

**UNIVERSITIES LEGISLATION AMENDMENT BILL 2016**

*Second Reading*

Resumed from an earlier stage of the sitting.

**DR A.D. BUTI (Armadale)** [3.40 pm]: I will continue from where I left off, which was talking about the contribution that student guilds make to the life of university students. It is a shame that all members of the National Party are now out of the chamber. The member for Victoria Park must have scared them away! As I mentioned previously, this will test the National Party's commitment to country students if it does not agree with the opposition in opposing the current bill's position to reduce the 50 per cent floor on student amenities fees being transferred from universities to student guilds. I started to talk about some benefits that country students receive from the amenities fee. The Western Australian School of Mines is part of Curtin University. It receives very little assistance from the university and it is only the student services and amenities fee that is collected and given to the guild that provides the ability for a student representative from Kalgoorlie to receive an honorarium fee. Without the student services and amenities fee, that would not be possible. The Kalgoorlie student assistance officer is funded by the student services and amenities fee. That is an incredibly important position for Kalgoorlie students. The document provided by the guild states —

- Aside from dealing with welfare and advocacy issues the position also runs workshops and informations sessions relevant to a University student. These sessions can vary from those run at the Bentley campus due to the unique need of rural students.

The position also assists with other aspects of country students.

That is also quite an important issue for the University of Western Australia. The student services and amenities fee collected by UWA and given to the guild provides financial support to the Albany Students' Association. It will be incumbent on the National Party to support the opposition's opposition to the bill in regard to removing the 50 per cent floor in moneys that must be distributed from the university to the guild through the student services and amenities fee. The UWA Student Guild provides an enormous amount of assistance to students as a result of this student services and amenities fee. In its document to us, it states —

- The SSAF is a student fee levied to pay for crucial student support services and initiatives that complete the student experience and allow students to graduate as well-rounded individuals. For UWA, this student experience is a unique selling point that allows the University to recruit high quality domestic and international students.
- As a student fee, it is important that students retain control over how it is spent. The federal act does not do this; the students do this in their decision-making when allocating funding. The previous requirement that at least 50% of that fee be provided to the Student Guild means that students have the freedom to choose how their money is best spent supporting their experience.

That is a very important comment. Part of the supposed rationale for introducing this amendment to eliminate that 50 per cent minimum floor is there may be better ways to deliver services to the students by allowing the university to decide how this money will be distributed. This is money collected by students as a student services and amenities fee. These students are adults. Should they not be given the right to determine how these fees are utilised? There are sufficient restrictions in the commonwealth act. That act was brought in by the Gillard Labor government and provides 19 criteria that the money can be spent on. That raises the issue of constitutional inconsistency in the sense that the federal act, which has 19 criteria, is not replicated in the state act. There is a possible inconsistency between the commonwealth and state acts. Although we do not want to labour that point because it has not been challenged, there is the potential for it to be. The opposition's position is that we will oppose this 50 per cent minimum floor being eliminated. If a McGowan Labor government is successful at the next election, it will revisit the issue and talk to all the stakeholders about the best way for the fees to be distributed; that is, should there be a 50 per cent floor or should there be some other measure et cetera? Surely the major stakeholders are the students. We are talking about a fee that is collected by the students for their benefit. Surely they are the most appropriate stakeholders. Without any dissention from any student guild, they all advocate that that 50 per cent minimum level must be maintained.

Although university management may support the removal of this 50 per cent minimum limit, Murdoch University mentions in a letter that it is not that bothered. Although it is generally supportive of the 50 per cent limit being removed, it is not bothered if it remains.

Edith Cowan University Student Guild advocates the need to maintain the 50 per cent limit. Its document states —

- The ECU Student Guild is currently almost solely reliant on the income from the SSAF, —

That is the student services and amenities fee —

having no commercial revenue of its own, and therefore would like for as much of the SSAF to be allocated to the ECU Student Guild as possible to better accomplish the above aims and sustain itself long-term.

One of those aims is to represent the students to provide services. Further on, the ECU Student Guild states that it is not confident that, if this was given to the university, the 50 per cent limit will be retained. It also states —

- The requirement to receive 50% is important to the Student Guilds, and in turn—the students. Whilst we appreciate its functionality is troublesome given perceived inconsistencies with the federal legislation—we would be supportive of **keeping it as-is** and reviewing it at a later date, rather than **removing it** and reviewing it at a later date.

That is the Labor Party's position—we want to retain it and then we will review it. It seems quite convenient for the universities and the government to argue that it is difficult for the universities to comply with the federal legislation. It has not proven to be difficult. It is quite clear what the money can be spent on. That is not prescribed in the state university acts at the moment, but this amendment does not do that either. If the government were consistent in saying that we are amending this student services and amenities fee part of the various universities statutes to try to make it more consistent or easier for universities to be consistent with the federal act, why does it not replicate the 19 areas that the money can be spent in? This Universities Legislation Amendment Bill does not do that. All the bill does is reduce the 50 per cent guarantee. The 50 per cent guarantee is eliminated and the university will have the ability to give whatever money it wants, or no money, to the student guild and spend the money any which way it wants. How can that provide the universities with an easier method to comply with the federal legislation? It does not do that. It is hard to concede that this amendment to the student services and amenities fee clause in the bill—to reduce a guarantee of moneys to the guild—will not affect the ability for students to make their own decisions about how that money should be applied. There are enough restrictions in place under the federal legislation. It is clear that it cannot be used for political activities and/or supporting political parties or people running for political office. What is crucial is the amount of money the guild receives. As I mentioned, the support the guild provides students at Edith Cowan University, the University of Western Australia, Murdoch University and Curtin University of Technology, which will become Curtin University if this bill is passed, gives a guaranteed stream of income. The 50 per cent requirement in the legislation provides that guarantee.

We can imagine that if tension develops between the student guild and university management, the university can decide that it will take away the money and spend it the way it wishes to spend it. There is no doubt that student guilds can often make life difficult for university management—and may that continue. Universities provide an opportunity for students to develop their advocacy and their community activism. But that is not necessarily being funded in a political sense through this fee and it cannot be because, as I said, the federal legislation brought in by a Labor government provides strict limitations to how the money can be spent.

The Edith Cowan University Student Guild's document states —

The removal has been proposed without any formal consultation by the University with the ECU Student Guild and the students it represents. There has been from our perspective no tangible consideration about the real impact it will have on the ECU Student Guild as an organisation and the student body in general. We are supportive of a robust consideration of the desired changes, that adequately consults with students.

The removal has been proposed without any formal consultation by the government, except one meeting with the Student Guild Presidents very recently—after the Bill had been fully drafted.

In this meeting, Peter Collier and his staff suggested that the changes would not be a detriment to the ECU Student Guild and its counterparts at the other universities in WA, as the universities will be consultative. Given the above points—I would contest that relying on the universities' administrations to always be consultative with their respective guilds is naive and unrealistic and definitely of detriment to the Guilds.

To clarify in the remaining time I have, the bill before us seeks to do a number of things and the opposition is supportive of them—in the main. We support the university-specific amendments. I mentioned some, such as changing the name of Curtin University of Technology to Curtin University, and there are various other specific amendments. Regarding the common amendments such as amending the Curtin University of Technology Act, the Edith Cowan University Act, the Murdoch University Act, the University of Western Australia Act and the University of Notre Dame Australia Act, we are supportive of the issues of borrowing and commercial activities. This bill provides an avenue to make it simpler and easier for universities to engage in commercial activities for

non-academic purposes. One can have a philosophical argument about that, but the realistic situation is that universities are facing major financial crises as government funding has decreased as a proportion of their overall revenue. As I mentioned previously, it would have been 80 or 90 per cent many years ago; now it is down to 25 or 30 per cent. The classic example I have talked about is Murdoch University, which has a very large campus but a smaller student body. To service that campus is quite expensive. That was one of the stimuli for the vice-chancellor at the time, Professor Schwartz, who, interestingly, went to England and became vice-chancellor of Brunel University and, at one stage, was voted the most unpopular vice-chancellor in England. He then came back to Australia and went to Macquarie University in New South Wales. That was a catalyst that he saw as an economic imperative. There was also an issue of trying to make the campus more dynamic. Murdoch University is on a fantastic site, but at one stage it was quite dead, so the idea was to try to enliven that campus. The opposition accepts the amendments regarding commercial activities.

We also support the amendments regarding remuneration of members of the governing bodies of universities. We do not agree with the changes in the composition. We do not oppose the reduction from 19 to 22 down to 17 so that all universities will have a governing body of 17, but we will put forward an amendment to the staffing composition of those governing bodies. We strongly believe that the elected staff numbers need to be maintained and that that is very important.

We then come to the student services and amenities fee. That has been a complex issue in light of the parallel federal and state legislation, but we do not agree with the so-called rationale that removing the 50 per cent minimum funding will make it easier for the universities to comply with the federal legislation. That seems not to be the way to go. If the government was really serious about that, it would include the 19 provisions. It raises a constitutional issue. However, we believe strongly, as do the National Tertiary Education Union and the various student guilds of all the Western Australian universities, that that 50 per cent must be maintained. As I say, the government has made its position clear but we do not know the National Party's position. If it says it supports country students, it is incumbent on the National Party to say that it will support the opposition's position and ensure this funding is maintained at least 50 per cent to provide all the services and amenities for all students, particularly country students, who live away from home and require this funding.

**MR C.J. TALLENTIRE (Gosnells)** [4.00 pm]: I rise to speak to the Universities Legislation Amendment Bill 2016. I approach this bill with a great deal of interest, because I am keen to see whether some of the problems I encountered when I had a tilt at getting onto the Curtin University council via the Curtin University alumni association, when I ran for president, still exist. I encountered a series of problems, and when time permits I will go into those in some detail. I want to see whether the legislation before us will make the situation any better in the future. As to the problems identified through the experience I encountered in 1999, I want to see whether we have improved things. I also want to talk about a few other aspects of higher education that relate to decision-making at the very highest level in the universities. I have been fascinated to hear some of the discussion from the member for Armadale.

Debate adjourned, pursuant to standing orders.