

UNIVERSITIES LEGISLATION AMENDMENT BILL 2000

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Barry House (Parliamentary Secretary), read a first time.

Second Reading

HON BARRY HOUSE (South West - Parliamentary Secretary) [10.13 pm]: I move -

That the Bill be now read a second time.

The Universities Legislation Amendment Bill 2000 has the following purposes -

- (1) To amend the University of Western Australia Act 1911 in relation to the size and membership of the senate and the definition of the university.
- (2) To amend the Murdoch University Act 1973 and the University of Western Australia Act 1911 with regard to the role of the Governor as "visitor".
- (3) To repeal the University Endowment Act 1904 and the University Endowment Act Amendment Act 1927, and to incorporate the related investment provisions within the University of Western Australia Act 1911.
- (4) To make consequential amendments to the Public Education Endowment Act 1909.

The University of Western Australia has completed a review of the university's governing body, the senate, with a view to making the senate more efficient and effective, and capable of engaging in the process of strategically positioning and directing the university for the future. The proposed reforms are consistent with the recommendations of the Hoare report and the West report in Australia, and the Deering report in the United Kingdom. The university has undertaken of its own volition a review of the size, structure and role of the university senate. The agreed changes were passed by the senate last year, following a lengthy period of consultation and debate. The main changes to the structure of the senate are -

- (1) The senate is to be reduced from the current 25 members to 21 members. The reduction in the size of the senate is accompanied by an increase in the number of ex officio appointments from two to five.
- (2) The Warden of Convocation, the Chair of the Academic Board and the President of the Postgraduate Students Association are to be made full members of senate ex officio. The position "nominated by the Minister charged with the administration of the School Education Act 1999" is to be removed.
- (3) Changes will be made to the tenure of senate members, including the chancellor and pro chancellor. All elected and appointed members of the senate will serve for a four-year term of office, unless they are filling a casual vacancy, and be eligible for re-election for two further consecutive four-year terms. Currently they are elected or appointed for a six-year period and are eligible for re-election or re-appointment.
- (4) Changes will be made to enable the senate to elect to the position of chancellor any person who is deemed to have the appropriate qualifications for the position, regardless of whether that person is serving as a member of the senate.
- (5) Transitional provisions have been included so that present members of the senate can remain members of the senate until their term expires.

The clause dealing with the definition of the university in the University of Western Australia Act 1911 has been amended, as some of the wording of the clause is now redundant. However, more importantly, currently the definition of the university excludes staff, which is a serious omission. The definition proposed provides that "the University shall consist of a Senate, Convocation, staff, graduate and undergraduate students".

There is the potential for duplication between the role of the university visitor and the Ombudsman in dealing with complaints against Murdoch University and the University of Western Australia due to the wording and interpretation of their respective Acts. Whereas in the Murdoch University Act 1973 and the University of Western Australia Act 1911 the Governor appears to have no option but to exercise jurisdiction to investigate a complaint, in the Edith Cowan University Act 1984 and the Curtin University of Technology Act 1966 the Governor appears to have discretion whether to investigate a complaint. If the Governor believes that a complaint has been fully and fairly investigated by another competent authority, the Governor should not be compelled to undertake a further, and costly, investigation of the matter against his or her better judgment.

The change proposed is to bring the provisions of the Acts of the University of Western Australia and Murdoch University into line with the current provisions of the Edith Cowan and Curtin University Acts. The matter of the role of the visitor has been under discussion for several years with consultation between the Western Australian Higher Education Council, the Governor's office, the Solicitor General of Western Australia and the Ombudsman, all of whom favour the amendment.

The university endowment Acts have required amendment for some time. Under the existing endowment Acts the University of Western Australia is restricted to investing its endowment funds in land. The proposed amendment will enable the university to invest those funds as if they were trust funds in accordance with all the provisions of the state Trustees Act. The objectives of the changes are to enable the university to diversify its investments to better protect the endowment funds and to ensure an adequate return on invested funds to promote the objects of the university, while maintaining a high level of accountability. Universities are under considerable pressure to make more effective use of their assets to fund university operations. The investment provisions of the university endowment Acts are outdated and impede the proper management of the endowment.

This Bill repeals the University Endowment Act 1904 and the University Endowment Act Amendment Act 1927. The operation of the first Act was spent and the second Act's area of operations are dealt with by including the agreed section within the University of Western Australia Act 1911. This approach has the added advantage of incorporating these matters within one piece of legislation.

Amendments to the University of Western Australia Act 1911 necessitate minor consequential amendments being made to the Public Education Endowment Act 1909. These various changes are being introduced with the full support of the University of Western Australia and Murdoch University. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.