

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL 2002

Point of Order

Hon BARRY HOUSE: When the second reading debate of this Bill was concluded last night, there was no subsequent motion to give any direction to the House about the committee stage. Previously if that happened, the Bill would have disappeared from the Notice Paper. I understand, Mr President, that you made a ruling that second reading debates are automatically adjourned. Does that also extend to the committee stage of a Bill?

The PRESIDENT: No. Last night the vote had been taken and I looked at the clock and it was 11.00 pm. Therefore, because of the effluxion of time, I gave the call to the Leader of the House to move the adjournment debate. Because the debate was interrupted at that stage, we proceed, according to the standing orders, to the committee stage automatically. The debate was interrupted by the effluxion of time at 11.00 pm, so we proceed today to the committee stage.

Committee

The Chairman of Committees (Hon George Cash) in the Chair; Hon Graham Giffard (Parliamentary Secretary) in charge of the Bill.

Clause 1: Short title -

Hon ALAN CADBY: Members on this side of the Chamber have put a very good case for why this Bill should not be passed, and I think we did it in a very constructive and restrained manner. The Bill is aimed at financially vulnerable students. The consequences of this Bill would be reflected in the short title of the Bill if it included the words "compulsory union membership". This Bill forces students to pay union fees, even if, for one reason or another, they are unable to take advantage of the services offered by the guild. The Bill and the university statutes give the guild council authority to spend vast sums of money on anything it likes. There are no constraints and no controls. As Hon Norman Moore said, amounts of up to about \$3 million are involved, if the fee is \$100 per student.

As the guilds are elected in the year prior to their taking office, in reality there is no accountability for expenditure. They spend what they like on whatever they want, and, at the very worst, members of the guild may not be elected to the council in the following year. Unlike Governments, there is no regular media scrutiny of the guild councils. As the previous guild president at the University of Western Australia said, little information on expenditure matters is made available to all students. This will particularly be the case when all students pay. Although all students will pay, I imagine that the guild will report only to those students who are members of the guild.

Despite the fee being compulsory for all students, as the Bill is written, some students are likely to pay more than others, as clearly stated in the letter that I read out from Murdoch University concerning loyalty discounts. A situation is likely to occur in which students who are not guild members, and therefore do not gain any benefit from membership, will pay more than students who are guild members and are likely to take full advantage of the services of the guild. This is discrimination at its worst, and I thought that the Government would ensure that this situation could not arise. The only way we can prevent it is by moving an amendment. The Opposition has a very firm commitment to the policy of voluntary guild membership, and I am sure that it will pursue that as a commitment at the next election.

In the parliamentary secretary's summing-up, he did not answer one of the issues I raised about the changing nature of the student body. He focused on the fact that it has changed because of voluntary guild membership, but that was not the point I was trying to make. I was trying to make a point about the profile of a student. I attended Curtin University of Technology as a drop-in, drop-out student from about 1978 to 1995, so I have a fairly clear picture of the changing nature of the student body. I also lectured at Edith Cowan University in 1994 and 1995. Therefore, I believe I have some understanding of the changing nature of students. The profile of a university student is no longer the 17 to 21-year-old straight from school, with no commitments. A typical student now could be any of the following: married, have a family, part time, external, or a dip-in, dip-out student like I was. Those people are the ones who are least likely to gain any benefit whatsoever from the guild.

The Opposition will move a number of amendments. These amendments will not make the Bill any more palatable to us, but at least they will provide some certainty for students who pay the fee. They may also provide a mechanism for public scrutiny by Parliament. They will also offer a free choice of membership, without affecting the guilds in any way because they will still get the money. However, at least on enrolment students will have the choice to belong or not belong to the guild. I thought that free choice was something we wanted to encourage as part of university life.

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Another amendment the Opposition will move will give incentive to the guild to offer the services that students want and need. It is clear that the Minister for Education is aware that the fee of \$100 or \$140 is only the start. In fact, he has made it quite clear that these fees will increase. He has also made it clear that the guilds are the democratically elected representatives of the union. A number of opposition members who represent the country spoke about the difficulty that country students have in attending university.

I will finish by reading part of an article from *The Weekend Australian* of Saturday, 14 December 2002 headed "Poor talk themselves out of uni". The article starts with a question: "Australia a classless society?" and continues -

Hardly, going by a new report on the chances of young people from lower socio-economic backgrounds getting into university.

Deeply entrenched social differences and attitudes are keeping some young Australians out of the education that could propel them into higher paid jobs and a secure place in the knowledge economy work force.

The article goes on about the percentage of students from poor backgrounds. However, another part most relevant to us today states -

Professor James finds that while all young people take similar attitudes towards secondary schooling, their aspirations and intentions on higher education are very different - and for the lowest socio-economic groups, they dip as the end of schooling approaches.

Students from lower socio-economic backgrounds are more likely to see the cost of attending university as a bar, especially if they come from the country.

Here we are! What will this Bill actually do? It will increase those costs. I am afraid to say that some students in the country who have the capacity to change their lifestyle for the better will not have that opportunity because of these increased costs which, as we know, will increase well beyond the \$200 to \$300 that they are currently in the eastern States.

Hon GRAHAM GIFFARD: I will respond to a couple of issues raised by the honourable member, the first of which is the issue of a loyalty discount about which the honourable member interjected last evening at the conclusion of my remarks. I made it clear then - I hold this view very firmly - that it is inappropriate to give loyalty discounts to past members of the guild for a services and amenities fee that all students are required to pay. It was appropriate to give a discount to students under the regime that is about to end, and I have no objection to that. However, I have a personal objection to students being offered a loyalty discount under the regime in this Bill for a simple reason. Let us say that a university retained 10 per cent of the fee and used that 10 per cent to provide a particular service - a counselling service or a range of on-campus activities - I would expect the university to provide that service and make it available to all students. There is another side to that in that services that the guild provides should be available to students. I do not believe that discounts or incentives should be offered to students on the basis of past loyalty because this is a new regime and a different situation. I very much intend to persist with that. I make the important point that I will put my views to the university and hope that it will listen to me, have a discussion with the guild, and come to the right decision. It is my genuine hope that it will make the right decision and the best decision. However, I do not intend to tell it what to do. The Government will not tell people what they should do on every decision. My hope is that people will make the right decisions. Ultimately, they will make the right decisions.

The other issue raised was the changing profiles of student populations. I understand the point made by the member. There have been more profound changes than the member appreciates. I have pointed out such changes. The Government does not rely on anecdotal evidence. I do not rely on my personal experiences of what I have noticed on university campuses over the past few years. I was an enrolled student during the 1980s and 1990s. More importantly, the Government has received feedback from universities and students on campuses. They are in a better position than the member or I to judge whether student profiles are changing rapidly. They know who best represents the typical student. Many people say that the typical student is not 17 to 19 years old. I remember when I attended Murdoch University in the 1980s -

Hon Norman Moore: That explains a lot of things.

Hon GRAHAM GIFFARD: I am one of the few in this place; there are a lot of UWA graduates here, but I am a Murdoch graduate.

Hon Norman Moore: That says a lot!

Hon GRAHAM GIFFARD: Does it? Does the member's bigotry extend to Murdoch University as well?

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Hon Norman Moore: I have a particular view of the world.

Hon GRAHAM GIFFARD: Yes, and it is very rigid.

When I attended Murdoch University, mature-age students who had attended for many years represented about 50 per cent of total enrolments. A person could not have said 20 years ago that a typical student at Murdoch University was a 17 to 19-year-old.

Hon Alan Cadby interjected.

Hon GRAHAM GIFFARD: There were some years when the percentage of mature-age students exceeded 50 per cent. For many years, the figure hovered around 50 per cent. As I understand it, Murdoch University now has a much lower percentage of mature-age students than it did in those days. It now has a greater proportion of school leavers. All these things go in cycles and trends.

Hon Alan Cadby interjected.

Hon GRAHAM GIFFARD: We could wax lyrical about trends. I do not want to grab hold of the notion of a typical student, as does the member. I am concerned with other things that have had more profound influence on university campuses in the past 10 years. Those are the two points to which I wanted to respond.

Hon NORMAN MOORE: I am interested in the views of the parliamentary secretary about the loyalty programs and that he expressed some concern about them. He said he would tell the universities of his views. He also said that he would not tell them what to do and that they could make those decisions for themselves. I find it extraordinary that the parliamentary secretary is concerned about not telling the guilds or universities what to do but is, at the same time, promoting a Bill that will compel every student in Western Australia to pay a fee. He has a strange notion that we must talk nicely to the universities and make sure that they can make their own decisions about these issues and, at the same time, bring in legislation to make it compulsory for all students in the State's universities to pay a fee.

The Government's priorities have gone astray. As I understand the matter - the parliamentary secretary can correct me - the fee component and reference to the students and the like who will pay them will be included in the statutes, which are disallowable. In view of the parliamentary secretary's opposition to the notion of loyalty discounts, will he provide an assurance that in the event that the universities decide to go down that path, he will support the disallowance of a statute that provides for loyalty programs?

Hon GRAHAM GIFFARD: There is nothing in any of the statutes about loyalty programs; therefore, there is nothing to oppose. I understand that the statutes will outline the process for setting the fees. I am being asked to comment on what might exist in a statute hypothetically. I have a particular view about this issue and I will make those views known to anyone who tries to promote a loyalty scheme.

Hon ALAN CADBY: I am gratified by the parliamentary secretary's response that he will attempt to ensure that all students pay the same fee if they are within the same class. However, as he said yesterday, this Bill is an enabling Bill. Once it leaves Parliament, the universities can do what they like. There is no control because they do not have to report back to Parliament. I referred to the profile of students and my involvement because disparaging remarks were made about the time that some of the members on this side of the House attended university. I point out that in addition to their university experience in the 1950s and 1960s, opposition members also have contemporary university experience. As Hon Norman Moore asked, will the parliamentary secretary support a disallowance motion if universities offer different fees to students within the same class? We understand that people studying on a full-time, part-time or external basis will attract a different fee. However, as the Bill stands, the universities have the capacity to vary the fees and to provide loyalty discounts. The parliamentary secretary may have spoken to the Vice Chancellor of Murdoch University, or his deputy, but that does not alter the fact that their initial thinking was to provide loyalty discounts. Has the parliamentary secretary had the opportunity to go through the minutes of the meetings at which such decisions were probably made?

Hon GRAHAM GIFFARD: I have been asked the same question, the answer to which I have already made clear. Indeed, I have clearly stated my view about this matter. If we are faced with a situation in which a statute contains such a provision, we will deal with it when it arises. I have given members my view about such a scheme. The member wants me to commit to a hypothetical situation. That situation will be dealt with if and when we are confronted by it.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 44 amended -

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Hon ALAN CADBY: This Bill and the university statutes clearly state that the guild is “the” recognised means of communication between enrolled students and the council. Does this mean that no other groups of enrolled students can make representation to the council? For example, if a group of students or even an individual student, because one is still a group, believes that the guild is not acting in the best interests of the students, do they have the right to make representation to the university council without going through the guild? If this is the case, where does it say so in the Bill? Can it be guaranteed that such students will have and be able to exercise the right to represent their views to the university council or senate independent of the guild? If the answer to those questions is yes, then why have the words been changed from the guild being “a” to “the” recognised means of communication? This is a significant difference.

Hon NORMAN MOORE: The matter raised by Hon Alan Cadby is the reason for my amendment that deletes the word “the” and substitutes the word “a”. It is a significant amendment in the context of the words being used. However, section 44(2)(e) of the Curtin University of Technology Act states -

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

That is with respect to the student guild.

Last night in the second reading debate, the parliamentary secretary advised that even though this clause substitutes the word “a” with “the”, anybody who wanted to communicate with the council, or the senate in other cases, could do so and that somehow the guilds had some sort of precedence, or something like that. The word “a” is deliberately contained in the Act to advise those who want to express a view to the council that they can do so and that their views are just as important as anybody else’s. The idea of having the guild as “the” recognised means of communication gives the guild a pre-eminence and, indeed, an exclusivity over any other organisation that might happen to have a view. It is not appropriate that the guild should be “the” recognised means of communication. It is not entitled, for any reason that I can think of, to have that status. Why should the Blackstone Society - a student body - not have the same pre-eminence in terms of its relationship between its members and the senate or the council as the guild on issues relating to legal studies?

Hon Louise Pratt interjected.

Hon NORMAN MOORE: I beg your pardon? There is a member who occasionally seeks to interject in such a way that no-one can hear her.

The CHAIRMAN (Hon George Cash): Perhaps that is because interjections are unruly.

Hon NORMAN MOORE: They are, and I hope the Hansard reporter is not recording them, because I have not heard them; therefore, I cannot respond if they are words that need to be responded to.

There is no reason that the guild should have this pre-eminent - in fact, this exclusive - status. I accepted the explanation of the parliamentary secretary last night when he said any organisation that wants to communicate with the university can do so, including the guild. I thought that means, therefore, that we should leave the word “a” in place, because it acknowledges that the guild is a recognised vehicle for communication; and that is fair enough. However, in my view many other organisations are also a recognised means of communication between the members of the guild and the university. We need to bear in mind that all students will have very little choice but to be members of the guild; they may as well be members if they have to pay the money. I move -

Page 3, line 13 - To delete “the” and substitute “a”.

New section 44(2)(e) would then read -

shall be a recognised means of communication between enrolled students and the Council . . .

I ask the parliamentary secretary to tell me also when he responds why the words “in accordance with any Statutes that the Council makes” are proposed to be added to section 44(2)(e) of the Curtin University of Technology Act.

Hon DERRICK TOMLINSON: I support the amendment moved by Hon Norman Moore. The indefinite article is inclusive. The definite article is exclusive. The moment we identify “the” guild it becomes exclusive; everything else is excluded. The word “a” is inclusive. It means the guild and other bodies. Section 28 of the University of Western Australia Act refers to the “Guild of Undergraduates”. A very important part of a university, as Hon Graham Giffard knows, is the postgraduate body. The research function of a university is sometimes regarded as being more important than, and certainly equally important to, the undergraduate teaching function. A very large focus of attention and a very large amount of resources are allocated to postgraduate study and research. The governing body of the University of Western Australia is the senate. The senate has provision for a membership that includes the president of the guild of undergraduates and an elected representative of the student body.

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The academic council of the University of Western Australia, which is the supreme management body of that university, comprises an elected chairman of the academic council, all deans, all heads of schools, the president of the UWA Guild of Undergraduates and the president of the postgraduate students association. There is also provision for the convocation on the senate and - I will stand corrected if I am wrong - on the academic council. I am not quite sure about that. However, the structure of the university does not contain an exclusivity to allow only the guild of undergraduates to represent the undergraduate view in governance and decision making. Special provision is made for postgraduate views. I would be very reluctant to see postgraduates excluded from the right to make representation to the governing bodies of the university. Therefore, I support the amendment of Hon Norman Moore to delete the definite article and replace it with the indefinite article.

Hon SIMON O'BRIEN: I rise briefly to support this amendment. I raised this matter during the second reading debate in the context of the substitution of the definite article for the indefinite article. It is an important point. The same point arises on a number of other occasions in the amendments contained in this Bill. I do not intend to rise again to speak on those. I indicate my support for this amendment as a follow-up to the point I raised during the second reading debate; that is, that this Bill is not only about money. If one accepts for the moment the Government's proposition that the Bill is also about efficiency of operation and other matters that have been argued and will be argued again on other clauses, the Bill is also about control. It is about the triumph of, in my view, the objectionable socialist view of the world that the units allowed to participate in society are collective units, be they bodies of students, sectors, unions or whatever, and that those people should have exclusive rights of access, as collectives, to the decision-making process, to the exclusion of individuals who may not be of like mind or associated with the collective body, whatever it is, but who nonetheless have a definite stake in this or a range of other matters that must be considered in our community from time to time. The parliamentary secretary will perhaps say that this is a small point, but it is not. It is a significant point. If it is only a small point of no concern, the Government should concede the point. With that in mind, I support the amendment.

Hon GRAHAM GIFFARD: I take the view that the problem or difficulty posed by those members who support this amendment does not have the far-reaching consequences that they would have us believe.

Hon Derrick Tomlinson: Of course it does; the court interprets the language.

Hon GRAHAM GIFFARD: The wording as it stands acknowledges the critical and important role that student guilds play. All four universities have positions at a number of levels on their decision-making bodies that are reserved for guild representatives. The reason those positions are held *ex officio*, usually by the guild president, is the recognition that student guilds are the recognised representative voice of the student body.

Hon Derrick Tomlinson: They are a representative voice.

Hon GRAHAM GIFFARD: They are the only organisation -

Hon Derrick Tomlinson: They are not the only one. If you look at the management of our universities, you will find that postgraduates are acknowledged, not just undergraduates. The guild represents undergraduates.

Hon GRAHAM GIFFARD: The common thread across the board in all four universities is that the student guild is the representative voice on many issues.

Hon Simon O'Brien: You cannot comprehend what we are saying.

Hon GRAHAM GIFFARD: I can comprehend what the Opposition is saying. I do not think that it is the dramatic point that the Opposition is trying to make it.

Hon Simon O'Brien: Concede the point then and maintain the status quo.

Hon GRAHAM GIFFARD: No, because I do not agree with the Opposition.

Hon Norman Moore: You said last night that you did.

Hon GRAHAM GIFFARD: The view I held last night is the view I continue to hold; that is, it does not prevent students or groups of students from representing their own views to the university.

Hon Norman Moore: With no status at all. What would happen?

Hon GRAHAM GIFFARD: Changing this clause would not change their status according to law and their capacity to represent.

Hon Derrick Tomlinson: It would.

Hon GRAHAM GIFFARD: It would not.

Hon Derrick Tomlinson: It would, because the student guilds are "the" body.

Hon GRAHAM GIFFARD: I do not accept that.

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Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Hon Derrick Tomlinson: You are stupid! You do not understand English.

Hon GRAHAM GIFFARD: I simply do not agree with the Opposition.

Several members interjected.

The CHAIRMAN: Order!

Several members interjected.

The CHAIRMAN: Order, Hon Simon O'Brien and the parliamentary secretary! We will wait until everybody regains their composure.

Hon GRAHAM GIFFARD: Thank you, Mr Chairman. That is the view of the Government on this clause.

Hon Norman Moore: Might I ask a hypothetical question? If the Blackstone Society put forward a proposal and the guild put forward a proposal on the same issue but had a different point of view, which would take precedence over the other?

Hon Louise Pratt: The Blackstone Society is part of the guild.

Hon Derrick Tomlinson: It is not.

Hon GRAHAM GIFFARD: Yes it is; it is affiliated with the guild. I would expect the university to deal with submissions on their merits. I do not see that there is any exclusion of people representing their views.

Hon Norman Moore: Then why are you changing the words? It is a deliberate move on your part.

The CHAIRMAN: The parliamentary secretary has the call. I will then call any other member who wants to speak.

Hon GRAHAM GIFFARD: In our view it is a simple recognition of the fact that that is the role that student guilds play. We have said repeatedly throughout this debate, and in the other place, that we recognise that student guilds are important organisations in the conduct of universities. The legislation is a simple recognition of that fact. In our view that is what the current wording proposes.

Hon ALAN CADBY: I support the amendment. What was the motivation for the change from "a" to "the"? As it appears in the provisions that relate to all four universities, did they think of it independently; if not, who initiated the change from "a" to "the"?

Hon GRAHAM GIFFARD: The starting point for discussions with student guilds and universities was to look at the impact of the 1994 legislation and the Government's intention to repeal it. I am advised that this change occurred in the 1994 legislation. Prior to 1994, the word was "the", but it was changed to "a" as a consequence of the 1994 legislation. That was picked up in the batch of legislative changes that were introduced in 1994, and, as the member can see, it has been carried through. In that sense, that was the motivation for the change. It was one of the 1994 changes that we said we were repealing.

Hon Alan Cadby: Who initiated the change?

Hon GRAHAM GIFFARD: The Government approached the universities and the student guilds and had discussions with them, and the starting point was the repeal of the 1994 legislation. The provision about changing "the" to "a" was part of the 1994 legislation.

Hon Alan Cadby: So it was a government-initiated change?

Hon GRAHAM GIFFARD: The Government initiated it by saying that it was examining the 1994 legislation. That was part of it.

Hon JIM SCOTT: This clause means that it "shall be the recognised means of communication". I acknowledge that "the" is different from "a". It simply means that if the council is to communicate with the student body, the recognised means of communication is through the guild. This is sensible. Who else should it be? Should it be the Law Society, as Hon Norman Moore said, or somebody else?

Hon Norman Moore: I corrected myself in respect of the Law Society.

Hon JIM SCOTT: I am sorry; whichever society. It does not say that the council cannot communicate with anybody else. It just says that the recognised body -

Several members interjected.

The CHAIRMAN: Order, members! One at a time.

Several members interjected.

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon
Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

The CHAIRMAN: Order! Hon Derrick Tomlinson! One at a time. It is difficult to hear from this position. Let us give Hansard a fair go.

Hon JIM SCOTT: It simply means that if somebody is to speak on behalf of the students, it is the guild. It does not refer to some particular item and state that the guild should not talk to a particular person or group. It just means that the group that communicates for the enrolled students is the guild. It is quite simple. I do not know what the big kerfuffle is all about.

Hon NORMAN MOORE: The parliamentary secretary is right. The 1994 legislation removed the word "the" and put in the word "a". Apart from the fact that the Government decided to repeal that legislation, can the parliamentary secretary give me any examples, since 1994, of the use of the word "a" instead of "the" causing any difficulties in any campus in Western Australia?

Hon DERRICK TOMLINSON: Mr Chairman, have I been recognised by the Chair?

The CHAIRMAN: Yes.

Hon DERRICK TOMLINSON: Therefore, I am the recognised speaker.

The CHAIRMAN: I am not going to get into any argument, but the honourable member has the floor.

Hon DERRICK TOMLINSON: Clearly, I am the recognised person. That gives me the exclusive right to speak at this moment.

Hon Jim Scott: Only at this moment.

Hon DERRICK TOMLINSON: Yes. All of these unruly interjections that I am listening to are improper and out of order. The only person who is in order is I, because I am the recognised speaker. First, let us read the term "the" as exclusive - the definite article; there is no other - and, secondly, as recognised, as acknowledged, as standing. I am the recognised speaker.

Hon Jim Scott interjected.

Hon DERRICK TOMLINSON: Right now. The statute says that the guild will be the recognised body.

Hon Jim Scott: Who for?

Hon DERRICK TOMLINSON: For the students. Regrettably, in the University of Western Australia, only the undergraduate students are recognised. This Government has a Minister for Science and a science advisory body, but it does not want to recognise postgraduate students. The stupidity of it all. The guild is the recognised body to represent the students and it is the body that may exclusively participate. As I have already pointed out, although Curtin University has the student guild, the University of Western Australia has the guild of undergraduates. In recognition that there is not a singular body of undergraduate students, but a body of students that includes postgraduate students, the academic council makes provision for the guild to be represented and the postgraduate student association to be recognised. The consequence of this Bill will be to exclude the postgraduate students at the University of Western Australia because the student guild is the recognised and exclusive voice of the students; therefore, it eliminates the postgraduate student association from all university councils. That is the effect of the definite article, especially when the definite article is used with the qualifier "recognised". It is the authoritative body.

Hon GRAHAM GIFFARD: In answer to Hon Norman Moore's question, I cannot give him any direct examples.

Amendment put and a division taken with the following result -

Extract from *Hansard*
[COUNCIL - Thursday, 19 December 2002]
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Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Ayes (15)

Hon Alan Cadby	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon John Fischer	Hon Barry House	Hon Barbara Scott	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon ALAN CADBY: All the amendments I have on the Notice Paper for clause 4 are interconnected, so should be dealt with cognately.

The CHAIRMAN: The first two amendments, which are deletions, can be moved together, but the third amendment, which is an insertion, should be done separately. If the member wishes, amendments Nos 1/4 and 2/4 can be taken together, if the House has no objection. The question really is whether the argument is a related one.

Hon ALAN CADBY: I move -

Page 3, lines 24 to 26 - To delete the lines.

Page 3, line 27 - To delete "not".

I sought to move the three amendments cognately because the sentence would not make sense after the deletion of the words. I take the advice of the Chair on that.

The CHAIRMAN: If the amendments succeed in deleting the words, the next amendment moved will be to insert the new words.

Hon ALAN CADBY: It is important that students exercise their right of freedom of choice when they attend the university, and this clause prevents that from happening. Students are compelled to become members of the guild or union on enrolment. As soon as students sign their name, they are members of the guild. They can opt out, but initially they are in. Surely the House believes that these bright students have the capacity to make an informed choice about whether to belong to the guild. If the Government does not think the students are capable of this choice, it reflects badly on the Government, and not on the students. My amendment will clearly enable the students to make that choice. They have freedom of association and are able to belong, or not belong, at the point of enrolment. Surely this is what university culture is all about - the creation of a free-thinking environment without government interference.

Hon GRAHAM GIFFARD: The Government is opposed to these amendments. The provisions in the Bill before the House reflect the position arrived at through a process of negotiation between the guilds, the universities and the Government. Proposed subsections (6) and (7) of section 44 should be read together. Proposed subsection (6) is subject to subsection (7), which reads -

A student may elect at the time of enrolment not to become a member of the Student Guild, and an enrolled student may resign at any time as a member of the Student Guild.

It is clear that, during the process of enrolment, students are entitled to become members of the student guilds, unless they decide that they do not want to become members of the guilds. That seems very clear to me. It is not about compulsory membership at all. It is a simple matter of the choice to be exercised by each student.

I also advise that during the discussions that have taken place over many months, all universities with which we are dealing have given an undertaking that clear explanations will be given to students at enrolment about their right to elect not to be members of the student guilds. I am confident that that process will be transparent and simple, as it should be. The Government thinks that student guilds are worthwhile organisations and it has a positive view of student guilds. They play an important role, as government members have said over and over again.

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon
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The wording of the Bill reflects the Government's view that student guilds are good organisations and it encourages people to participate in the guilds; however, if they do not want to, that is fine. That is the sentiment expressed in the Bill. I understand what members opposite are seeking to achieve by these amendments. However, that reflects a different sentiment. The Government has a different view of student guilds. It is a more positive view than that expressed by members opposite. That is why these amendments are before us, which the Government opposes.

Hon NORMAN MOORE: The amendments moved by Hon Alan Cadby are eminently sensible. Together, amendments 1/4, 2/4 and 3/4 would get rid of the notion contained in proposed new section 44(6) that a student automatically becomes a member of the guild upon enrolment and then has the choice under proposed new subsection (7) to elect not to be a member of the guild. The totality of Hon Alan Cadby's proposition will not take away from the guilds the money they will receive. It simply provides that when a student enrolls, that student can decide to join or not to join. Instead of the student automatically becoming a member and then choosing not to be a member, the amendments simply provide that when the student enrolls, he will choose whether to be a member. I do not know what the parliamentary secretary's problem is with that. Why should a person automatically be a member of an organisation without having any involvement in it, other than enrolling? When a student enrolls at a university, it is to do a course of study, not to get involved in various organisations. That is not the prime purpose for attending university. The Bill provides that when a student enrolls at a university, that student is automatically made a member of an organisation, and then that person can opt out if he wants to. I thought that the most appropriate and logical process to adopt, which would not detract in any way from the amount of money the guilds would receive, would be that when a student enrolls in a course at university, the student would say, "Yes, I will be a member" or "No, I will not be a member." That is the only change provided in these amendments. It is an important principle; that is, that a student is not automatically made a member of an organisation that the student does not want to be a member of because of some reason. These amendments are very sensible, and the Government should accept them.

I am aware today, though, that the Assembly will now not be recalled and that the Government will not accept any amendments to this legislation because, if it did, the Assembly would be recalled to deal with them. It would be a terrible travesty of the processes of this House if the Government were to reject amendments on the basis that the Assembly is not coming back before the recess.

Hon Graham Giffard: I can assure you that that is not the case.

Hon NORMAN MOORE: If the parliamentary secretary can assure me that he is looking at these amendments with an open mind and that the Assembly is ready, willing and able to come back and deal with the amendments that have already been passed by this House on other matters, as well as any amendments to this Bill, I would like to get that assurance. It would be an absolute disgrace if the amendments that we are moving in good faith are totally rejected on the basis that the Government does not want to cause the Assembly to come back. In view of the fact that the Assembly members have been running this House for the past couple of weeks, I think it would be a very nice idea if they did come back some time between now and Christmas to deal with something. Here is an opportunity for the Government to give them something to come back for.

These amendments are appropriate and proper and should be agreed to because it is the right thing to do. If government members thought about it, they would realise that it is the right thing to do. Why should an individual, upon enrolling at a university, be automatically made a member of something? That is totally against any human right that I know of. The amendment seeks to provide that when a student enrolls, he says yes or no to becoming a member of the guild. There is no deeming attached to this. It is just a yes or no proposal. The end result is exactly the same. Most people say that if they must pay, they may as well join anyway, but at least they are not deemed to be members before they even make a decision on that matter. Hon Alan Cadby has put forward some very sensible amendments, and I hope they are considered on their merits, not on the basis of the holiday arrangements of members of the Legislative Assembly.

Hon ALAN CADBY: It seems to me that the Government could have provided for students to be given a choice of status when they enrolled. The first choice could have been whether to belong or not belong to the guild. That would be a free choice of status. The second status could have been that they were deemed non-members of the guild until they decided to become members of the guild. The third status, which the Government has chosen, is that, at enrolment, they are guild members and they must then opt out. I would like the parliamentary secretary to tell me why the Government chose the latter status. Why did it decide that all students are guild members unless they opt out at the point of enrolment? A person who is a first-year student may decide, for whatever reason, not to become a guild member. The Government says that it accepts that some students will not want to belong to the guild. I know that a sneeze is probably more important than student association, but I hope that the parliamentary secretary is taking some notes and is thinking about the question I am about to raise.

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I could ask him to repeat what I have just said to see whether he is on the ball, but I do not think I will do that because in fact he might be.

If a student decides to opt out at the point of enrolment, say, in the first year, when that student enrolls for the second year, he is suddenly back in the guild, and he must opt out again. Why must students keep opting out? If students say that they do not want to belong to the guild, why does the Government put them back in at the point of enrolment? Surely once is enough. If they say that they do not want to belong to the guild, surely that is enough. It may be on religious grounds or because of their beliefs that they do not or cannot belong to the guild; yet the Government is forcing them back into that status, and they must opt out again. I have two questions of the parliamentary secretary. First, why did the Government choose the third status option; and, secondly, why can a student not opt out for the period of enrolment at a university and be given the opportunity to opt in if he wants to do so?

Hon GRAHAM GIFFARD: I will deal with the latter point first. It is an annual fee.

Hon Norman Moore: An annual tax.

Hon GRAHAM GIFFARD: It is an annual fee, and students are asked to pay that fee annually. We believe it is appropriate that, on an annual basis, they be asked whether they want to become members of the guild. Of course, their enrolment is for that year, and they re-enrol and do everything else for that year. We believe it is appropriate that the issue arise each and every year.

Sitting suspended from 1.00 to 2.00 pm

Hon ALAN CADBY: I believe the parliamentary secretary intended to answer a question about the scenario of the three positions in which students could find themselves. My question was why the parliamentary secretary chose the third one; that is, on enrolment a student would become a member of the guild and could opt out. He did not answer that part of the question; he answered only the second part.

Hon GRAHAM GIFFARD: I simply said that the provisions contained in the Bill reflect the position that was agreed to as a result of discussions and negotiations between the student guilds, the universities and the Government. That is why we ended up with the form of the words that are contained in the Bill.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Alan Cadby	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon George Cash	Hon Barry House	Hon Barbara Scott	
Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch	
Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon ALAN CADBY: Because my first and second amendments to clause 4 were defeated, my third amendment is redundant.

The CHAIRMAN: I should have pointed out that the third amendment could not be moved because it would have made a nonsense. It is redundant.

Clause put and passed.

Clause 5: Sections 45 and 46 replaced -

Hon ALAN CADBY: I move -

Page 4, line 24 - To insert after "students" -

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but not so that the fee paid by an enrolled student who is not a member of the Student Guild is greater than the fee payable by an equivalent enrolled student who is a member of the Student Guild

As I mentioned earlier, it is likely that students not in a guild will pay more than those in a guild because of the likelihood of discounts. This amendment ensures that all students of a single status will pay the same fee. I cannot see any reason that the amendment will not get full support from all members of this House if they believe in equity and are against discrimination based on a person's beliefs and values, especially in our young population. Members must support this simple amendment put forward in an environment of positive assistance. The parliamentary secretary has stated his belief that all students within the same status should be charged the same fee. I cannot understand why he will not accept this simple amendment, which will make it certain that all students will pay the same fee.

Hon Norman Moore: He might.

Hon ALAN CADBY: He may do. It will also give an opportunity for the other House to consider this worthwhile amendment.

Hon GRAHAM GIFFARD: I do not support this amendment for the simple reason - which I have indicated to the member privately - that the Government's approach to this Bill is to enact a broadly enabling Bill. From that will follow the university statutes, which provide noticeably more detail about the processes and categories of expenditure than the Bill allows universities to put in place. I do not support intervention in the process of discussion and negotiation that will go on, and has gone on, between universities and student guilds. The Government does not support intervention in a range of decisions that will be made at the university level. For that reason, the Government does not see this amendment as appropriate.

I have expressed my views about this issue in the Chamber on a number of occasions. I expect that commonsense will prevail at Murdoch University and at the other university campuses. Even though a letter written in May refers to this issue, there is nothing in Murdoch University's statutes to indicate that it is intending to go down this path. On that basis, I do not see the need for the amendment because commonsense will prevail on Western Australia's university campuses, which is where the important decisions should be made.

Hon NORMAN MOORE: The amendment, which is another sensible proposal by Hon Alan Cadby, makes it clear that the Parliament - which makes the decisions - will not allow universities to charge non-members more than a member. The Government is introducing a compulsory tax for all Western Australian university students and the Opposition is asking the Government to ensure that there can be no discrimination on the basis of membership or non-membership. If a person is not a member, that person should still pay the same fee or tax as a person who is a member. That is a very fair and proper amendment. In referring only to Murdoch University, the parliamentary secretary does not understand the importance of such an amendment. It is not good enough to say that the Government will not get involved in the negotiations between the guilds and the councils. We are being asked to pass legislation that will provide a huge amount of power to the guilds and councils that will make decisions affecting the students who will be taxed as a result of this legislation. The parliamentary secretary's explanation is not good enough. He has given no reason that the amendment should not be supported. The amendment makes no difference to what the parliamentary secretary states will be the case, but it will serve to make it absolutely clear that there can be no discrimination. Over the past two years we have debated dozens of Bills that have dealt with discrimination. The Opposition has put forward an amendment that will prevent discrimination against non-members and the Government should accept it. If the Government is not accepting any of the Opposition's proper and sensible amendments because it does not want the Legislative Assembly to come back, that is not a good enough reason by a long shot.

Hon ALAN CADBY: Proposed section 45(2) states -

The Council may determine that a different level of the amenities and services fee is payable by a specified class of enrolled students.

A specified class could be a specified group and a group at the university who are non-guild members. Will the parliamentary secretary concede that it is possible under this Bill, and within the statutes, for universities to charge non-guild members more than guild members? If the member concedes that point, why will he not support the amendment when he has already stated that he does not support that action?

Hon GRAHAM GIFFARD: A specified class of enrolled students refers to part-time and external students. There is nothing in any of the draft statutes to suggest that universities intend to charge fees in the manner in which Hon Alan Cadby has suggested. As I have previously mentioned, Murdoch University made it clear to me during our discussions that it is not intending to go down that path.

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Hon Norman Moore: This is actually a Curtin University of Technology amendment.

Hon GRAHAM GIFFARD: That is right, it is the Curtin University of Technology.

Hon Norman Moore: This is a fundamental question that you have ignored.

Hon GRAHAM GIFFARD: The question has not arisen at Curtin University.

Hon Norman Moore: That does not matter. It is a fact and a fundamental principle -

The CHAIRMAN: Order, Leader of the Opposition! One speaker at a time please.

Hon GRAHAM GIFFARD: That is precisely why I am quite happy to have a discussion about Murdoch University in the context of this -

Hon Norman Moore: It's not about one university; it's about all of them -

The CHAIRMAN: Order, members!

Hon GRAHAM GIFFARD: The member does not really want to listen.

Hon Peter Foss: You do not want to hear; that is your problem.

Hon GRAHAM GIFFARD: I can hear members very clearly.

The purpose of the clause is to apply to that class of students, as I have indicated. There is nothing in the statutes to indicate that universities intend otherwise. The Government sees no reason to support this amendment.

Hon RAY HALLIGAN: Obviously, we will not do any good with the parliamentary secretary. We are supposedly setting the parameters but he is abrogating the Government's responsibility. Proposed section 45(3) refers to the exemption of students from the amenities and services fee. I asked during the second reading debate, and I ask again, who will be exempt from those fees?

Hon PETER FOSS: When I raised the question of the capacity for a higher fee to be charged to non-members, I was not aware of the letter from Murdoch University; it was a purely hypothetical situation. I raised the point because, as a matter of principle, this Parliament is allowing for the imposition of a tax. Putting aside the question of whether that should be allowed; it is being imposed. It is an unusual tax because the Parliament will not retain the power to annually review it or to disallow a regulation. It cannot disallow the statutes. Therefore, it is unusual to give this Henry VIII type of power in the first instance. It is important that we set parameters when this power is given to levy a cost against people for their education. I raised the matter as a hypothetical situation or a drafting point. We should clarify what the law says and not why the parliamentary secretary thinks the provision is included. It does not matter why it is there; I know why it is there. Welcome to the real world; it has nothing to do with the reason the parliamentary secretary thinks the provision is included but is because of the law. All we are saying is that if the parliamentary secretary and we agree that that should not happen, why should Parliament not say so? If the parliamentary secretary says that that is not the intention, why should we not make it clear? The only reason I can think of is that the parliamentary secretary's riding instructions are that it does not matter whether it is a valid point or a good amendment, he should not allow a single amendment. If he does, this House will have to sit again on 23 December and the Government does not intend to sit again this year.

I am alarmed that the person from Murdoch University who wrote to Hon Alan Cadby and signed the letter was Professor Mal Nairn, the then vice chancellor. I present this purely as a hypothetical situation - I do not care whether the university has backed down on its position since. It does not matter whether it is Murdoch, Curtin or any of the universities. The fact is that this is a state and publicly funded university that has said that the situation is not hypothetical and that that is what the university intends to do. The people involved might have since been beaten up by the Minister for Education to withdraw that statement, but that is what they intended to do. If we pass this law as it stands at the moment, that is what they can do.

A lot of people have got into an awful lot of trouble by doing things that have had unintended results. If the parliamentary secretary has one good reason - other than he did not intend it - for not making this into good legislation, for not making clear what should be made clear and for the legislation not saying what we all agree it should say, I would like to hear it. All the parliamentary secretary has given us is blabber. All he has told us is what he has been told to tell us by the Minister for Education. The parliamentary secretary had better go back and tell the minister that in this Chamber we do not accept that as an answer. We would like to have an answer that says why we should not make this amendment. In the absence of anything other than blabber, I can draw only one conclusion; namely, the reason is an unstated reason. That unstated reason is that the parliamentary secretary has been told not to agree to an amendment. When we get a letter from the Vice-Chancellor of

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Murdoch University, it ceases to be a hypothesis or a matter of interpretation but becomes a matter of extreme concern. What I spoke of as a hypothesis is a reality. This amendment has to be passed.

Hon GRAHAM GIFFARD: I do not have anything to add to what I have already said on this amendment. I want to respond to the issue that Hon Ray Halligan has raised about who may be exempted. I am advised that, for example, Edith Cowan University is looking at exempting students who are undertaking a course of study that does not lead to the award of a degree, diploma or certificate, international offshore students, and students who are enrolled in one or more units of study with the university but whose principal place of enrolment is another Australian university. Those are the types of students to whom it might apply.

Amendment put and a division taken with the following result -

Ayes (15)

Hon Alan Cadby	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon John Fischer	Hon Barry House	Hon Barbara Scott	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon ALAN CADBY: I move

Page 5, line 2 - To insert after "Guild" the following -

nor more than one tenth greater than the percentage of enrolled students that are members of the Student Guild

This amendment attempts to provide some incentive to the guild councils to meet the needs of their core membership. If they provide a valuable and popular service to their members, membership is likely to increase, thus lifting the level of income to the guilds. Without this amendment, there will be no incentive for guild councils to provide services such as discounts on and off campus, or to utilise the moneys raised to directly improve the facilities that students want. Otherwise, as the guilds are guaranteed significant income, why would they be concerned with what the majority of the students wanted? They could continue to pamper and support the radical, unproductive parasites that some guilds seem to attract. This amendment will mean that if 60 per cent of students stay in the guild, the guild would receive no more than 66 per cent of the money collected. It is important that we provide these young people with incentives to lift their game. Without that, why would they bother? They would get the money anyway.

Hon GRAHAM GIFFARD: The Government is opposed to this amendment. We do not accept it. Unless Hon Alan Cadby can explain otherwise, it seems to me that this amendment would bring this proposed subsection into conflict with the next proposed subsection, which is how the Government prefers to see the Bill. The amendment also seems to seek to prohibit arrangements that might be made between student guilds and universities for the provision of some services on campus, which seems contrary to the thrust of the Bill. A university and its student guild might come to an arrangement, say, on the subsidising of a sports association. An arrangement might be made that 20 or 30 per cent of the guild fees would go towards subsidising and funding the sports association, and the student guild would retain the rest of the money. The amendment seems to prohibit those sorts of arrangements, which, from my point of view, would be beneficial to students. Those arrangements have advantages for student guilds and universities. I cannot see that this amendment would have any desirable consequences. For those reasons, the Government does not support the amendment.

Hon ALAN CADBY: The guilds would have some certainty because they would have some 51 per cent of the income anyway. All we are saying is that they should be provided with that incentive to improve what they offer. Surely it is important that a guild should work within its means. If a guild knows it has a set income of

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51 per cent, it will offer services that use that 51 per cent of money. At the moment the University of Western Australia guild is overspending and not living within its means. I do not think that the parliamentary secretary's argument is a good one. He should support the idea of giving the guilds an incentive to improve their game.

Amendment put and a division taken with the following result -

Ayes (15)

Hon Alan Cadby	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon John Fischer	Hon Barry House	Hon Barbara Scott	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon ALAN CADBY: I move -

Page 5, line 15 - To insert after "it" -

which shall prohibit the expenditure of moneys -

- (i) for political purposes; or
- (ii) by way of affiliation or subscription fee to national or interstate student organisations

As I mentioned in my speech during the second reading debate, the categories in the university statutes are so broad that I could not find any classification of expenditure that would not fall within those categories. For this reason and for the benefit of the majority of students who would not want their money to be spent on political purposes or see their money going east to the National Union of Students via affiliation fees, we should add these few words. If this amendment were passed, we could be more assured that the income from guilds' fees would be spent on matters that would directly benefit the students at the home university. After all, is that not what the minister said? The whole argument was based on the fact that the introduction of student guild fees would improve the quality of life on the particular campus. Once again, I cannot see any reason that the Government would not support this amendment.

Hon JIM SCOTT: I wonder how the student guilds will conduct elections to elect new members. That would be regarded as a political purpose and they would end up with the same people permanently in those jobs. If they wanted to campaign against the rises in fees, students would have to pay, and that could be seen as a political purpose. This clause sums up where the Opposition is coming from; this is what every one of these amendments is about. The Opposition is concerned that some sort of radicalisation will occur and they will not have any control over it. About the only thing that is not included in these clauses is the design the students must have on their underpants if they are members of the guild. It is just over-control, over-control, over-control and it is about time they let go.

Hon ALAN CADBY: Hon Jim Scott has got it completely wrong. All the amendments I have moved today support everything that the Minister for Education said in the other place. All I am doing is making it certain that what he said can or cannot happen. I suggest the member read the *Hansards* of the debate in the other place.

Hon GRAHAM GIFFARD: The Government does not support the amendment. We think the amendment is objectionable. The amendment seeks to introduce a regime that is a lot closer to the Kennett-style model referred to by Hon Barbara Scott than the model that this Government is seeking to put in place, and that is a model that tells students what to do and what sort of activities they can engage in under the auspices of their own organisations. Hon Jim Scott is right. It does parody the potential effect of the clause in relation to guild elections and anything else that might be broadly termed political. It does invite considerable debate about the meaning of that word. However, that is not the main intention of this amendment. The main intention of this

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Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

amendment is to say to students, "Even if you have a referendum on your campus, and even if you overwhelmingly decide that you want to affiliate with a national student organisation so that your voice can be heard on important issues that you are concerned about, particularly education, we are saying you cannot." That is what this amendment will do, and that is objectionable. Again, it seeks to tell students what they can do and what they can get involved in. For those reasons we do not support it.

Hon NORMAN MOORE: Hon Jim Scott continues to misrepresent the Opposition's amendment.

Hon Jim Scott interjected.

Hon NORMAN MOORE: The honourable member should listen to me. This amendment was not part of the 1994 legislation. Does the member know why? It is because membership was voluntary. If students wanted to volunteer to pay money to the guild, which would spend it on the green students alliance or something or other, that was the students' business. It was their money and they chose to pay it. However, this Bill provides that everybody pays money to the guilds whether or not they like it. Therefore, the students are entitled to some protection concerning how the money is spent and should be able to take it away from the greedy hands of those who would spend it on various political purposes. That is the difference between the 1994 legislation and this legislation.

The only reason we are seeking to have some control over what the guilds do is that the Government is making it compulsory for everybody to join. When guild membership was voluntary, I could not care less what the guilds did with their money. The membership would decide what was appropriate to spend it on. By knocking back this amendment, the Government is supporting the expenditure of money on political purposes. It is making a positive statement by doing that. By not denying the guilds the right to do it, the Government is giving them the right to do it. As far as affiliations are concerned, we all know how much money goes to the Australian Union of Students, which was known as the National Australian Union of Students in the old days, and what that money is used for and how little control anybody has over it. However, that is an argument for another day. The Government is saying that by refusing to accept the amendment, it is giving support and approval to the moneys being spent for these two purposes. That is outrageous because the money is compulsorily acquired from students who join the guilds.

Amendment put and a division taken with the following result -

Ayes (15)

Hon Alan Cadby	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon John Fischer	Hon Barry House	Hon Barbara Scott	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon ALAN CADBY: I move -

Page 5, line 30 - To insert after "Council" -

and for the Minister to table such balance sheet and annual statement in both Houses within
three months of the end of each financial year

This Bill enables university guilds to raise considerable sums of money, and it is important that Parliament has an opportunity to scrutinise their audited balance sheets. We are the people giving them the authority to raise and spend guild fees, therefore we should examine the books to ensure the guilds do not go the way of Edith Cowan University and lose \$700 000 on bad investments. I do not believe that reporting only to the university

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senate is a sufficient safeguard against irresponsible behaviour of the guild. After all, the Edith Cowan University guild managed to lose all that money when it had to report only to the senate.

Hon GRAHAM GIFFARD: The Government does not support this amendment. As members are aware, this matter was debated in the other place.

Hon Norman Moore: No; we were not aware of that.

Hon GRAHAM GIFFARD: I am sure some members are aware.

Hon Norman Moore: We do not take any notice of what goes on in the other place.

Hon GRAHAM GIFFARD: Of course not, but notwithstanding what members do not know about what went on in the other place, this matter has been discussed with the universities. The feedback from universities about the practicalities of this amendment is that the inclusion of the material in their annual reports to Parliament would be difficult due to the requirement under the Financial Administration and Audit Act 1985 for the annual report to be forwarded to the Minister for Education by 28 February for tabling in Parliament. The universities have indicated to the Government that they are concerned at the potential for delay to their annual reports to Parliament as a result of the insertion of this provision. However, all universities have given undertakings to provide audited balance sheets - that is a commitment that the minister has also given - and annual statements of income and expenditure for the student guilds to the Minister for Education for report to Parliament as soon as the material has been made available to the university or senate, as required under this Bill. The Government considers that the inclusion of this specific provision in the Bill is overly prescriptive and unnecessary, considering the responsibilities and membership of the respective university councils and senates, and in the light of the undertaking of the universities to make the material readily available for public scrutiny.

Hon NORMAN MOORE: I do not believe what I have just heard. The parliamentary secretary said that this provision is too onerous and too difficult, and the time line does not work, so why should they table the annual statements in Parliament? What would happen if some government agency said that reporting was too onerous so it would not do it, and then the Government said that it would not be expected to report if it was too much trouble? What would the Auditor General say about that? This amendment was not included in the 1994 legislation because it provided for voluntary membership. The guilds were in control of their own affairs, with their own money, based on the contributions of their own supporters. The parliamentary secretary is extracting taxes from every student in Western Australia, and now he refuses to have the guild balance sheets tabled in Parliament. If the Government does not support this amendment it should at least give a commitment that it will happen at a time that fits in with accounting year of the universities. The parliamentary secretary might be able to tell us when the report could be tabled in Parliament so that it will fit in with the accounting year, if that is the problem. Perhaps the parliamentary secretary can answer that before we proceed to the next stage.

Hon JIM SCOTT: It is interesting that this amendment has been moved by the great deregulators, because it does not refer to a government agency. This is equivalent to asking all retailers in this State to table their financial statements in the House within three months of the end of each financial year. We are not dealing with state money.

Hon Ray Halligan: These are obligatory fees; students have no say in this.

The CHAIRMAN: Order, members! With the fans on, I am having difficulty hearing members. Either we switch off the fans or people stop interjecting.

Hon JIM SCOTT: That move would create a much cooler atmosphere, Mr Chairman. This is not money that the State Government is paying out. This amendment would bring unnecessary work into this House. The House has sat for an extra couple of weeks past its scheduled rising; yet Hon Alan Cadby wants information to be brought into this place which he will probably never look at in the rest of his time here. It is absolute nonsense.

Amendment put and a division taken with the following result -

Extract from Hansard
[COUNCIL - Thursday, 19 December 2002]
p4503b-4524a

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Ayes (14)

Hon Alan Cadby	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon Murray Criddle	Hon Barry House	Hon Barbara Scott	
Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Hon NORMAN MOORE: I want to ask two questions of the parliamentary secretary about clause 5. The first relates to proposed section 45(3), which states -

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

Can the parliamentary secretary give me some examples of people who might be exempted from doing so? It continues -

or made ineligible to do so, . . .

Can he also give me some examples of people in that category?

Hon GRAHAM GIFFARD: At this point, there is no provision in any of the draft statutes for students to be made ineligible. Therefore, at this point there are no examples of students being made ineligible by statute. I indicated to Hon Ray Halligan a few minutes ago - I will repeat it - that at Edith Cowan University, for example, students undertaking a course of study that does not lead to the award of any degree, diploma or certificate at the university are exempt - the students might be taking only one or two units.

Hon Norman Moore: Why are they exempt? They might spend all their time in the tavern.

Hon GRAHAM GIFFARD: They might.

Hon Norman Moore: Why are they exempt?

Hon GRAHAM GIFFARD: They are exempt because, typically, they are people who are undertaking a course of study that will not lead to any degree, diploma or certificate being awarded. International offshore students are exempt, as are students who are enrolled in one or more units of study with the university but whose principal place of enrolment is another Australian university.

Hon NORMAN MOORE: I thank the parliamentary secretary. I am interested to know about ineligibility, but I will leave that for now. Proposed section 45(6) states -

The part of the amenities and services fees not paid to the Student Guild is to be spent on student amenities and services in the manner agreed by the Council and the Student Guild.

We have been told that at the University of Western Australia the senate has agreed to pass to the guild in each year all amenities and services fees collected for that year, after deduction of an administration charge. What is intended as far as the banking and the administration of this money is concerned? This is the money that will be made available in respect of those students who have not joined the guild. How is it anticipated that this money will be administered? Will it be administered in the university's bank account, or will it be put into the guild's bank account, as apparently will happen at UWA? If it will just go into the guild's bank account, as UWA is suggesting, why have this separate provision in the Bill? Why not just say that all the money collected from all the students will go to the guild?

Hon GRAHAM GIFFARD: UWA is the only university at which the sort of arrangement that appears in its draft statute has been made. My understanding of UWA's situation is that prior to the 1994 voluntary student unionism legislation, the student guild at the University of Western Australia supported financially the sports

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Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

association on campus. Most of us probably know that that sports association is located in the long building with the car park adjacent to it, in which a lot of the sporting facilities are provided. It has a shop and all sorts of sports items. Recreational activities are conducted in that building, or they used to be.

That is a subsidised association. For as long as I have known it has not turned a profit. A policy decision was made to actually put in money to run it.

Hon Norman Moore: I do not think that is correct.

Hon GRAHAM GIFFARD: That is my understanding of it and that is why this arrangement has been put in place. The sports association is very popular and caters for a lot of students. A policy decision was made to support it to keep costs low and make it accessible to all students. Post-1994 the university took over the running of the sports association because the student guild said it could not continue to subsidise it. It did not say it could not continue to run it; it could just not continue to support it because it was too much of a drain on its contractual obligations. The university, therefore, took over the running of it. Negotiations have occurred and it has been decided that money will be forwarded to the guild. If the member reads further on in the statute where reference is made to that arrangement, he will see that it goes on to say that the university, the senate and the student guild will agree on a percentage of that fee being forwarded to the sports association; that is the funding. I am told that the funding next year will be in the order of 30 per cent and that the association needs an injection of funds for an upgrade. However, I do not know whether that high rate of funding will continue; that matter will be negotiated between the student guild and the university. That is my understanding of the reason that the arrangement exists at the University of Western Australia and why it is different from all the other universities.

Hon Norman Moore: Can you tell me what will happen at Curtin University of Technology in respect of that money? How will it be banked and how will it be administered? You are saying that it will be given to the guild and I understand why you are doing that. Now can you tell me what will happen in the other universities?

Hon GRAHAM GIFFARD: The actual process for transferring the funds will be discussed and dealt with but, broadly speaking, at the conclusion of the enrolment period, the money will become due to the student guild. Whatever amount is to be transferred to the student guild will be transferred to its account by way of one cheque or perhaps electronically.

Hon Norman Moore: The Bill states that part of the amenities and services fee is not to be paid to the student guild but to be spent on student amenities and services in a manner agreed.

Hon GRAHAM GIFFARD: For the past few months, student guilds and universities have been discussing what will happen to that amount. A fees allocation committee will be set up under the Edith Cowan University statutes, which is probably the model in which there is the greatest level of ongoing intervention by the university administration in the affairs of the student guild. The fees allocation committee will make recommendations to the council and the student guild on the appropriate allocation of the total amount of the fees estimated to be collected in the following year and the proportion or amount of fees to be collected and which are to be paid by the student guild or council to any entity. There will therefore be an overarching guild and university fees allocation committee that will guide the student guild in the expenditure of moneys. I have no information on the agreement reached with the student guilds at Curtin University of Technology and Murdoch University.

Hon PETER FOSS: The Leader of the Opposition raised a very serious point. Funds that are paid to the universities under this amendment are trust funds; in other words, they are fixed and must be spent on a particular purpose. I would like to know what is the accountability process?

These questions need to be answered because they are fairly important legal ones. How will the funds be differentiated from the other funds of the universities? What of the accountability process? If a person is a member of a guild it is obvious that his fees will go to that guild. There is an accountability process through such things as annual accounts, and members may ask questions at an annual general meeting or stand for office. What about a person who does not want to be a member of a guild? What can he have a say in what happens to his money? How does he know where his money is? If at least 50 per cent is given to a guild he will not know how much of his money is being spent by the guild and how much by the university. The assumption is that at least some of it will be spent by the university. How will a person know what the money is spent on? Will universities be required to publish annual accounts and indicate what funds are spent on? Is there any accountability or does the money just disappear into university funds to be spent as appropriate for amenities and services without the opportunity for a student to say that it is not being spent in the right way? The Chamber has already passed a provision that states that guilds will be the method of communication. There does not appear to be any way in which a student can raise with a university how, and on what, money is spent. What is the

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

accountability process; does the parliamentary secretary know of one? Has one been put in place or do we just hope that one will suddenly fall into place one way or another?

Hon GRAHAM GIFFARD: I will deal with the second aspect raised by Hon Peter Foss first, which is how a non-member will be able to track his contributions made through an amenities and services fee. We are talking about moneys paid by students who elect not to be a member of a guild. The Bill will require an agreement between a student guild and the university senate or council. Decisions made by a university senate or council are formal decisions and are recorded formally. People will know what agreements are made between a university senate or council and a student guild because there will be a need for a formal resolution to give effect to any agreement. Further to that, in the case of the University of Western Australia, that provision has been put into its statutes, which will be a disallowable instrument by this House. It has been made very clear that that is the arrangement at the University of Western Australia. With regard to the collection and distribution of fees and whether people will know if their fees are mixed with other university funds, it must be remembered that the universities levy the fee and have obligations to table accounts in this House on an annual basis. They are subject to the Financial Administration and Audit Act. This point was discussed with the previous amendment. I believe that universities are required to forward their reports to the minister by 28 February each year. The reports are then tabled in Parliament.

Hon Peter Foss: There is no means by which students can express their disgust at certain expenditure.

Hon GRAHAM GIFFARD: There is a transparency in the process to enable people to know what decisions are made. Funding decisions of universities will be able to be scrutinised to see where funds are spent.

In his interjection, Hon Peter Foss raised some of the more dynamic and political arguments.

Hon Peter Foss interjected.

Hon GRAHAM GIFFARD: Of course they can.

The Bill requires the universities to enter into an arrangement with students to spend the money on services and amenities on campus for the benefit of students on campus. That is the criteria, which will be reflected in the universities' accounts and in the resolutions of the university, senate or council.

Hon Peter Foss: Are non-guild members on the Edith Cowan University committee?

Hon GRAHAM GIFFARD: No. The committee reflects the Bill and comprises the student guild and the university administration.

Hon Norman Moore: Why is the guild involved in spending the fees of non-members?

Hon GRAHAM GIFFARD: Because that is the arrangement entered into with the University of Western Australia and a significant proportion will fund the sports association, which is not a guild entity but a separate association.

Hon NORMAN MOORE: Clause 5 deals with the Curtin University of Technology Act 1966. Proposed section 45(6) states -

The part of the amenities and services fees not paid to the Student Guild -

That is, the money they are getting from the students who are not member of the guild -

is to be spent on student amenities and services in a manner agreed by the Council and the Student Guild.

Why is the student guild involved in determining how non-members' money will be spent? If the universities are charging a services and amenities fee, why do the universities not decide how the money should be spent?

Hon GRAHAM GIFFARD: That is what is contained in the Bill.

Hon Norman Moore: I know it is in there; I am asking why it is in there.

Hon GRAHAM GIFFARD: The provision has been included because it was part of the negotiations that went on for over a year.

Hon Norman Moore: Is there a reason that it has been included? It is like passing a law stating that the Liberal Party has the power to determine how money that is given to the Labor Party is to be spent.

Hon GRAHAM GIFFARD: It reflects the agreed position of the universities, the student guilds and the Government.

Hon Ray Halligan: This is an open and accountable Government.

Hon GRAHAM GIFFARD: Yes, it is.

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Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Curtin University's statute is less developed than the statutes of ECU and UWA, because it reflects more accurately the provisions of the Bill. The amenities and services fee collected from students who are not members of the student guild shall be applied to amenities and services as agreed by the university, council and student guild for the benefit of students. That would be a matter of annual agreement between Curtin University and its student guild.

Hon Norman Moore: The parliamentary secretary is spending a lot of time trying not to answer questions.

Hon GRAHAM GIFFARD: If Hon Norman Moore does not want answers then he should not ask questions.

Hon Norman Moore: I want real answers and we are not getting them. We have not had them for the whole Bill. Why do you not just admit what you are doing and stop fudging around the edges?

Hon GRAHAM GIFFARD: I am telling Hon Norman Moore what is happening; if he does not like the answers, that is fair enough.

In a letter to the minister the Vice Chancellor of Murdoch University stated that -

Expenditure of the fee income from students who opt out of Guild membership will use the following process: the University to invite suggestions from those students who opt out, after which the University drafts proposals for consideration at a meeting with the Guild.

Hon Simon O'Brien: If you are not familiar with this matter, why do you not report progress and come back next year?

Hon GRAHAM GIFFARD: Dry up, Simon. The letter continues -

That meeting would make a recommendation to Senate. The Statute would not require an annual review.

The process that will occur at Murdoch University will provide some opportunity for people who are not members of the student guild to have some input.

Hon Norman Moore: What did you just read from?

Hon GRAHAM GIFFARD: It is an earlier version of the letter from Mr Yovich, Vice Chancellor, which states -

Expenditure of the fee income from students who opt out of Guild membership will use the following process: the University to invite suggestions from those students who opt out, after which the University drafts proposals for consideration at a meeting with the Guild. That meeting would make a recommendation to Senate. The Statute would not require an annual review.

Hon Norman Moore: And section 11(6) of the Act says exactly the same words as applies to Curtin -

Hon GRAHAM GIFFARD: The only difference is that Murdoch University will invite submissions from non-members -

Hon Norman Moore: And then ignore them.

Hon GRAHAM GIFFARD: The member now appears to have a cynical view of university administration, which is not my view.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 41 amended -

Hon NORMAN MOORE: I had three amendments that related to the use of the word "the" as opposed to "a". They applied equally in three different sets of circumstances. As I was not successful on the first occasion, I will not proceed to debate these amendments. I am quite happy to have a vote on it but I will not be arguing the case.

The CHAIRMAN: The member's particular amendment deletes certain lines. It does not appear to be the same amendment that the member raised earlier. However, the Leader of the Opposition is indicating that he will not be moving that amendment.

Hon ALAN CADBY: Does the parliamentary secretary have the Edith Cowan University statutes?

Hon Graham Giffard: Yes, I have a draft copy.

Hon ALAN CADBY: I remind the parliamentary secretary that I asked him about three weeks ago in the House if the ECU statutes were available and that when he got a copy of them, to pass them on to me prior to this debate. The answer was that they would be passed on. I do not have the statutes, which is a shame. Another broken promise? I suppose it does not mean much. I am disappointed that I have not got a copy of the statutes

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when the parliamentary secretary and the minister said that I would get a copy prior to this debate. Does the parliamentary secretary have a copy that he can now make available to me?

Hon GRAHAM GIFFARD: I apologise to Hon Alan Cadby for not forwarding a copy of the statutes - I thought that had been done. It must have been an oversight. We are getting a copy for the member now.

Hon ALAN CADBY: The next set of amendments replicates the amendments that we have tried for already, so my intention is to move the amendments but not debate them, because the debate will be similar to the debate on those amendments. I move -

Page 7, lines 22 to 27 - To delete the lines and insert instead -

- (6) A student may elect at the time of enrolment to become or not become a member of the Student Guild.

Amendment put and negatived.

Clause put and passed.

Clause 8: Sections 41A and 41B replaced -

Hon ALAN CADBY: I move -

Page 8, line 25 - To insert after "students" -

but not so that the fee paid by an enrolled student who is not a member of the Student Guild is greater than the fee payable by an equivalent enrolled student who is a member of the Student Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 9, line 5 - To insert after "Guild" -

nor more than one tenth greater than the percentage of enrolled students that are members of the Student Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 9, lines 6 to 10 - To delete the lines.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 9, line 14 - To insert after "expended" -

which shall prohibit the expenditure of moneys -

- (i) for political purposes; or
(ii) by way of affiliation or subscription fee to national or interstate student organisations

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 10, line 4 - To insert after "Council" -

and for the Minister to table such balance sheet and annual statement in both Houses within three months of the end of each financial year

Amendment put and negatived.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 20 amended -

Hon ALAN CADBY: I move -

Page 11, lines 21 to 24 - To delete the lines.

Amendment put and negatived.

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Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Hon ALAN CADBY: I move -

Page 12, lines 3 to 9 - To delete the lines.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 12, line 11 - To insert after "enrolment" the words "to become or".

Amendment put and negatived.

Clause put and passed.

Clause 11: Sections 20A and 20B replaced -

Hon ALAN CADBY: I move -

Page 12, line 28 - To insert after "students" the following -

but not so that the fee paid by a student who is not a member of the Guild is greater than the
fee payable by an equivalent student who is not a member of the Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 13, line 7 - To insert after "Guild" the following -

nor more than one tenth greater than the percentage of enrolled students that are members of
the Student Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 13, lines 8 to 11 - To delete the lines.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 13, line 19 - To insert after "it" -

which shall prohibit the expenditure of moneys -

(i) for political purposes; or

(ii) by way of affiliation or subscription fee to national or interstate student
organisations

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 14, line 6 - To insert after "Senate" -

and for the Minister to table such balance sheet and annual statement in both Houses within
three months of the end of each financial year

Amendment put and negatived.

Clause put and passed.

Clauses 12 to 15 put and passed.

Clause 16: Section 28 amended -

Hon ALAN CADBY: I move -

Page 16, lines 23 to 26 - To delete the lines.

Page 17, lines 6 to 8 - To delete the lines.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 17, line 10 - To insert after "enrolment" the words "to become or".

Amendment put and negatived.

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon
Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Clause put and passed.

Clause 17: Sections 28A and 28B replaced -

Hon ALAN CADBY: I move -

Page 17, line 27 - To insert after "students"

but not so that the fee paid by a student who is not a member of the Guild is greater than the
fee payable by an equivalent student who is not a member of the Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 18, line 7 - To insert after "Guild" -

nor more than one tenth greater than the percentage of students that are members of the Guild

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 18, lines 8 to 11 - To delete the lines.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 18, line 19 - To insert after "it" -

which shall prohibit the expenditure of moneys -

- (i) for political purposes; or
- (ii) by way of affiliation or subscription fee to national or interstate student organisations.

Amendment put and negatived.

Hon ALAN CADBY: I move -

Page 19, line 4 - To insert after "Senate" -

and for the Minister to table such balance sheet and annual statement in both Houses within
three months of the end of each financial year.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Alan Cadby	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson
<i>(Teller)</i>			
Hon Murray Criddle	Hon Barry House	Hon Barbara Scott	
Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer <i>(Teller)</i>

Pair

Hon Paddy Embry

Hon Christine Sharp

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Hon Barry House; President; Hon Alan Cadby; Hon Graham Giffard; Hon Norman Moore; Chairman; Hon
Derrick Tomlinson; Hon Simon O'Brien; Hon Jim Scott; Hon Ray Halligan; Hon Peter Foss

Bill reported, without amendment, and the report adopted.

Third Reading

HON GRAHAM GIFFARD (North Metropolitan - Parliamentary Secretary) [3.42 pm]: I move -

That the Bill be now read a third time.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [3.42 pm]: The House should not agree to this third reading. It is a cynical Bill. The more I look at its detail, the more obviously cynical it becomes. It is a poorly disguised attempt to introduce a freedom of association situation in the university guilds of Western Australia, while at the same time compulsorily extracting money from every student. It is a disgraceful piece of legislation. It seeks to disguise its real intent. However, the students of Western Australia will soon learn its real intent. Hopefully, by the next election, they will realise that they have been taxed by this Government in a way they never expected to be taxed at a time when they were busy doing other things. I have no doubt that after this legislation is enacted and then later repealed in the next Parliament there will be general rejoicing among the students of Western Australia. I oppose the third reading.

Question put and a division taken with the following result -

Ayes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)

Noes (14)

Hon Alan Cadby	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson
(<i>Teller</i>)			
Hon Murray Criddle	Hon Barry House	Hon Barbara Scott	
Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch	

Pair

Hon Christine Sharp

Hon Paddy Embry

Question thus passed.

Bill read a third time and passed.