

UNIVERSITIES LEGISLATION AMENDMENT BILL 2016

Consideration in Detail

Clauses 1 to 8 put and passed.

Clause 9: Section 5 amended —

Dr A.D. BUTI: Premier, the member for Victoria Park mentioned the change of name, and I think I also did in my contribution to the second reading debate. For information purposes, I think it would have been better to keep “technology” in the name and keep it as a unique university. Does the Premier have any messages or feedback from Curtin University of Technology about why it wants to delete “technology” from its name?

Mr C.J. BARNETT: I have nothing specific. Curtin suggested this some time ago when Elizabeth Constable was the minister. She did not favour it and it did not go anywhere. Obviously, it has proposed the change again and our current Minister for Education, Peter Collier, has agreed. I do not have a strong view either way. I am a bit like the member for Armadale; I think Curtin University of Technology gives more pragmatic applied university programs compared with, say, the University of Western Australia, but it thought that implied that it was somewhat not a full university offering all programs. I guess its desire and its success in starting a medicine faculty shows that it wants to broaden its areas of study. But I guess that in some of the social science and arts areas, such as language and literature, it is probably not as strong as other universities might be. The university’s vision is to be seen as a broad portfolio university. If that is the university’s view, I am happy to go along with it, but privately I probably would have been of the member for Armadale’s opinion.

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Section 9 amended —

Dr A.D. BUTI — by leave: I move —

Page 8, lines 3 and 4 — To delete — “one person who is a member of the academic staff of the University and who is” and substitute —

two persons who are members of the academic staff of the University and who are

Page 8, line 28 — To delete “5” and substitute —

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Premier, we agree that legislating to reduce the size of the council from 24 members to 17 is the right move. The greater the number of people, the harder it is to manage because we have to satisfy or get a consensus from more people. However, we are concerned; it was very, very strongly put to us by the union that represents academic staff at universities that this amendment, which is replicated in other university statutes, is really not the way to proceed. In some cases, the number of representatives from certain groups has been reduced to one. The Premier is a former university academic, as I am, and we know academics have their own self-interests, obviously, but they are the pulse of university life and I do not really see how having two academic staff members on the council is really asking too much. I think it is a very important number so that we have proper governance of a university, and that is why I moved that amendment.

Mr C.J. BARNETT: I understand the point that has been made. The government’s view is that guaranteeing at least one member of the academic staff on the council is sufficient. We are trying to move away from the representative structure of councils and senates and to give universities greater freedom to appoint people because of their experience, merit and so on. But, theoretically, it would be possible for more than one academic staff member to be appointed. It could be under the Governor’s appointment, for example. That may happen at one stage. There may be an academic staff nominee and the university may have a view that another staff member would also make a great contribution and it could make a recommendation to the Governor to appoint that person. Apart from reducing the size of the councils and senates, and guaranteeing staff and student representation, this structure simply reduces it from a guaranteed two representatives to a guaranteed one. That is the government’s view. I think it is the correct view, but it is theoretically possible, at least, that there could be more than one if the flexibility of the Governor’s appointment was used in that way. I can imagine a scenario in which we might want an outstanding academic or someone with outstanding administrative experience to be on the council. That would be up to the university. We are trying to give as much freedom as possible to the universities with the structure of their senates and councils.

Dr A.D. BUTI: I understand what the Premier is saying, but having spent 13 years as a full-time academic, as those 13 years progressed I noticed a reduction in the autonomy or independence of academics. People could

argue that academics have always had too much independence and autonomy. I think that freedom was the unique part of being an academic, and I am concerned about this dilution. For instance, look at the University of Western Australia—I know we are looking at Curtin at the moment. The National Tertiary Education Union submission to us states —

The current Bills propose that governing councils and senates of the four public universities be reduced from the current numbers of between 19 and 22 down to 17.

Which we think is the right move —

While that may not seem significant, the reduction is applied disproportionately to the disadvantage of elected academic staff members. The UWA Senate and Murdoch Council each currently have 3 elected academic staff members and the ECU and Curtin Councils each have 2 elected academic staff.

In regards to UWA —

The proposed number of elected academic staff representatives is 1 on each body, thus at UWA 2 of the 4 members to be cut from Senate will be elected academic staff. When the proposed reduction of 1 student representative at UWA is taken into account, elected staff and student representatives account for 3 of 4, or 75% reduction.

We are of the belief that it is better to have more people elected to the council or governing body than appointed from the university.

Mr C.J. BARNETT: I also add that the chair of the academic board remains holding that one position as well, so that, effectively, is “complementary” to it, I guess would be the word.

Division

Amendments put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the ayes, with the following result —

Ayes (18)

Ms L.L. Baker	Mr D.J. Kelly	Mr J.R. Quigley	Mr P.C. Tinley
Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr B.S. Wyatt
Mr R.H. Cook	Mr M. McGowan	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Ms J. Farrer	Ms S.F. McGurk	Ms R. Saffioti	
Ms J.M. Freeman	Mr M.P. Murray	Mr C.J. Tallentire	

Noes (33)

Mr P. Abetz	Ms W.M. Duncan	Dr G.G. Jacobs	Mr J. Norberger
Mr F.A. Alban	Ms E. Evangel	Mr R.S. Love	Mr D.T. Redman
Mr C.J. Barnett	Mr J.M. Francis	Mr W.R. Marmion	Mr A.J. Simpson
Mr I.C. Blayney	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr M.H. Taylor
Mr I.M. Britza	Mr B.J. Grylls	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Dr K.D. Hames	Ms A.R. Mitchell	Mr A. Krsticevic (<i>Teller</i>)
Mr V.A. Catania	Mrs L.M. Harvey	Mr N.W. Morton	
Ms M.J. Davies	Mr C.D. Hatton	Dr M.D. Nahan	
Mr J.H.D. Day	Mr A.P. Jacob	Mr D.C. Nalder	

Pairs

Mr P. Papalia	Ms L. Mettam
Mr P.B. Watson	Mr M.J. Cowper
Mr W.J. Johnston	Mr S.K. L'Estrange

Amendments thus negatived.

Clause put and passed.

Clauses 13 to 31 put and passed.

Clause 32: Part I Division 2C inserted —

Dr A.D. BUTI: The member for Victoria Park will probably have some questions but he can ask them later because the provisions in this clause are repeated in other parts of the bill. This is a very long clause that really frees up universities to make commercial arrangements. I refer the Premier to subdivision 2 on page 27 of the bill. Proposed section 22D, “University may lease University land for commercial purposes with Ministerial approval”, states —

- (1) With the approval of the Minister, the University can ...
 - (b) participate, in the State or elsewhere, in any commercial arrangement that has a commercial purpose.

I wonder whether there are any guidelines for the minister to give approval or not give approval. The clause states “commercial purpose” and the bill previously referred to universities being able to raise revenue et cetera. I wonder whether any guidelines will be in place.

Mr C.J. BARNETT: There are no guidelines as such; therefore, it becomes a policy issue for the government and/or the minister of the day. This government’s approach, and I am sure the member would probably concur, is that although the bill takes an open approach, it will consider that any commercial activity would have to in some way relate to the activities of the university. It may relate to teaching or research. For example, it may well be suitable to build a hospital on a university where medical education, nursing and physio is part of the program. Various universities are thinking about hospital developments on their sites. I would view that as compatible as long as it was part of the university’s teaching and research functions. In previous examples, it has been suggested that a petrol station could be put on a university. I do not see that is related to the university. The bill is non-specific but the guideline that I guess this government would adopt, and I imagine members opposite would adopt a similar one, will be along the lines that it must relate to the university’s core functions.

Dr A.D. Buti: While the Premier is up there, Murdoch University is talking about St Ives Retirement Village. It is a bit hard to see whether that really —

Mr C.J. BARNETT: There will be grey areas but, then again, aged care is an important area of education with a growing demand. Again, I guess we have to make that judgement and I think only the government of the day, under the circumstances of the day, can make that judgement. It would certainly be my approach that it must show strong, tangible links to the university’s role. Universities all have land that has been basically gifted to them by successive state governments. I think they have a responsibility to use it in that way.

Dr A.D. BUTI: I refer the Premier to page 30 of the bill. Proposed section 22G(5) states —

If the University applies for an advance determination —

Under the new system, there is a three-stage approval process. The first two stages can be leapfrogged, but anyway, if the university applies for an advance determination —

- (a) the application —
 - (i) must be made in the manner and form, and contain the information, that the Minister requires; and
 - (ii) if required by the Minister, must be accompanied by a payment agreement;

The bill refers to payment agreements later but I wonder what the payment agreement would relate to or contain.

Mr C.J. BARNETT: The payment agreement would presumably include the details of the contract and whether there is some sort of lease arrangement. The Department of Education Services would not have the capacity to review that, but I guess if there were concerns, it would be up to the Minister for Education to, for example, seek the assistance of Treasury to look at them. I think most of the payment agreements would be straightforward, but for a complex one like a major nursing home, we would want to ensure that the university was not getting itself into trouble or that there could be any liability or risk to government. I think it is a matter of horses for courses. Certainly, if I was the minister and a very complex, large-scale proposal came in, I would seek Treasury advice and maybe even independent financial advice on it.

Dr A.D. BUTI: I refer to proposed section 22I, “Approvals”, on page 32 of the bill and the way proposed subsection (5) is structured.

Proposed section 22I(4) reads —

The Minister may grant or refuse to grant the approval.

That is understandable. Proposed subsection (5) reads —

However, the Minister must grant the approval if the Minister is satisfied that —

- (a) an advance determination is in force in respect of the matter for which the approval is sought; and
- (b) there is no material deviation from the application for the advance determination.

That subsection obligates the minister to approve it, whereas the one before is discretionary in that he or she may or may not. Is that not a little inconsistent? The minister “must grant” if the minister is satisfied; surely, the minister can have as much discretion as they want in deciding whether they are satisfied. I am not sure how the

minister could be obligated. The minister could just say, “I’m not going to approve it”; I do not quite understand the obligation on that one.

Mr C.J. BARNETT: I guess if there happened to be a perverse minister at some stage, it might be just a whim—not liking the vice-chancellor or not liking the proposal. I guess it is somewhat of a protection, that if the proper process is done—all the information is supplied, all those checks and balances are put in place—and if it goes through, there is an obligation that the minister must approve it. I have just been advised that it should be read in conjunction with proposed subsection (6), which refers to “material deviation”.

Dr A.D. Buti: The 20 per cent?

Mr C.J. BARNETT: Yes. I agree that it reads a little strangely with the “may” and then the “must”.

Dr A.D. BUTI: I refer to proposed section 22L on page 34, “Payment agreements”. I suppose in some respects this probably answers my question that the Premier answered anyway. The bill refers to —

... for the reasonable costs and expenses incurred by the Minister in considering the application.

Who will determine what a reasonable cost is? Is it the department or the Treasury?

Mr C.J. BARNETT: I am advised that there would be regulations made to determine that, if that is the case. I think in practice probably the minister and/or the university would agree what is a reasonable cost.

Dr A.D. BUTI: I refer to proposed section 22M on page 34, “Minister may delegate functions under this Division”. I always ask this question just to get it in *Hansard*: I assume this is the delegation of the functional operations, not the delegation of any duty or responsibility?

Mr C.J. BARNETT: That is correct, yes.

Clause put and passed.

Clause 33 put and passed.

Clause 34: Section 24 replaced —

Mr B.S. WYATT: I am just interested in what we are doing here. We are allowing universities to borrow and also to apply for a guarantee from the state. What is the current arrangement with borrowings? Is it that universities can borrow without approval or guarantee from the state; and, are those borrowings of universities on our books for our net debt figures?

Mr C.J. BARNETT: I am advised that universities are not on our net debt. My understanding is that universities might borrow independently. Traditionally, they have often borrowed through Treasury, but it is not our net debt; they are responsible for it. Increasingly, universities borrow independently of the state government.

Mr B.S. Wyatt: So through a normal bank or something?

Mr C.J. BARNETT: Yes. Occasionally they may borrow, particularly if the state government is involved. I know there have been examples of Notre Dame that I was involved with, whereby the state assisted and Notre Dame borrowed some money through Treasury to establish, I think, the law library, as it was back in the 1990s. But, generally, their financial affairs now are separate from the state government.

Mr B.S. WYATT: Premier, I have a question in respect of the guarantee. Proposed replacement section 25B(1) reads —

The Treasurer, on the Minister’s recommendation, may guarantee the performance by the University in the State or elsewhere, of any financial obligation of the University.

At the moment, is the state liable for university borrowings; and, if not, what circumstances are we trying to provide for here when the state would want to guarantee a university borrowing?

Mr C.J. BARNETT: The state is not liable for university borrowings, but there might be a scenario whereby the state, for example, wanted to establish a particular faculty or program—let us say a sports program for whatever reason. If the state and university negotiated that, it may well be a scenario whereby the university borrows the funds to do it and the state contribution is to provide a guarantee if there is a joint project. We could do something jointly on agricultural research—maybe build new laboratories—and if the state was pushing that from an agricultural development point of view, a university might say, “Yes, we’re interested, but it’s not really our core or main thing. If we do it, we will borrow the money, but you have to back us up by guaranteeing”, and maybe probably also making a capital contribution. It would be that type of scenario. I think that is less common today.

Mr B.S. Wyatt: Can the state not do that with a university, under the current legislation?

Mr C.J. BARNETT: I think it could do it; I am sure it has. It is just making it clear within this bill. This is trying to tidy up the acts and make them whole and consistent.

Mr B.S. Wyatt: Does this make it consistent with other states, because other states have already done this?

Mr C.J. BARNETT: I would think so; I assume so, yes. We are just trying to, sort of, normalise and get order into financial arrangements with universities and by the universities.

Mr B.S. Wyatt: In respect of the charges for the guarantee, does the Premier see that as, effectively, similar charges that the state provides for guaranteeing utility debts et cetera—that sort of similar rate?

Mr C.J. BARNETT: It would be if there was a state loan; that would be part of it. It is a bit like the loan schemes for independent schools or Catholic schools. But those days seem to have largely gone now. They were more common if we go back 10 years or 20 years or more; they are not so common now. Universities, I think, are big finance institutions in their own right.

Clause put and passed.

Clauses 35 to 37 put and passed.

Clause 38: Section 33 replaced —

Mr B.S. WYATT: I want to check I have this right. In respect to the exemption from rate or tax, this will not apply to any property that is developed by a university for a commercial purpose? Would that property still be subject to land tax?

Mr C.J. Barnett: That is correct.

Clause put and passed.

Clause 39 put and passed.

Clause 40: Section 35 replaced —

Dr A.D. BUTI: I refer the Premier to pages 42 and 43 of the bill, proposed section 36A, “Statutes to be made readily available to public”. Proposed subsection (2) reads —

Publication in the *Gazette* is not sufficient compliance with subsection (1).

Proposed subsection (1) is about making it readily available to the public. I know the Premier is au fait with modern technology! Are we saying here that it has to go on the web or in an email? What are we actually saying?

Mr C.J. BARNETT: I think there have been examples where sort of by-laws and the like at universities have been put in place, whether they relate to parking or whatever else, and the government has not been advised. There may be a conflict, maybe, between local government or the police or the university. This will ensure the obligation on the university. If they have various statutes and by-laws they pass to apply on campus, they inform the government. I think there was one a year or so ago that caused some controversy; I cannot remember what it was about, but I can remember there was some media about it.

Clause put and passed.

Clause 41 put and passed.

Clause 42: Section 45 replaced —

Mr C.J. BARNETT: This relates to the amenities fee issue that, in the version of the Universities Legislation Amendment Bill 2016 originally put through the upper house, there was no longer a requirement that at least 50 per cent of the amenities fee be passed on to student guilds. The issue was raised by the member for Armadale and others. The minister has, I guess, listened to that and changed his views, so this is to reinstate that at least 50 per cent of the amenities fee must be passed on to the student guild. I think that is the status quo and will make people happy. Sorry, it has not been to the upper house—my mistake. This is to correct the bill so that that will still apply; the status quo will remain. I move —

Page 43, lines 29 and 30 — To delete the lines.

Dr A.D. Buti: We are going to agree obviously, but I would like to speak on that.

The ACTING SPEAKER: I will put the whole clause, once it is done.

Mr C.J. BARNETT: We are going to insert that change.

The ACTING SPEAKER: We are amending the clause and then I will put the clause and you will have an opportunity then. Or you can have an opportunity at either of these stages.

Amendment put and passed.

Mr C.J. BARNETT: Having deleted that section, I move —

Page 44, after line 11 — To insert —

- (2A) The Council must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

Dr A.D. BUTI: Thank you very much, Premier. Of course, as the Premier knows, we are in strong agreement of the need for the 50 per cent minimum threshold of the service amenity fee to be transferred to the student guild. I am very happy with that. In regard to the deletion of the existing section 45 of the act about the amenities and services fee, section 45(1) states —

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

Subsection (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 approve of this; it is just that what we will agree to does not seem to require consultation with the student guild, and that is a bit of a retrograde step.

Mr C.J. BARNETT: I have been advised that the commonwealth act will require them to do that in any case. It is the status quo.

Mr D.J. KELLY: Premier, although we agree with this amendment, it disappoints me that the government continues to attack student guilds in the way that it does. The original bill that the government put forward would have taken away the 50 per cent floor and it can only be said that the reason the government has an issue with this is that for almost as long as I have been an adult, the Liberal Party have viewed that student guilds are somehow the enemy. Student guilds are widely seen as providing something positive to academic life; the student experience. The Premier might roll his eyes —

Mr C.J. Barnett: No, no; it has been a cause célèbre for Young Liberals from their student days!

Mr D.J. KELLY: It is interesting that the Premier says that because there are extremes within the Liberal Party, reflected in the current government, that see as a matter of great passion that they have to smash the student guilds because making students pay a fee is somehow part of a great communist plot, and that the Soviet Union is behind student guilds. Certainly in my time, Young Liberals saw the benefits of student guilds. When I was at the University of Western Australia in the 1980s and I was lucky enough to be elected guild president in 1985, there were key Young Liberals on campus at that point who argued strongly against threats and attacks that Liberals were talking about at the time. Probably the most prominent the Premier knows well is Deidre Willmott, who is now CEO of the Chamber of Commerce. She was the president of the guild at UWA the year before me. I remember vividly the day she threw the keys to the office at me, when my day came to take over.

Mr C.J. Barnett: You got off lightly!

Mr D.J. KELLY: Yes, that is right. I am sure she has had sharper things to say to the Premier than she has to me. Deidre Willmott, CEO of the Chamber of Commerce, argued strongly for the role of guilds for compulsory student fees and not just for a 50 per cent floor, but for 100 per cent of the money collected from student fees to be paid to the guild and for the guild to spend as it saw fit.

The guy who preceded Deidre Willmott as president was a bloke called Michael Huston. He was well known. The member for Churchlands might know Michael Huston. He was the Liberal candidate who was knocked off by Liz Constable for the seat of Churchlands. He was a president of the student guild before Deidre Willmott. He argued strongly for the retention of compulsory student fees and having 100 per cent of them paid directly to the student guilds for them to be spent as they saw fit. It just shows to me how extreme the Liberal Party gets on these issues and that is the view reflected in the current government. Honestly, student guilds often get referred to as student unions and I think that is why people such as the Premier get confused as to what they really are.

Mr C.J. Barnett: I do not get confused.

Mr D.J. KELLY: They are more like a local government than a trade union, and if they were called student rates instead of student union fees, the Premier probably would not have quite the same view. They provide an incredible amount of services to students on campus and they enrich the educational experience. Our universities, our higher education institutions, would be much worse places without them. I wish that the moderates in the Liberal Party would come to the fore again. The Cold War is over, the Berlin Wall has come down, student unions are not the enemy, and I just wish that one day that view would become the norm in the Liberal Party.

Amendment put and passed.

Dr A.D. BUTI: The member for Bassendean has just got me going there, Premier. He makes an interesting point about student guilds really being like a local government rather than a union per se and of course with the federal legislation, in which the money can be spent in only 19 areas, there is no doubt that it is definitely a local

government service provided to students. It removes the ability to fund political campaigns, but of course that was part of the Young Liberals' criticism, way back and still now, even though it was funding Young Liberals as well, so it was always a bit confusing.

Some of the great political stoushes were in the early 1980s between Kroger and Costello and the other side. The member for Bassendean probably would have been on the other side.

Mr D.J. Kelly: They're a bit older than I am.

Dr A.D. BUTI: Yes—a little bit older. That historical fact is very interesting.

Clause, as amended, put and passed.

Clause 43 put and passed.

Clause 44: Part 4 inserted —

Mr B.S. WYATT: Was the change of the name Curtin University of Technology to Curtin University something that Curtin University was particularly keen on having changed or has it just come about to clean it up? I am curious whether it was a Curtin University pitch?

Mr C.J. BARNETT: It was a Curtin University "pitch", as the member put it. The previous Minister for Education, Dr Constable, did not support it and it did not go anywhere. The current Minister for Education has agreed to it. I have to say, as I said earlier to the member for Armadale, I am pretty relaxed about it either way, so the government has gone along with it. It is Curtin University's wish, so we have agreed with it.

Clause put and passed.

Clauses 45 to 54 put and passed.

Clause 55: Section 9 amended —

Dr A.D. BUTI: — by leave: I move —

Page 57, lines 1 and 2 — To delete "one person who is a member of the academic staff of the University and who is" and substitute —

two persons who are members of the academic staff of the University and who are

Page 57, line 22 – To delete "5" and substitute —

4

I explained the reason behind these amendments previously; I do not think that I need to repeat myself.

Mr C.J. BARNETT: Yes, it is the same issue as with respect to Curtin University.

Division

Amendments put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the ayes, with the following result —

Ayes (19)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
Ms J.M. Freeman

Mr R.F. Johnson
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk

Mr M.P. Murray
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti

Mr C.J. Tallentire
Mr P.C. Tinley
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Extract from Hansard
[ASSEMBLY — Wednesday, 14 September 2016]
p5968a-5976a
Dr Tony Buti; Mr Colin Barnett; Mr Ben Wyatt; Mr Dave Kelly

Noes (32)

Mr P. Abetz	Mr J.H.D. Day	Mr A.P. Jacob	Mr N.W. Morton
Mr F.A. Alban	Ms W.M. Duncan	Dr G.G. Jacobs	Dr M.D. Nahan
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr D.C. Nalder
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Pairs

Mr P. Papalia	Ms L. Mettam
Mr P.B. Watson	Mr M.J. Cowper
Mr W.J. Johnston	Mr T.K. Waldron

Amendments thus negated.

Clause put and passed.

Clauses 56 to 60 put and passed.

Clause 61: Section 15A inserted —

Mr B.S. WYATT: This clause refers to remuneration and allowances for university council members. Currently, it is my understanding that these are effectively voluntary positions and there is no sitting fee or allowance or whatever we want to call it. Does this provision bring Western Australia into line with other states? Do universities in other states around Australia already provide a form of remuneration for council members; and, if so, can the Premier give the house an idea of what that remuneration is? I understand that effectively we will refer it to the Salaries and Allowances Tribunal to make that decision, but what does that remuneration sit at in other universities around Australia?

Mr C.J. BARNETT: For ordinary members of senate and councils, probably around \$10 000 would be the recommendation. I want to clarify that it is optional; it is not a requirement that universities pay their councils and senates. For a member, I expect that around \$10 000 would be the likely determination of the Salaries and Allowances Tribunal. I expect that although they will not all do this, over time we will probably find that all senates will introduce remuneration.

Mr B.S. Wyatt: Can I just clarify this while you are on your feet? Section 15A(1) states that a member of the council “is entitled to be paid”. I assume that another section states that a university can make the decision to pay, and then section 15A states that if such a decision has been made, then they are entitled.

Mr C.J. BARNETT: I imagine a senate itself could decide collectively that it is not going to seek payment, so it could do it that way. The interesting point would be if one individual person said that they were entitled, and then the house of cards would come falling down and we would find that all members were paid. My expectation out of this would be that payments will come into senates and councils. Although I think that takes away part of the charm of universities, that people do it in an honorary capacity, we need to realise that they have hundreds of millions of dollars’ worth of responsibilities and people are accepting major responsibilities taking on these positions. I would hope that the payments always stay relatively nominal.

Mr B.S. WYATT: I do not have the principal act in front me. However, proposed section 15A(2) states —

Any remuneration and allowances payable are to be paid out of the funds available to the Council under section 36.

What are those section 36 funds?

Mr C.J. BARNETT: They are general university funds—nothing specific—within the budget of the university.

Clause put and passed.

Clauses 62 to 64 put and passed.

Clause 65: Section 24 amended —

Dr A.D. BUTI: I refer the Premier to section 24 of the Edith Cowan University Act. The bill before us proposes to delete subsections 24(2) and (3) and insert —

The Council may make Statutes providing for the control and management of the affairs and concerns of the Academy.

That is referring to the Western Australian Academy of Performing Arts, one of the premier performing arts academies in the world. Is the bill providing for the Edith Cowan University to make a special statute just for the academy?

Mr C.J. BARNETT: My understanding of the history is that when the Western Australian Academy of Performing Arts was established, it was independent. It gradually became part of ECU, but has always operated quasi-independently. My understanding is that this clause brings it formally into the normal management of the university. That has been an ongoing battle between the academy and the university over the years. I think this bill states that it is part of the university and will operate like any other faculty in the university. That is the only intent; not to make special ones, but to say that it is subject to the same system.

Clause put and passed.

Clauses 66 to 78 put and passed.

Clause 79: Section 41A replaced —

Mr C.J. BARNETT — by leave: I move —

Page 90, lines 13 and 14 — To delete the lines.

Page 90, after line 25 — To insert —

(2A) The Council must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

This is the same issue that we have discussed with respect to Curtin University—namely, the payment of 50 per cent—plus of student amenity fees into the guild.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 80 to 98 put passed.

Clause 99: Section 12 amended —

Dr A.D. BUTI — by leave: I move —

Page 105, lines 18 and 19 — To delete “one person who is a member of the academic staff of the University and who is” and substitute —

two persons who are members of the academic staff of the University and who are

Page 106, line 10 — To delete “5” and substitute —

4

Division

Amendments put and a division taken, the Chair (Ms J.M. Freeman) casting her vote with the ayes, with the following result —

Ayes (18)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
Ms J.M. Freeman

Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr M.P. Murray

Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti
Mr C.J. Tallentire

Mr P.C. Tinley
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Extract from *Hansard*
[ASSEMBLY — Wednesday, 14 September 2016]
p5968a-5976a
Dr Tony Buti; Mr Colin Barnett; Mr Ben Wyatt; Mr Dave Kelly

Noes (31)

Mr P. Abetz	Mr J.H.D. Day	Dr G.G. Jacobs	Dr M.D. Nahan
Mr F.A. Alban	Ms W.M. Duncan	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr C.J. Barnett	Mr J.M. Francis	Mr R.S. Love	Mr J. Norberger
Mr I.C. Blayney	Mr G.J. Godfrey	Mr W.R. Marmion	Mr D.T. Redman
Mr I.M. Britza	Mr B.J. Grylls	Mr J.E. McGrath	Mr A.J. Simpson
Mr G.M. Castrilli	Dr K.D. Hames	Mr P.T. Miles	Mr M.H. Taylor
Mr V.A. Catania	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr A. Krsticevic (<i>Teller</i>)
Ms M.J. Davies	Mr A.P. Jacob	Mr N.W. Morton	

Pairs

Mr P. Papalia	Ms L. Mettam
Mr P.B. Watson	Mr M.J. Cowper
Mr W.J. Johnston	Ms E. Evangel

Amendments thus negatived.

Debate interrupted, pursuant to standing orders.

[Continued on page 5999.]