speech and wonder how he knew about this Bill. He would oppose this Bill, and I do too.

**HON MURRAY CRIDDLE** (Agricultural) [9.52 pm]: My approach is from a slightly different angle because I have never been a university student, although I had every opportunity to attend. Instead, I chose to attend another university, which some people call the university of hard knocks. It was very interesting, because I think it taught me about life as it is in the real world.

The philosophy of the National Party is against any compulsory membership fees. I wonder where this sort of arrangement leads us. As we move towards compulsory membership, it would be interesting to reflect on the Pastoralists and Graziers Association and the Western Australian Farmers Federation having compulsory fees across the industry and where the money would be spent if it was not spent on the members. That is one of the questions we must ask in this case. The parliamentary secretary needs to explain to the House exactly where those fees may end up and whether a university council or the membership of some guild or association will get them.

That raises another question, which is why difficulties exist within the guilds or associations. I would like some explanation of the current situation of those organisations. If they are having difficulties organising the funds that they have at present, as the amount of funds gets larger, which will be the upshot of the collection of these fees, there is an absolute necessity that the public funds resulting from those fees be handled in a responsible way. There needs to be a clear-cut understanding of the way in which those funds will be managed and the structure of the organisations that will receive those funds. Will any debt result from the current state of the organisations?

I would like to know about the legality of this legislation and be given an explanation that will assure me that the fees do not breach any other legislation that is in place. That needs to be clearly understood. We know that the issue of levies for road funding was raised in the High Court of Australia in 1997. Will there be any issue with these fees? That legislation was passed federally following the 1997 High Court challenge.

Hon Louise Pratt spoke about a low interest or a no interest loan on an invoice to be forwarded. How will that be worked through the system? If no funds are paid, will that impact on a student's results? In the final analysis, will those students be penalised? Will they receive their results, having not paid the fees for amenities and services? I would like those serious issues to be addressed.

The Minister for Agriculture got quite angry with me earlier this evening when I asked a question regarding the provision of funding for some of the seasonal conditions and the opportunities for people to claim exceptional circumstances in the state and federal packages. People were asked to make submissions about how the drought funding should be handled and I suggested that education, and the paying for that education, was one of the most essential matters confronting country people. I hope that people in the country will not receive any penalty

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

---

following the introduction of these fees. The imposition of any fee on education will cause some difficulty for people in country areas that are suffering drought.

My four children went to university and they all had to pay their way. They found any added imposition difficult. Under the circumstances that prevail in the country, I do not want to see any further difficulties imposed upon students from those areas. I have some problems with this legislation. The compulsory charging of fees is against the philosophy of the National Party. I will be opposing this legislation.

**HON KATE DOUST** (South Metropolitan) [9.57 pm]: I am keen to support the Acts Amendment (Student Guilds and Associations) Bill 2002 and I congratulate the State Government for adhering to an election commitment to all tertiary students in this State by enabling the introduction of a universal services and amenities fee. I cannot speak with any great knowledge of how guilds operate, because during my time at university I was never an active member of a guild. Like Hon Murray Criddle, when I entered university my parents had four children to support on one income, so I was a self-supporting student who resided at a residential college, Saint Thomas More College. I had to pay my way through university and for that reason it took me a bit longer than normal, because at a later stage I had to find full-time employment to permit me to continue studying.

When I started at university in 1980, it was a very exciting period, because it was all very new and I had finally achieved my life's goal to go to university. I know it was a bit of a struggle for my parents to pay for my textbooks and guild fees, but I remember filling out the form, because at that point in my life I was not too sure what the guild was all about. When I filled out the enrolment form, I had the opportunity to tick a box to opt out of being a member of the guild. The legislation that we are currently debating is not all that different from that which existed in the 1980s. As I understand it, changes had been introduced in 1978 to enable people to tick a box and opt out of being a guild member. If I recall rightly, that change was introduced by a Liberal Government. If that Liberal Government during that period was quite comfortable to allow students to pay their fee but to opt out of being members of the guild, I do not really understand why it is such a difficulty for the Liberal Opposition of today.

I have been to university a few times over the years, at a couple of different campuses, and I will talk about my experiences as a student during that time. Because it was always a bit of a struggle to pay my college fees and to find money for other things that students like to do, I always made the most of my guild membership. It was not just the superficial things that people here have talked about, like the subsidised cups of coffee, the tavern, or the movie night. I must admit, my college mates and I used to avail ourselves of those on a regular basis. If I recall rightly, the President of this Chamber, Hon John Cowdell, used to run an excellent movie night at the university. Those of us who did not have a great income - we did not have any income, to tell the truth - used to make the most of those facilities. It was not just those ancillary facilities that were useful to us as students. The guild was also able to provide things like advocacy and representation, and other support like accommodation and employment services. We were able to see counsellors if we had any difficulties dealing with lecturers or grades. A whole range of facilities were provided as a result of the efforts of the guild. As a student who would not have been able to afford to pay for those in any other way I, like many of my friends of that time, made great use of those facilities. The University of Western Australia had some excellent facilities, not just because of the sheer number of students, but because of the very active guild that looked out for the best interests of its students.

In about 1995, I went to a different campus and commenced some postgraduate study as a part timer. The amenities and facilities that I had enjoyed as a student in other places were not available at the Mt Lawley campus of Edith Cowan University. I put this down to a change in the legislation. Because there had been such a rapid decline in guild membership, the guild was not able to provide services to part-time students, which was a real difficulty. I hope that this legislation will rectify those issues. Over the years there has been a dramatic change in the kinds of students attending university. There are no longer only the traditional full-time students. There are now a number of part-time students who study after hours, or who study intensive courses only on Saturdays. With the current system for guild membership, it has been a real problem for those guilds to access those students to find out what sort of services they want, and to provide those services. That may be one of the reasons for the decline in the memberships of those guilds.

Hon Peter Foss talked about a whizz-bang plan he had for new legislation under which everyone, regardless of party, would pay a party fee. That may sound like a bright idea to him, but it is not very original. That system is already in place. I do not know what his involvement is with his own party, but he might note that there is already federal funding for election campaigns. Each party will get an amount of funding depending on the number of votes it gets. I think One Nation is quite familiar with election campaign funding reimbursements at the moment.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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There has been much debate on this Bill about membership. Universal guild membership is the only way to go. I do not understand how it would be possible to discriminate, in the provision of services and amenities by a guild, between those who elect to join a guild and those who do not. When I was a student at the University of Western Australia and saw people going in and out of the various sporting clubs, the coffee shop or the tavern, or using the counselling services, I thought to myself that a few people might have opted out, but how would we know who they were? Should a pin number be put on their head and should they be given glow-in-the-dark cards? It is best to have universal guild membership whereby everybody pays so there need be no discrimination. That will ensure that every student contributes to all the available facilities.

Hon Ed Dermer: That sounds like a community.

Hon KATE DOUST: That is right. That is the difference between some members on the other side and me. I do not consider the individual to be the most important unit in society; I support the collective. More importantly, I have always considered family as the most important unit in society. However, I can deal with that matter in another debate.

When I was a student, it was a struggle to pay my university fees every year, even when I was employed during the holidays. It was always a battle to find money to pay my fees and other associated costs. However, it was important for me to pay the student guild fee because I wanted to ensure that I contributed to the cost that the guild incurred to provide me with those facilities. I always considered that to be a priority. Members should keep in mind that at that point in my life I did not regard myself as a political activist in the same way that some of my colleagues were, judging from some of the experiences they have discussed tonight.

A couple of members on the other side are a little confused. They seem to link guild membership with union membership or union involvement. The member for Curtin, Julie Bishop, has referred to this issue in the federal Parliament. Those members seem to think that the unions are pushing this issue. However, the cold, hard reality is that guilds are not industrial unions. They are not registered as industrial organisations in the Western Australian Industrial Relations Commission. To the best of my knowledge, the union I worked for and a number of others have not had any direct links to student guilds. That is a great furphy that members opposite raise to beat people over the head with.

Hon Robyn McSweeney: It is a union training ground.

Hon KATE DOUST: They are not union training grounds.

Hon Robyn McSweeney: How many members opposite have joined a student guild, then a union and ended up in here?

Hon KATE DOUST: Very few indeed. There are probably more Liberal members of Parliament around the country and Liberal Party members in senior positions in corporate Australia than there are members of trade unions who have participated in student guilds. If the member would like, I can name them.

This legislation will be very positive for student guilds. Tonight, aside from my own experiences, I will refer to Curtin University, which is a well-established university in my electorate. I have had a number of discussions with it about the difficulties it has faced since the introduction of the voluntary student unionism legislation in the 1990s. I have been told that although the student guild has received substantial support from the university, it is still finding it very difficult to provide the level of service that it would like to provide to the students. The university has said that regardless of whether this Bill is passed, the guild will have to find other forms of income to provide that level of service. It is legitimate for the university to do that.

The university has been in financial difficulty because of a decrease in federal government funding. The university has had to cut back subsidies for bus services, campus security and the radio station, which functioned as a very important teaching tool. The university has indicated that it will provide the guild with some level of support, but not all of it. As a result of legislation passed by the previous Liberal Government, the guild education office had to reduce its staff from seven to two. That substantially reduced the education office, its research facility, the grievance handling process for students, the conciliation advocacy and the Austudy information it provided to students. Also affected were financial counselling services, housing information, tenancy advice and legal and taxation advice for students. The cuts impacted on funding for the international students office, the education office, the activities council, and the sports and media office. All the sports and media officers lost their jobs. There were 14 redundancies in total. The guild also had to cut back on other services. It used to offer 24-hour, 365 days a year personal accident insurance for students. That also had to be cancelled. Guild education council funding for field trips and placement for students was also cancelled.

Hon Bruce Donaldson: What use was that?

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon KATE DOUST: They could be very important if a student was studying engineering or biology or similar subjects. The member would know that.

Funding for the postgraduate students association was also reduced. As I said earlier, because the nature of studying is changing that had a dramatic impact at Curtin University. A large percentage of students at the university are postgraduate and/or part-time. The guild had to cut back on child-care provisions for students on campus to a total of \$435 000. That also removed the out-of-school care program and child care provided to students during exam periods. That had a heavy impact on a number of students, particularly those with child-care responsibilities. It penalised those students heavily and prevented them from obtaining further qualifications.

One student from Curtin University stated to me that, in her view, the VSU legislation introduced in 1994 squashed student voices and forced student guilds to operate in a corporate manner in order to survive. That took away the primary reason for guilds, that of representation. I think VSU has had a very negative impact on the types of services available. It has also had a negative impact on campus life. One member said that students go to university to learn. Students do not attend university just to learn from books; going to university involves learning about all aspects of life. Students who opt to join a guild gain the advantage of the facilities and services available. Students who opt to join a guild and participate gain a range of other experiences and skills that will be very valuable to them later in life. I do not think that can be negated.

From what I understand, the Curtin Student Guild has been quite active, and, although it has had a range of problems, they have not been as serious as those experienced at Edith Cowan University and Murdoch University. The Curtin Student Guild has tried very hard to improve its membership. It increased from 5 430 last year to about 6 450 this year, which is quite a good increase. That has been replicated in an increase in student clubs and activities. One reason that student guilds will endeavour to increase student membership once this legislation is in place - over and above the 50 per cent rate - is that they want to improve and expand their services, not just on metropolitan campuses. They need to grow so they can provide additional services in the new campuses in rural regions. That is something that Hon Bruce Donaldson can appreciate. They cannot do that unless they have the income. That is why it is so important that they have the 50 per cent start base and have the incentive to grow. For every student who opts to stay in a guild, the guild will receive additional funding to provide extra facilities and support for students. This legislation also provides a positive incentive to student guilds to think creatively about how they retain members. Students will automatically be members of a guild but they can opt out. Retaining students is the key; it must be attractive for them to stay.

The approach of student guilds in the 1970s that Hon Peter Foss talked about has changed compared with the approach of the current crop of student guilds. The people active in guilds that I have been involved with in the past few years are very professional and businesslike in their approach. The primary concern these days of student guilds, as I know them, is to provide the best services and facilities. A lot of political idealism and activity is a sign of the times and I do not believe students waste money on those issues these days.

Hon Peter Foss: What about the referendum on refugees? What did that have to do with student services?

Hon KATE DOUST: Students should have a voice in what is happening politically.

This is a very important Bill for all tertiary students in this State. The State Government has again delivered on its election promise to the citizens of this State. The Government is being proactive with this Bill. There is no great difference between this Bill and the law that existed when I was a student in the 1980s, which, as I said earlier, was similar legislation that had been implemented by a Liberal Government. This Bill is about repairing and reforming the damage that was inflicted on the community by the previous Government. It is about enabling the students of this State through their guilds to access better services. I support the Bill.

**HON FRANK HOUGH** (Agricultural) [10.16 pm]: I support the Bill. Although I do not support mandatory fees, I believe guilds are most important to universities. One of the great problems I have with the Bill is compulsory fees. I listened to Hon Peter Foss earlier, who was very much in line with exactly what the Bill is all about. A couple of guilds are struggling financially, probably because of management problems and their offering facilities that they cannot fund. A guild is like any other club in that members should share in the benefits of the guild or club. Many members of clubs and political parties want to be spectators only. People who pay fees to join a football club enjoy the facilities and amenities of that club. However, people who follow a football team should not have to pay fees to watch a game being played. This is why I believe it is a matter of good management that guilds must learn to manage themselves and must stand and be counted.

I reflect on when I was a lot younger. My attitudes during my student days changed considerably as I got older. Although I am sitting on the opposition side of the Chamber, my early days were in the unions. I was a very strong and aggressive unionist. However, my attitudes have changed as I have gone through life. My attitudes

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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changed as I reached my thirties. I do not mean that I was around in the 1930s; I am not a reincarnation of Colonel Sanders! As I reached 30 years of age and onwards my attitudes towards political issues changed. One thing that concerns me with guilds -

[Quorum formed.]

Hon FRANK HOUGH: I appreciate Hon Bruce Donaldson's pointing out the state of the House and causing a large audience to be present. That is tremendous.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! I called for a quorum, and as soon as it was obtained, much the same members turned around and walked out again. A quorum is not present; ring the bells.

[Quorum formed.]

Hon FRANK HOUGH: As the quorum was called, I remembered that I had heard on radio 6PR that students had sent overseas funds received for student guild membership. The potential for that to occur worries me greatly. People have suggested that student university guilds are not influenced politically. Like everything in a club, guild or business, five per cent of the people do 95 per cent of the work and 95 per cent of the people do five per cent of the work.

The birth of the Greens (WA) party occurred at universities through support and membership from left-wing students. Some of the people who join groups such as university guilds manipulate the systems to run their own agendas. Members see it as a feather in their cap to become the guild vice-president, treasurer or secretary. Probably 95 per cent of the students do not care whether the fees are mandatory. A small clique of people use students' money to achieve their own agenda. Student guilds must be smart enough to recruit good people to help facilitate what the guilds represent. Mandatory fees should not be forced on students. If they want to join a guild, they should be able to join one. If they do not want to join, they should be able to choose not to do so but be unable to use the facilities. It is as simple as that.

The guilds must learn to market what they have and what they are about. They should not say that this is a compulsory fee and that if people join the guild, this is what they will get. At the end of the day, what the guild says people will get is not what they will get; they will get what the management committee of the guild foresees they will get. I say quite openly that if One Nation wanted to get behind a guild and pull some strings, it could cause havoc on a university campus, as has the Labor Party. For some reason, students seem to be left-wingers or Labor-cum-Greens supporters. As they get older and wake up and mature, they see that there is another side of politics - the right side of politics. The rallies and the problems of today are no different from the rallies and problems of 10 or 20 years ago. Students have something to say and they always should. They should have freedom of speech. The smaller, left-wing people always seem to get into positions of power, particularly in guilds, and create a helluva lot of damage and havoc on the streets, on university campuses and at rallies.

I am thinking also of overseas students. Overseas students who come to this country will be forced to join a guild. They probably would not know what a guild is about, would not be vaguely interested in it and would not share in any of the facilities that the guild offers. The guilds must wake up and offer services to these people. If the guilds can facilitate these services, people will want to join the guilds and use their services. However, if people do not want to join a guild and are not really interested, I do not think they should be forced to pay any fee for something they do not care about. If a student goes onto campus, goes home and does not show any interest in what the guild offers, so be it. I do not think students should be forced to pay this fee. The same can be said for a member of a football club. If a person becomes a member of the East Perth Football Club, that person can use all the members' facilities. However, if that person wants to follow East Perth and be an outside supporter, that person should not have to pay the same membership fee as everyone else. Members of the club receive a certain level of benefit, but supporters sit on the outer and get the thrill of being the same as university students. If a student at the University of Western Australia is not a member of the guild, that student is still a member of UWA and does not necessarily have to share in the guild facilities. However, if the student wants to be part of it, so be it; he or she should be able to join the guild. If the guild markets itself well enough, it could offer facilities that would make people want to join.

Another issue that worries me is that the fees are for services and amenities. To date, some guild fees have been spent on other things. Recently \$10 000 was to be spent on a survey on some stupid thing - I should have taken a note of what it was for. That is not an amenity for or of benefit to students. There must be good management people in the guilds so that they can find out what the students need and what they want their money spent on. By doing that, the guilds will certainly get good membership and people will want to join. Over the years, guild funds have gone out the door willy-nilly and there has been no real accountability. Some of the guilds are well and truly in the red and do not have any accountability at all. The way they have managed their funds is

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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absolutely incredible. Two of the guilds were basically running when they were insolvent. When they ran out of money, they should have immediately put their hands in the air and said they had a problem and called in some professional help.

If the Government really wants to do something in this area, it should get some professional help for the guilds to find out why they are insolvent and cannot give students the facilities that they want and why their funds are not great enough to accommodate their spending. It all gets around at the end of the day to having mandatory fees. As I have said, guilds are a necessary establishment on universities. However, One Nation totally and utterly opposes mandatory fees.

**HON BRUCE DONALDSON** (Agricultural) [10.30 pm]: Hon Peter Foss referred to a speech by Dr Paddy O'Brien. I inform members that that can be found in *Hansard* of 30 May 1990 at pages 1429 to 1434. I thank the library staff for finding that speech so quickly for Hon Peter Foss. I give that information to the House because that speech is well worth reading. I recommend that members opposite - the collective mentality that exists on the other side - read that speech to find out what the word "coercion" really means.

I have been most intrigued by this debate. I have heard a lot of arguments. Hon Kate Doust may not know that Hon Ed Dermer, who is sitting beside her, was a president of the student guild at the University of Western Australia. I know that because he knows my son, who very cheekily, after having been there for only a couple of years, stood for the guild presidency after Hon Ed Dermer - or did Hon Ed Dermer roll him? I forget.

Hon Ed Dermer: It was shortly thereafter.

Hon BRUCE DONALDSON: I forget for exactly how long he had been there, but it was after he had been there for only a couple of years. I have had three kids go to university and I funded them all. I was very happy to do that, and I was fortunate enough to be able to do that. However, I can assure members that in the past 10 years, life on the farm has changed very much from what it was in those days. During the 1980s and early 1990s, money used to stick to our fingers. Commodity prices were high and our costs were not anywhere near as great as they are now, and we had a bit of spare money left over. However, in this day and age, country students are finding it very difficult. Two years ago the medical faculty at UWA could not get 10 country students to fill the number of quarantined places that were available. Members may not be aware that country students do not have to achieve what almost amounts to having the top score in the State to enter the medical faculty at UWA. The reason is that the competition in a country high school classroom is nowhere near as great as it is at a high school or private college in Perth. Perth students tend to compete, probably subconsciously, against each another and tend to have a higher TEE score than do country high school students.

I was very interested to hear about the no ticket, no start at university, because that is what this Bill really means. For 18 months in this State, the industrial relations law was broken every day of the week by the unions with the no ticket, no start regime that was introduced straight after the 2001 state election. The top so-called law-maker of the State, Attorney General Jim McGinty, and the Minister for Consumer and Employment Protection did nothing about something that involved breaking the laws of this State every day. What sort of an example have those two gentlemen given on the laws of this State?

*Withdrawal of Remark*

Hon KIM CHANCE: Hon Bruce Donaldson has accused a minister of the Crown and member of another place of a criminal action. This is an extremely serious matter. I ask, at least, that evidence of such criminal behaviour be given to the House, because, as a public officer, Hon Bruce Donaldson is required to provide that evidence.

THE DEPUTY PRESIDENT (Hon Simon O'Brien): I have sought advice on this point of order; it is valid on a couple of grounds. I advise Hon Bruce Donaldson of two things. Firstly, I do not know that he has made an allegation of criminality against a minister of the Crown with an intention for that to be pursued. In any case, that can be done only by way of a motion of which notice has been given. Whether he intends to conduct a substantive debate or not, he cannot do that now. Secondly, as the honourable member will have realised, his remarks were a reflection on a member of another place. His course of action should be to withdraw the allegation.

Hon BRUCE DONALDSON: On your advice, Mr Deputy President, I withdraw those remarks.

The DEPUTY PRESIDENT: The point of order was raised and Hon Bruce Donaldson has withdrawn his remarks. That is the end of the matter. I now give Hon Bruce Donaldson the call to proceed with his remarks.

*Debate Resumed*

Hon BRUCE DONALDSON: I am sure that I will be able, at a later date, to frame something a bit better that will not be ruled out of order.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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It has been most interesting to read the second reading speech of this Bill, which states -

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. The management of the guilds was undermined and severe financial difficulties were experienced, including difficulties in servicing loans taken out to provide student amenities and services.

I well remember when there were compulsory guild fees for students, before that was changed in 1994. Welcome back Western Women Financial Services Pty Ltd! When it lost huge sums of money, it could not even organise a chook raffle.

*Point of Order*

Hon KIM CHANCE: I believe that the debate before the House concerns order of the day No 116 - the Acts Amendment (Student Guilds and Associations) Bill 2002. So far we have heard references of an unparliamentary nature unrelated to this Bill. Now we are dealing with a matter that I think involved an investment company some 10 or 15 years ago. I plead relevance. This is completely distant from the Bill.

Several members interjected.

*Deputy President's Ruling*

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! Order, Hon Graham Giffard! We are considering order of the day No 116, the Acts Amendment (Student Guilds and Associations) Bill 2002. The question is that the Bill be read a second time. I am listening closely to Hon Bruce Donaldson's remarks. I am sure that he is about to demonstrate how those remarks relate to that question.

*Debate Resumed*

Hon BRUCE DONALDSON: The Edith Cowan University guild lost \$750 000 through a failed investment, which I understand was with Western Women. That links very closely to what I am about to say about the mismanagement of money. It involved a lot less money than is being suggested will be raised in the future. The second reading speech continues -

The universities were forced to support the guilds, as they considered them to be important organisations and integral to the student life of the university.

Partly as a result of the limits placed on guild finances and operations by the 1994 legislation, but also related to the changing university environment, since 1994 universities have had to commit additional resources to provide student amenities and services.

We find ourselves in a most interesting position. On the one hand, compulsory fees are being applied to university and tertiary students; on the other hand, this Government made payments to primary and secondary schools voluntary. I believe it is far more important to ensure that everybody contributes to their children's education in primary and secondary schools. What is the difference between that and tertiary education? I would prefer there to be a compulsory fee arrangement for primary and secondary schools. This State Government said that it would top up the money for the schools at which parents did not pay the fees. It is not those in the lower wage group who are not paying the fees; in many cases it is quite the opposite and many people who can afford to pay those fees to the schools are not paying. Where is the equity in that? The Government's hypocrisy is unbelievable in this day and age. I would not mind if the Government were consistent, but it is not and all government members know it.

If I had my way, I would be encouraging the federal Government to act. I would set a benchmark for the number of guild members at the end of this current calendar year. The universities have said that they have had to help some of the guilds to prevent them going bankrupt. The guilds have not been able to demonstrate to the students that it is worthwhile to join. I would like the money provided by students to be spent on amenities and services. In a minute I will read out what that money could be spent on. I would remove an amount of money equivalent to that which the benchmark number of guild members would raise this calendar year and so reduce the funding to that university.

Hon Ken Travers: Are you the thug now?

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon BRUCE DONALDSON: No, because this Government is imposing not a fee but a tax. If a service is not provided when a student opts not to join the guild, the student still pays a fee, and that fee then becomes a tax because the student is not being provided with a service.

I now refer to a letter dated 10 May 2002 from the Vice Chancellor of Murdoch University, Professor Mal Nairn. It states -

1.     Level of Fee:

The fee proposal which the Murdoch University Student Guild anticipates will be brought to our Senate for approval if the amendment to the Student Guilds and Associations Bill gains approval is:

Full time student (Murdoch Campus)	\$140
Full time student (Rockingham Campus)	\$75
(Rockingham campus has less facilities at present)	
Part time student (Murdoch Campus)	\$70
Part time student (Rockingham Campus)	\$35
External student	\$35.

This is the very important part that Hon Alan Cadby referred to -

Note: Discounts will be given to students who have previously been Guild members i.e. a "loyalty" discount.

There it is in black and white. The letter further states -

2.     Fee payment arrangements:

Students will have the option of a direct debit which allows them to pay the amenities fee over 10 months (monthly payment). They do not have to prove hardship to pay by this method.

Any student who has financial difficulty in making the payment can apply to the Guild Education and Welfare Officer for the fee to be waived. This assessment is made on a confidential basis and if the Education and Welfare Officer recommends the fee be waived this is accepted by the Guild.

The letter then refers to some of the benefits of guild membership -

3.     Benefits of Guild Membership:

There are a range of benefits available to Student Guild members. These include:-

- Discounted gym membership
- Gym parking fee discounts
- Access to Education and Welfare Officer who provides advice on availability of various social services (eg Centre link)

I thought that by the time people got to university they would know how to look up the telephone number for Centrelink. The staff at Centrelink have been quite brilliant in helping some of my constituents and other people. I have had no problem with Centrelink and the people who work there have been very forthcoming and have assisted those people very quickly. The letter continues -

- Access to Guild Employment and Accommodation register
- Free Personal Accident insurance for University related activities
- Free legal advice (initial consultation).

I thought people could get that from any lawyer, because I keep seeing advertisements stating that the first consultation is free.

Hon Ken Travers: Have you ever tried to take it up?

Hon Nick Griffiths: You always get what you pay for.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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Hon BRUCE DONALDSON: The honourable member is a lawyer; he knows what information is given during that first consultation. He would probably find out their name, address and what assets they have, and then say, "That is my first consultation, which would normally be \$120; the clock is here, but it is free."

Hon Derrick Tomlinson: And if you come back I will give you a loyalty discount.

Hon BRUCE DONALDSON: Yes. The letter continues - and this is the real big one -

- Preferred access to the \$50 voucher under the book subsidy scheme

This is most interesting. I am sure the parliamentary secretary will be able to tell me more about this matter. Hon Derrick Tomlinson referred to the opting out provisions. The letter continues -

4. Opting out Provision:

At the time of enrolment the application form will require each student to tick a box -

Hon Peter Foss talked about *Pick A Box*. It continued -

if they wish to opt out of Guild membership. No reason will need to be provided for opting out. However, opting out of membership does not remove the obligation to pay the amenities fee to the University.

Automatically, that has become a tax. The letter continues -

The form could be designed to make it clear that the student needs to decide whether or not they wish to belong to the Student Guild.

Hon Derrick Tomlinson: Does the letter say that the fee is to be a tax?

Hon BRUCE DONALDSON: No, it does not. I added that bit to it as a footnote. It will probably be tested in a court one day, in the very near future. More interesting is the letter from Murdoch University to the Minister for Education on 2 December. It was also very fascinating that the Minister for Education had indicated that the changes to the two university statutes - Nos 17 and 22 - would be made available to the other House before debate commenced. Of course, they never got there, so one must ask what was to be hidden.

I will talk just about the fees. The proposed amendment to statute No 22 reads, in part -

The Senate shall pay to the Guild the amenities and services fees received from all students who are members of the Guild, or 51% of the total fees received, whichever is the greater.

This is where the accountability factor comes in, because the insertion proposed by Murdoch University in statute No 22 reads -

The fees may be used by the Guild for any or all of the following broad categories of amenities and services to benefit students:

- (a) representation,
- (b) advocacy,
- (c) student societies,
- (d) welfare, cultural, social, commercial, sporting and recreational activities,
- (e) other amenities and services (including capital investment and reserves) to benefit the student community,
- (f) any compulsory government taxes and charges associated with the fee,
- (g) other services and amenities consistent with the objects and powers of the Guild, and
- (h) the administrative costs of any or all of these activities and facilities and of collecting the fees.

The way I read that, they would not find anything they would not be able to spend that money on.

Hon Alan Cadby: They could send the whole lot overseas as an investment portfolio.

Hon BRUCE DONALDSON: They could indeed send the whole lot overseas.

Proposed part 4(4) of statute No 22 reads -

The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in a manner agreed by the Senate and the Guild. After inviting suggestions from those students who elect not to be Guild members, the Vice Chancellor shall present proposals for consideration at a meeting with the Guild President.

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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So it now becomes a very close working relationship. They could get up to all sorts of mischief. Another \$750 000 will probably be given to some other company about to fail. The proposed amendment continues -

That meeting shall make a recommendation to the Senate. If they are unable to agree on a joint recommendation, a recommendation will be made by the Vice Chancellor (or nominee), Guild President (or nominee) and an independent chair chosen by mutual agreement of the other two persons (or, failing such agreement, a person appointed by the Institute of Arbitrators and Mediators Australia).

It is not bad that the guild president and the vice-chancellor can between them spend the money in any form they wish, with no accountability. I am pleased that the university at least has the decency to use the words "following broad categories" and has listed them. At least it has been honest in presenting that. It will also amend statute No 17. The schedule states -

**Statute No. 17 - Guild of Students**

Make the following amendments:

delete "a recognised means of communication" and in its place insert "the recognised means of communication".

delete, and in its place insert:

4. Membership

- (1) Subject to the provisions of the Act and the following provisions of this section, all students shall be eligible to be members of the Guild. Guild Regulations may make provision for associate membership for non-students.

We have all heard that before. It continues -

- (2) Every student is automatically a member of the Guild unless he or she elects, at the time of enrolment, not to be a member, or subsequently resigns.
- (3) The University must not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

When I read what the university is doing, I can see it is a nice, cosy relationship. Under statute No 22 regarding the amount of the fees, the schedule states -

The amount of the fee shall be determined by Senate after receiving a report and recommendation from the Guild of Students.

The fee will start at \$140. We have been told about the fees that some universities in other States charge. It can be assumed that it will not take long before the fees increase to about \$450. When students must tick a box to become guild members, they will be told that they either become guild members or pay the full \$450. They would be idiots to pay the \$450 and not at least get to use the amenities. Students will automatically become members of the guild whether they like it or not. It is like paying a fee to become a member of the West Coast Eagles and not utilising the amenities that are provided at Subiaco Oval. It would be nice if everybody who went to the Subiaco Oval to watch the Eagles and the Dockers play against each other were asked at the gates whether they were members and were turned away if they were not. That is what we are talking about; it is the same thing. It is a no ticket, no start policy at the university.

Hon Ken Travers: The member is reading speech notes with quotable clichés.

Hon Derrick Tomlinson: You do not like that, do you?

Hon BRUCE DONALDSON: The member does not like it, but he will have to listen to a bit more of it tonight and tomorrow.

Several members interjected.

The PRESIDENT: Order members! Hon Bruce Donaldson is attempting to be heard on this issue.

Hon BRUCE DONALDSON: Thank you, Mr President. I am looking forward to tomorrow when the debate on this subject will continue.

Hon Graham Giffard interjected.

Hon BRUCE DONALDSON: I am most interested in Hon Graham Giffard's interjection. I like him as a friend, but he comes out with some dopey things that do not do him any justice. By telling him what a nice guy he is, I might have affected his opportunity for re-endorsement. It is the Christmas spirit coming out in me.

**Extract from *Hansard***  
[COUNCIL - Tuesday, 17 December 2002]  
p4400d-4430a

Hon Derrick Tomlinson; Deputy President; Hon Sue Ellery; Hon Louise Pratt; Hon Simon O'Brien; Hon Peter Foss; Hon Murray Criddle; Hon Kate Doust; Hon Frank Hough; Hon Bruce Donaldson; Hon Kim Chance

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I became a bit concerned when Hon Kate Doust suddenly realised that Hon Ed Dermer, who sits beside her, is a former President of the UWA Guild of Undergraduates.

Hon Kate Doust: He did an excellent job.

Hon BRUCE DONALDSON: I know he did; I do not doubt that at all. My son knew him quite well.

Hon Ken Travers: Members of the Liberal Party even proposed that he be a life member.

Hon BRUCE DONALDSON: There you go. My son leant a bit to the left but, thank God, he has got that out of his system. I am pleased that happened. I think Hon Kate Doust said that very few current sitting members were involved with a guild.

Hon Kate Doust: No, I said who became union officials.

Hon BRUCE DONALDSON: Oh, union officials.

Debate interrupted, pursuant to standing orders.

*House adjourned at 11.00 pm*

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