

and commonwealth governments, has nothing to do with the mining industry and, ultimately, the issues particularly from an industry perspective are quite different.

The policy position of the government, in relation to the importance of the mining industry and the attraction of mining industry investment and that of the parliament, is clearly reflected in the Mining (Strategic Prospectivity Zones) Act. It is also reflected in the substantial investment this government has made in Mineral Resources Tasmania and its public investment resources such as the Tasmanian Information on Geoscience and Exploration Resources Database and three-dimensional geological models.

## **RAIL SAFETY NATIONAL LAW (TASMANIA) BILL 2012 (No. 43)**

### **Third Reading**

Bill read the third time.

## **UNIVERSITY OF TASMANIA AMENDMENT BILL 2012 (No. 32)**

### **Second Reading**

**Resumed from 17 October 2012 (page 64)**

[3.02 p.m.]

**Mr FINCH** (Rosevears) - I must say that I appreciated the briefing this morning. There were nearly three hours of briefings, but most of my speech had been prepared overnight between 1.15 a.m. and 4 a.m. this morning. If I doze off at the lectern you will understand.

**Mr Hall** - Did you change it at all?

*Members laughing.*

**Mr FINCH** - We had a rich vein of information from the student representatives and Sir James Walker in particular who led the charge, and from chancellor Damien Bugg. I gleaned a lot more information that I would have liked to have worked into the speech but I am trusting that others will bring that information out and we can discuss that more fully, and particularly some aspects of concern about the bill.

I have a number of concerns about this University of Tasmania bill. I had better stress at the outset that this is a bill concerning the University of Tasmania and not the university of Hobart. While I abhor Tasmania's perpetual regional rivalries and parochial arguments we must recognise that the university does have three campuses - Hobart, Launceston and the Cradle Coast campus at Burnie - well, five as we heard this morning, there were a couple of new additions - but certainly there are those regions that generally spark the parochial debate.

We must not forget history. We must not forget how the university was formed as a statewide institute when the Launceston Tasmanian State Institute of Technology became the Launceston campus of the university. That campus now has the school of performing arts, the school of

architecture, health science with its important nurse training role, the faculty of education and the Australian Maritime College - all vibrant centres of education. It also has a high proportion of the university's overseas students.

The Cradle Coast Campus is a vital centre of higher education for the north-west coast. It is the only centre but, like Tasmania, is often left off the map. I am sure, Madam President, that you and the honourable members for Windermere, Mersey, Murchison, Launceston, Western Tiers and Apsley support a fair representation for our tertiary education in that northern, wider half of the state.

While we are on the subject of representation and that fairness, let us look at the present university board and administration. We know that the majority of university students throughout Australia and probably most of the world are now female. I cannot prove it, I do not have the exact figures, but I know that I have made a speech here in parliament - it would have been maybe 18 months or two years ago - in respect of the numbers of female students at the university who outnumbered the male students at that stage.

There is evidence that more than half of the UTAS staff are female and that the female student component is increasing every year. We might very well ask how is this represented in the current UTAS council? Poorly, I might say. Only four of the 18 council members are women and the term of three of them expires in December. We just need to see if the numbers change with the passing of this bill; where those numbers sit. In the briefing we talked about it being merit based, but I also get a sense of gender equity where possible that we have to strive for in our community. The debate has been hot and strong in recent times.

If I go back over my notes to the speeches that were made in 1992 in parliament, there was a reference then by Christine Milne to what about gender equity in respect of the formation of the new council for the university at that time. It does not seem that we have travelled very far.

One woman in an important role, but not on the council, is the Pro Vice Chancellor for Regional Development, Janelle Allison, and I will refer to her again shortly. A large part of the university's students and income comes from overseas students and I suggest that there is not a single non-Anglo on the university board. The UTAS board in its present form is not properly representative of students and staff, and therefore I do not believe its composition can lead to those balanced decisions that you would like to see come from the council.

Janelle Allison is tasked with developing the two northern campuses. I do not envy her job. She is seconded to the job and her role is not permanent. May I suggest that unless more effort is put into promoting the north-west and northern campuses, would-be students in northern Tasmania will turn to remote courses with Victorian universities. They are doing some of those courses now. They are doing remote courses to Hobart now and some of those students are going to look further afield and look to the big universities in Victoria that may provide them with those opportunities.

This bill is part of the wider restructuring, a restructure that affects staff at the Launceston campus, particularly in arts. For months they have continued to be uncertain about their future. As one staff member told me, there is a lot of talk about consensus and consultation, but in the end they only tell you what they want you to know. It was interesting that in our briefing this morning there was a mention of the absence of consultation. As members would know - I bang on about it

all the time - people say, 'Yes, we have consulted', and the government, particularly, say, 'We have done the consultation'. No, sitting around in a room and talking to the same people about the same issue for a long period of time is not about consultation with those who are affected by the decisions that are going to be made.

I am thinking there is a future for me after parliament; I might become a consultant to find out ways to make sure that when you say you have consulted you have in fact done what you said you were going to do, actually consult.

**Ms Rattray** - I think that is called an auditor.

**Mr FINCH** - I am setting myself up here as a messenger of some of these things from the north of the state. There is a history of a perception of contempt. I know it is a strong word. I have gone back over that to check with people I have spoken to, to see whether that is too strong a word. They have suggested not.

In respect of the UTAS campuses outside Hobart, when the former member for Launceston, Don Wing, was the member here, he took the opportunity at the annual graduation ceremony to tell the Albert Hall audience that only 25 senior teaching staff were based in Launceston compared with 168 in Hobart. He said it was a problem affecting the status and research capacity in Launceston.

The chancellor, Damian Bugg, dropped on Mr Wing like a ton of bricks, in front of the students, saying it was not appropriate for Mr Wing to have raised the issue at a graduation ceremony. I will point out - and I have had it verified by Mr Bugg - that he received that speech the day before, as Mr Wing thought that was the protocol. He received no admonition or recognition from Mr Bugg, so he duly proceeded with that speech. Then, rather than a vote of thanks, he had a vote of rebuke in front of the students. Mr Bugg suggested that it was not appropriate for that speech to be made at what should have been a celebration for the students, but two wrongs do not make a right.

**Madam PRESIDENT** - I hope you are leading to the bill that we have in front of us.

**Mr FINCH** - Yes, I am. I think this is the opportunity to talk about those things that are recurring in respect of this bill. I am going to drive a very strong point very soon in respect of this bill but my suggestion is that it is an opportunity for us now to talk about those things that we are hearing about in our communities.

This is our chance to have our message heard by the students who are represented here today and also by the representatives of the university. With the appointment of the new chancellor, Michael Field, north-west born and bred, I trust that he will not allow that sort of occurrence to be part of those ceremonies again.

Mr Wing said he was rebuked, that he had not made contact with the office between 2006 and 2007. He had made three written requests and one written and telephone request to the chancellor for a meeting with him and two prominent northern Tasmanians to discuss the issue and no appointment was ever given.

I will move off that subject now but I want to quote the president and former member for Launceston:

The dismal failure of the leaders, a majority of members of the university council, to deal appropriately with this issue has had a serious impact on the academic status of the University of Tasmania at Launceston making it essential for remedial action to be taken urgently. It is heartening that immediately after his appointment as Vice Chancellor, Professor Peter Rathjen has undertaken meaningful discussions and has shown a commendable preparedness to deal with this serious issue.

I have alluded to the earlier days of the debate about the establishment of the new university. The debate started around 1988. In 1990 the Higher Education (Amalgamation) Bill was given its second reading by the then Minister for Education and the Arts, Peter Patmore. This bill was to amalgamate the University of Tasmania, the Tasmanian State Institute of Technology and the Australian Maritime College. I want to quote Mr Patmore from that time:

This bill provides for a single body corporate to be managed by a council established under Part 3 of the bill. The functions of the body corporate are: to advance, transmit and preserve knowledge and learning; to encourage and undertake research; to promote and sustain teaching and research to international standards of excellence; to encourage and provide opportunities for students and staff to develop and apply their knowledge and skills; to provide educational facilities appropriate to the functions of the body corporate; to provide access to higher education having regard to principles of merit and equity; ... and to provide such facilities as are necessary or convenient for the performance of its functions.

All that would seem to indicate a new university for all of Tasmania.

Going to the situation in this bill, the University Council will move from 18 members to 14 members, preferably 12, in my reading, and could come down to 10. The numbers are quite confusing. It is called a corporate governance model and from that second reading speech the national code reflected in these proposed amendments supports continuing transition from a traditional and large representative governance model towards a contemporary corporate governance model, particularly in relation to insistence on stricter governance and accountability of the academic quality and engagement and business competencies of Australian universities.

The University of Tasmania Act 1992 requires the council to provide the minister with an annual report to be laid before both Houses of parliament. The voluntary code of best practice for the governance of Australian universities requires the university to disclose in its annual report its compliance with the code of practice and provide any reasons for non-compliance. The reasoning for the reduction in size and altered composition of the council is that it should no longer be the traditional large body of persons appointed as representatives of particular interest groups.

We heard about that during the debate. Why are interest groups to be excluded? When I look at the student representative body, how can students feel that they have a say in how their very expensive education institute is run? We have already had that talk in our briefing about an elected student representative. I have suggested, and did not get an adverse reaction to the fact,

that there might be a student from the north and a student from the south. How do we have them feel better involved in their university than if they have a representative?

We talked about having an undergraduate representative and a post-graduate representative. I would be interested to hear in the discussion that unfolds how others perceive that situation and whether some opportunity can arise that accommodates the student representative body about their representation and the way they see their future involvement with the university council.

I remember when I was with the ABC, the board axed the staff-elected member - we had only one - at a stroke, and it alienated the staff and made them feel voiceless. I realise that we are ending with one but I still feel that there is an opportunity for that number of two on that board. If you brought it down to 10 maybe only one, if you look at 12 then it becomes nebulous, if we decide on 14 there is more of an opportunity to have representation there.

**Mr Valentine** - Do you want an amendment?

**Mr FINCH** - I will wait and see how the debate unfolds to see if there is an amendment. It was confusing to have that situation of the 18 down to as low as 10; 12 could be a figure but 14 may be the flexible number. It is a bit of a moveable feast and makes the bill not as definitive as I would have liked it to be.

My main concern is clause 5, 'Section 4 amended (Continuance and incorporation of University)'. The proposal is to amend section 4 of the principal act by inserting after subsection (4), the following subsection:

- (5) For the avoidance of doubt, the University is taken to have continued in existence under the name 'University of Tasmania' since its establishment in 1890.

I have sought advice about this wording and the comment that came back to me, without naming anyone unless I have to, was that these are ridiculous words to put in legislation: 'for the avoidance of doubt'. What is being attempted here is that the new university created in 1990 is to be no longer. Bringing forward this proposal is not a good initiative. Indeed, I think it is not necessary. It gains nothing for the university except that it creates the opportunity for future trouble between its component parts. I can only assume that the council of the university or the minister for Education were not informed that, in allowing the proposed amendment to enter parliament, they were directly denying the actions and intents of a predecessor council of the university and a previous parliament.

This proposed amendment represents a breach of trust. It cannot be and should not be supported by this Legislative Council. I am going to move an amendment that it be removed from the bill entirely but also, seeing what unfolds here, it could be referred back to the minister and to the council of the university for further consideration if that is the course of action that unfolds. The proposed amendment is an attempt to rewrite history. If passed, it will come back to haunt the university. I believe it will diminish its stature and it will promote community and academic frustration in the northern half of the state, which will damage the credibility of the university council.

I want to go through the historical background of this. In the late 1980s, higher education in Australia was in a state of flux as the then Minister for Employment, Education and Training, John Dawkins, encouraged universities and colleges of advanced education to bring forward proposals regarding their futures. As a consequence, many colleges of advanced education and institutes of technology became full universities in their own right. Other universities and colleges entered into discussion, some with goodwill, others under duress, regarding their futures. The pressure from the federal government was that bigger is better and more economical and that a good university needs to have at least 8 000 equivalent full-time students if it is to economically and educationally survive in the brave new technological world.

At about that time, the then University of Tasmania in Hobart had about 4 800 students, while the Tasmanian State Institute of Technology in Launceston had an enrolment of over 2 800 and was growing very rapidly. Combining the two, you do not need to be Einstein to see that the total of about 7 600 came very close to meeting the federal government's criterion. If you add the extra 600 of the Australian Maritime College then the commonwealth's criterion on numbers was met in full.

The then deputy chancellor of the university council, Peter Cranswick, could count and, with the then university council's support, he and the then chancellor, Sir Guy Green, approached the Tasmanian Council of Advanced Education, the governing body of the TSIT, and proposed that discussions be entered into which would explore how the higher education needs of Tasmania might be better catered for in this brave new world. The university approach to the TSIT initially caused some disquiet in the Council of Advanced Education. To cut a long story short, after some informal discussions in which the word 'trust' loomed large, the councils of both institutions agreed to set up a working party to explore, in goodwill and in depth, how the higher education needs of the people of Tasmania might best be met.

After long negotiations, the Higher Education Amalgamation Bill 1990, enabling legislation that preceded the University of Tasmania Act 1992, which is now up for amendment, was agreed by parliament. When introducing the second reading of the bill in this House on behalf of the government, the honourable member for Newdegate, Mr Ginn, said, and I will quote from *Hansard*:

Mr President, in no sense does this bill amount to a takeover of any of the participating institutions. The heads of agreement documents provides for the formation of a new university for Tasmania under a new act of State Parliament, establishing a new governing body and university structure which includes the vice-chancellor to be appointed by the governing body, and the agreement also provides for transitional agreements.

I repeat, Madam President, it was not a takeover of the TSIT by the existing university; it was a decision to abolish the acts governing both councils and both institutions, and will establish a different university, a new outward-looking statewide university under a new act. What happened then? To ensure the development of a unified and happy new university, the council of the new University of Tasmania appointed a new vice-chancellor from outside Tasmania, Professor Alan Gilbert, and his brief was to develop a new statewide university that would stand the test of time and put aside parochial differences.

Professor Gilbert tried very hard and was regarded as being very successful. For example, he proposed to the then university council that the old TSIT be renamed the University of Tasmania Launceston in order to emphasise the importance of the old TSIT in the new university, and this was agreed by the council. He set in motion steps to merge the old TSIT study centres in Devonport and Burnie into what is now the Cradle Coast campus in Burnie. He set up an academic leadership structure in the new university which shared responsibilities between staff in the north and the south of the state.

Professor Gilbert publicly recognised the need for many more senior academic staff at professorial level to be appointed at the university at Launceston if it were to be a truly university-type institution. In so doing he was simply accepting that the old TSIT had not been a research-oriented institution and it had to have significant numbers of staff at professor and associate professor levels to initiate and promote the development of postgraduate studies and research. Further - he did not say this publicly - but he recognised that if the university in Launceston did not have ample numbers of quality senior staff it would have difficulty in recruiting ambitious young research-oriented academic staff and eventually could wither, as it is well known that any academic institution is only as good as its staff.

It was generally agreed that Professor Gilbert did an excellent job in bringing the various parts of the new university together. In fact, it resulted in his being snapped up by the University of Melbourne and he left Tasmania to become its vice-chancellor. When he left, the atmosphere and the culture began to change. Under successive vice-chancellors and councils, the university reverted over time to being a Hobart-dominated institution. There are many illustrations of this, but the most dramatic manifestation is the renegeing on the appointment of academic staff above the rank of senior lecturer; that is, professors and associate professors at the university at Launceston. This has resulted in the development of a renewed higher education binary divide in Tasmania.

That is in essence: there is now a teaching campus at Launceston, whilst teaching and research is primarily based in Hobart, although I must point out that I have been encouraged by the chancellor mentioning in the briefing that there is some research allocation coming to the northern part of the state or seeking to be provided - I am not sure of the faculty there - but there were some moves and he did stress that Daryl Le Grew, as vice-chancellor was constantly promoting the recruitment of staff to the north of the state. But aligned with this has been the promotion of student enrolments in Hobart, at the expense of the rest of the university, as well as the demise of successful academic courses at Launceston in favour of Hobart. I am going to put up some simple statistics to illustrate some of these points, Madam President.

**Madam PRESIDENT** - I hope they relate to the bill that we have in front of us.

**Mr FINCH** - It is the point that I am making about clause 5 and it is relevant to this moment in time, and the attempted changes. The figures show that in 1993, two years after the merger, there were 87 non-administrative professors and associate professors based in Hobart; 21 in Launceston and one in Burnie. In 2009, the numbers of professors and associate professors had nearly doubled to 168 in Hobart. There were 25 in Launceston, an increase of four, and five in Burnie, an increase of four.

Including the AMC in the statistics, the most recent figures - which are those quoted on the university's website for 2011 - are 201 Hobart-based professors and associate professors, 41 in

Launceston and seven in Burnie. Putting it another way - as of the year 2011, there is one professor or associate professor for every four academic staff at the university in Hobart, whilst there is only one professor or associate professor for every eight academic staff in the entire northern half of the university, that is, Launceston and Burnie combined. I have tried to elicit the latest figures by email to the university, stressing the urgency of getting those figures by today, but those figures have not been forthcoming and they are not on the university website.

These statistics clearly show that over the past 20 years there has been a clear bias toward growth in Hobart, for both students and senior staff. The new statewide role of the new University of Tasmania that was exhibited in the early 1990s now appears to have been well and truly lost and, today, the final nail in the coffin comes in the form of this proposed amendment relating to the insertion of this new subsection. In essence, this is an attempt to rewrite history.

It says that the goodwill, voluntary merger of 1990 never really took place. The old university took over the TSIT, rather than amalgamating with it and de facto this provides justification for a continuation of the bias towards the development of the university in Hobart to the detriment of the institutions in the northern half of the state. Whilst this may be good for the university at Hobart, it is not good for the university as a whole and I do not believe it is good for Tasmania.

I am not happy with the way the bill has been presented. I will wait to hear what other members have to say and what they make of some of the issues that I have highlighted and I look forward to presenting in the committee stage.

[3.34 p.m.]

**Mr WILKINSON** (Nelson) - Madam President, I do not think anybody could stand up here and say the Tasmanian university is not held in high esteem. The University of Tasmania, as we know, has been in existence since 1890. When one looks at the people who have graduated from our university and at different countries around the world and sees how well our students are going, nobody can stand here and say we have not done an extremely good job. When one looks at the way the university has progressed in recent times, no-one can stand here and say we have not done an extremely good job. One has only to look at how we are rated. I know ratings can vary in different universities and different people look at university ratings with some suspicion, but when we had a dinner - Humanities in the House - we heard from everybody there that we are punching above our weight. Out of the top 500 universities - which is 8 per cent of the universities in the world - we are number 346. In Australia we are number 8. That does not come about by chance. That comes about because of good management, good lecturing, and good students. Why are the students good? Because of the good lecturing and good research.

In relation to marine studies we are classed, I think, in the top three. I was lucky enough to go to Jeju Island recently and we spoke about climate change and its effects on the environment. People who were part of world-renowned bodies spoke of Tasmania, in that area, in glowing terms. How did that come about? Did it come about by chance or did it come about by good management? Everybody knows that you do not have good students, you do not have good research and you do not have good outcomes unless you have good management. That is what we have. The statistics show us that, and our students show us that. The briefing this morning showed us the type of people that the University of Tasmania is producing.



In relation to the member for Rosevears, we are one university. We always have to be one university. To say it is north-west, north, north-east, north-south, does us a discredit. We are one university. We have been the University of Tasmania since 1890. There have been some changes, and there are always going to be changes, but to say we started in 1990 or 2000 or 1890 is wrong. We started in 1890 as the University of Tasmania. There have been changes, as there always will be, but we are still the University of Tasmania. We have still been up and about since 1890 and now, more than ever, we are doing extremely well. As the saying goes, 'those who climb the highest mountain shouldn't dwell there for too long' and I do not think we are. We are not sitting back and resting on our laurels, we are endeavouring to improve. That is what this bill is about. It is endeavouring to continue the improvement that we have shown over the years.

We cannot sit back and say we are doing well, and therefore we do not want change. We have to be willing to always be flexible. We have to be willing to always change. We have to be always willing to get into the business world, which we are doing now, to be able to compete with other universities. That is what they are doing and that is what this is about. It is very difficult - we listen to the briefings, we read the documentation, and then we do the best we can. But we need to remember that the University Council has been endeavouring, for a number of months, to sort out the best possible administrative structure for the future.

The people on that council obviously know their oats - they are experienced in a number of different areas of business and education - to be able to say we have looked at it, we have discussed it, we believe that this is the most appropriate way to proceed.

I refer to my experience on the council. You say to yourself, 'I was on the university council'. The next question would be: what did you do? If I were honest, I would say, 'Not a lot. I travelled. I travelled to the north-west, I travelled to Launceston and I travelled from home to the University of Tasmania, a 10-minute walk, but when I was in the council all I could do was listen'. I was not on the subcommittees, I was not part of what really made the university council tick and I felt as though I was the 'super say' ready to be brought on when I was needed, but I was never needed. There were many people on the council at that time who were the same. As a result of that and of the cumbersome nature of the way that council worked, the Hoare Report, which was an Australian report, said - to Tasmania, New South Wales, Victoria - you have to make your councils work in a much better way than they are working now.

I suppose my greatest debate in that council was saying get rid of the member of the council from the House of Assembly who, like me, was not doing anything. Because of old-fashioned ideas and old-fashioned ways, people had to be on the council. Why did they have to be on the council? Because traditionally they have always been on it but when you got down to the nuts and bolts of how the council worked, we were excess to use. As a result the council changed. Not because of what I said but because it was obvious to anybody that to have a proper working council, to have people on the council who were going to do something, you needed people who were -

**Ms Forrest** - Not surplus to requirements.

**Mr WILKINSON** - Yes, not surplus to requirements and not traditionally on there just to say I have been on there. We have to be honest to each other.

The honourable member for Rosevears gave me a note yesterday from a friend of his who was talking about the type of things you have to be if you want to be successful. It was looking at a sporting background and one of those things was honesty; and learning from others and listening to others.

When you are honest with yourself and when I listened to others, I can see that it is a situation where the council, in order to act in accordance with today's university world, has to be businesslike. It does not put itself in the best position if there is no change and that is what they are endeavouring to do - put themselves in the best position they can.

It is obviously a vexed issue for students because members of council, as we were told, do not represent any constituency. That is what it was in the past - the members of council represented constituencies. Now under the act, under section 8, it is clear that that is not the case. A student is there, it would seem, for the experience and skill set he or she has as opposed to representing the students.

Therefore when we ask do we have one or two students, we must ask ourselves why are those students there. Are they there to represent the students, in other words to represent a constituency? The act says that is not the case - they are there for the skill set. That being the case I have a real query as to whether there should be two representatives or one, and my view is at the outset there should be one. Should there even be one? In business do you have members, or do you have employees on the boards? Some might argue you should have. Why would those members be on the board? They would be on the board to represent the fellow employees, in other words their constituents.

Now, to phase 2 - the business at hand in ensuring, in this case, that the university is able to be flexible, is able to go about the business of education and the business of ensuring that the output of students is to the degree that it is at present, and continues to be at - hopefully - even a higher level than it now is.

There used to be two undergraduate students on council, one representing the south and one representing the north, the TUU and the SA. Ultimately, these two bodies merged. A sticking point was that the SA had little or no resources, whereas the TUU was well resourced and was concerned about sharing with the SA. Now we have an undergraduate and a postgraduate. But one looks at the membership of the council now and there is a person who is a postgraduate. So to say the board does not understand what postgraduate work is all about, there is a person already on the board, Paul Gregg, who is a postgraduate.

If those people have an argument, they go to a special body which puts their argument to the council. Tasmania is a terrific place. We know from the same-sex marriage argument that if people disagree with you they let you know. Some people said, 'I did not like your conclusion a couple of days ago.' Some people said, 'Well done, I like the way you voted.' And it is like the university. These people are not people who only come out after dark. They are very noticeable, they get about and they understand what is going on and there is always going to be chat as to what should and should not be done.

You will see from the act that students are not elected but appointed. Presidents do not automatically - even though that is normally the case - move on to council. As we know that is normally the case. Because of the short-term university, and in elected positions which can be for

one year, students do not have very long on council, and therefore one could honestly ask: are their contributions as businesslike and effective as would otherwise be the case?

Sure they can bring concerns of students to the fore and that is what happened when I was on there. But when you are running a business you have to take note of that but you still act as you believe appropriate in order to further the business. You have the issue of some aspects of the council's work being referred to committee, and because of the sensitive nature of the matters - such as wage negotiations, the vice-chancellor's contract and senior academics and other remuneration issues, some aspects of the budget, fee setting, audit issues - student members are not members on these committees. The extra committee work is done by the external members of council, hence the need for numbers and specific skill sets from externals.

I understand the members at the moment are:

- Michael Field - we know that he is a past graduate of the University of Tasmania;
- Paul Gregg is a former naval officer, and I think he was involved with submarines. He is a UTAS graduate and postgraduate, and a businessman but he was also involved with the navy so they thought that, in relation to the maritime college, his skill set would be not only with the business but also maritime;
- Rod Roberts is a businessman;
- Harvey Gibson is a well-known accountant around town in the audit area;
- Peter Davis is a businessman with Aurora;
- Rhys Edwards from DPAC is an ex-Rhodes scholar; and
- Pip Leedham has come down to this chamber -

**Mrs Taylor** - Can you be an ex-Rhodes scholar? I thought if you are a Rhodes scholar, you are a Rhodes scholar forever?

**Mr WILKINSON** - Yes, you are right; I will go back to English literature.

- Pip Leedham is with regional health;
- Sue Chen is involved with secondary education; and
- Brenda Richardson is involved with IT.

So the skill set is already there. If I add all those up, we have nine. How many people out of there, under this legislation, are being cut? There are three from that -

**Mrs Taylor** - Have you forgotten Damien Bugg?

**Mr WILKINSON** - No, because you cannot forget Damien Bugg. I believe he is a friend and has been for a number of years. It is a situation where we know his expertise; we do not have to amplify them in debate because we know of them and we know the type of person that he is. We have Damien; we have the vice-chancellor and the chair of Senate presently on the council; we have four staff and we have two students.

What we are doing is cutting the expertise, those with special interests, from nine down to six. We are cutting the four staff down to two and we are cutting the two students down to one. That has been done to get this balance. It has been looked at for a number of months. I would think the university would be saying, 'What do we believe is the appropriate balance.' After numerous conversations and studies in relation to what other states are doing, or may be doing, it is a belief that by cutting that amount in the balance is the proper way for Tasmania to proceed.

The representative model and corporate model changed some time ago, some would argue, without proper consultation. These issues have been dealt with. The UTAS model is not a representative model. The reduced council, presently 18, has at the moment anticipated the Howard government's protocols which required reduction in size, an increase in corporate skill sets and tighter governance and accountability within the governing bodies.

The Tasmanian university was one of the first to move this way and much of what the previous chancellor, Mr Mike Vertigan, recommended and was brought in under the last amendments achieved this before the Brendan Nelson protocols. The university is not proposing something which is contrary to what was settled some time ago, that is, a joint representative corporate model. They are just trying to improve on what was the case then because of what has occurred with the university in the intervening years. The council voted on the recommendations, which are now in this bill, in June of last year. The vote was unanimous. Both student members of the council voted in support of the bill in its present state, which is interesting because it was a unanimous vote. Honourable member for Murchison, you are saying no?

**Ms Forrest** - According to the briefing with the students, that is not quite the true representation. Other members might like to take that up.

**Mr WILKINSON** - Oh. Some might argue that the size of the council at 18 is not too large when looking at other universities. It can be a confusing argument because UTAS is not the same, for example, as Sydney or Melbourne. They are city universities and have one city location. Tasmania is more in the realms of the Ballarat University, which is a multi-campus regional university. Unlike Ballarat, UTAS, as everyone knows, is the only university in this state and must be as many things as possible to as many potential students in as many regions as possible.

As we have been told, the University Council has been meeting three times a year in Hobart, three times in Launceston and once in Burnie. It is interesting just as an aside. I can recall when I was playing cricket - I am not pumping my tyres up, but - this is the type of thing that seemed to happen then, when I was playing cricket for Tassie prior to the Shield there always seemed to be four in the Tasmanian team from the south, four in the Tasmanian team from the north and three in the Tasmanian team from the north-west.

**Ms Forrest** - Seven from the north of the State and only four from the south all up.

**Mr WILKINSON** - What would happen is the twelfth man could be picked from anywhere. John Hampshire, the ex-English cricketer and captain of Yorkshire, who captained Sandy Bay and came down to play with Tasmania, said to one of the selectors - I will not say it exactly as he said it - he said it in more colourful language:

I just cannot believe the spread of talent over the state. I cannot believe that four of the best team members are in the south, there happen to be four also in the north, there happen to be three in the north-west and the twelfth man can be picked from anywhere else and that seems to happen year in and year out.

**Ms Forrest** - He thought they would be all from the north-west, didn't he?

**Mr WILKINSON** - He wanted one from the west. That seems to be the type of thing that we are looking at to some degree here. We look at ourselves as one as opposed to one up in the north-west, one down south and one up north. We have to look at ourselves as one and put the best model in place for one as opposed to three separate regions.

The university has grown and changed a lot since the last amendments, which I spoke about at the start when I effectively voted myself off the council. The university therefore needs to meet more times than the proposed calendar for the past years. For next year, we were told, they had to have 11 meetings. As a result they need to have a leaner and more responsive council or board than 18 permits.

UTAS has changed a lot since the current model was recommended back in 2001 and Dr Herdegen informed the university then that he would have preferred to go to the model that UTAS is now hoping for, but it was too much too soon; that is why he thought it would probably be best done in stages and as it is being done now, as opposed to trying to do it all in one fell swoop.

In 2001, when the last set of amendments were debated, there was a total of 12 820 students and 10 094 EFTSLs being taught at the university. They had no mainland presence, little or no buildings in anticipation and a limited overseas teaching component. Last year, when the recommendations for change were made to the minister, there were 27 191 students and 16 400 EFTSLs in nursing and related courses in Sydney. This is expanding rapidly, teaching overseas, seeking to expand not only UTAS's overseas teaching but also onshore students from overseas. The bottom line has grown dramatically.

In 2001 the consolidated operating revenue was \$182 million. Last year it was \$480 million and this year it will pass \$500 million. So you can see what is happening and you can see why the university is saying, 'Look, we are not babes in the woods; as far as numbers and as far as money are concerned, we are a big business'. They are a growing business, they have continued to grow and that is why they need this flexible approach that is being discussed in this bill.

Of course UTAS is finishing the building of the medical science centre stages 1 and 2, which will cap at a \$150 million investment. It is commencing the IMAS complex on the waterfront at approximately \$50 million. They are undertaking the construction of 700 separate student accommodation units in Hobart, Launceston and Burnie. It is resettling the old university on the domain site and already 200 nurses are studying there. It is negotiating with international parties to establish SenseT in the north of the state and they now have over 1 000 students at the Cradle Coast Campus.

When I was endeavouring to push as best I could the value of overseas students to Tasmania, we met with a number of different states. We found that overseas students would come but where were we going to accommodate them? We just could not accommodate them anywhere. In Sydney, Melbourne and Brisbane they had accommodation but here we did not. Now there will be the ability to house 700 more students.

The university is now a larger and more complex operation and as a result, I believe, must have a lean and highly qualified governing body that can respond to key issues that arise more frequently than a seven-meeting calendar can deal with. Fewer members will facilitate this and I know the UTAS is confident that that will help push this university to the levels it has planned.

Student membership of a governing body is important but should not be at a level that could hinder it by being too large or unwieldy when it needs to be tight, smart and responsive to the demands of a progressive higher education institution, its staff and students in the business model that such an institution now is.

I support the bill. I applaud the efforts of the University of Tasmania, their success in the past and the position they have as a recognised university. We look at the business at hand from 2001 to now, the increase in students from 2001 to now, and what is a very competitive business out there. We have to be able to respond to meet the demands and to continue to keep ourselves at the high level we are now at and, hopefully, even rise above that. I believe that what has been investigated and focused upon for many months is the best model at this stage to proceed with.

I know the honourable member for Rosevears was speaking about problems and concerns that he had in relation to his constituency in the north, but people always have and will have those arguments. One of my boys did architecture and he was travelling up and down the highway for five years. I was secretly saying to myself, 'I wish architecture was still in the south', but that always has to be the case. The university has to do what it can to spread the load. Some people in the north were saying they were left behind, but that was not the case with architecture. Architecture is a significant course in the north of the state. They have superb facilities now just next door to Aurora Stadium and have put out extremely good students and graduates.

**Ms Forrest** - Look at the increase in the school of performing arts site. That is a new facility there as well.

**Mr WILKINSON** - Sure. My youngest daughter did education, which she also had to travel north to do. She could only have done it in the south of the state if she had done either a science or an arts course and then a Dip.Ed.

**Mrs Taylor** - And nursing.

**Mr WILKINSON** - Yes, you can continue with those things. To say, 'Look, it is all coming south' is just not right. Anybody who has children travelling north on a Sunday night or a Monday morning to attend their studies in the north of the state will realise that. It is a statewide university. I know now they are focusing on human movement, sports science up north and are looking at improving that in the north of the state. To say that it is southern biased is just not right when one looks at the facts. It has shown in the past the type of administration that it has. They

are keeping up with what other countries and states are doing, and what bodies that look into these issues are saying should be done.

I think we should pass this legislation as it is now. There will obviously be some debate, but I ask all members to cast their minds back to the briefings, cast their minds back to what has happened in the past and to how we have improved in recent times, how the money has increased markedly and how the student numbers have increased markedly. We can pat ourselves on the back, we can pride ourselves on the students that we have seen pass through the corridors of the University of Tasmania.

A number of years ago, I think it was President Clinton who was talking about the importance of overseas education and how well a government's budget should provide for it. He changed to some degree the way they do business in America. We are endeavouring to keep pace with all of that, to make sure that we are still competitive and to make sure that people who are living in Tasmania do not want to do subjects that you can sit in your lounge room at home and do by the computer. There is nothing worse than that.

In closing, I will tell you about the experience of one of my lads. He was told by the university that he did not have to do a certain subject, and I think there were a couple of people in the same boat. He was doing commerce-law. He finished up with honours in law. He is different from his old man; he followed in his mother's footsteps. He ended up doing commerce and just prior to finishing his course he thought he had passed. Then they told him he had to do one extra subject, that he had been given the wrong information. At that stage he was in the US working on the ski fields. So he had to come back home and endeavour to do it online. He said, 'Dad, there is nothing worse than doing it online. It is hard, you don't get the feedback from other students or from the lecturers. You email them, but sometimes it's not immediate, and it is hard yards'. We do not want that to happen to our students. We are endeavouring to put in a process that is beneficial to both Tasmanian and overseas students who want to study in our university, and therefore I support it.

**Mr Harriss** - So your son who studied law, did he turn out to be a legal heavyweight?

*Members laughing.*

**Mr WILKINSON** - I was called a lightweight. I thought he was pumping my tyres up a bit because under lightweight he forgot about flyweight, he forgot about featherweight, he forgot about welterweight, he forgot about bantamweight. I am halfway there. I support the bill.

*Members laughing.*

[4.09 p.m.]

**Mrs TAYLOR (Elwick)** - Like other members of this House I am a great admirer and a supporter of the University of Tasmania, of its council, of its staff, of its students, of the breadth of its courses, and of its expansion in the last 10 years to stay competitive. The university does a stunning job for Tasmania, and has done for the last 10 years. The member for Nelson has gone into detail about where its expansion has occurred, so I will not go over that, but I do want to add my congratulations to the university for the job that it is doing for this state.

In this morning's briefing, the students represented their concerns very well - the feeling that they had not been consulted, and the feeling that they were going to have a drop in representation. They asked for some amendments and they talked about the ramifications for students. I thought they were an extraordinary credit to the university student body. It is great to be reminded of the quality of our young people and our education system.

The chancellor also talked to us about the need, that the council had seen, to reduce in size, both for flexibility and for efficiency and talked about the various areas where representation had been reduced so that there would continue to be balance in the council. A good corporate governance model, and I am not at all unhappy with it. I was pleased that both the chancellor and the students - undergraduate and postgraduate - were present in the same room for the entire briefing session because there has been a gap in communication and a gap in understanding and a gap in perception between the students who were representing their constituents, and the chancellor who was representing the council.

It seems to me, from what the chancellor said in the briefing, that it has been fairly transparent and open and obvious as to what the changes would be for the last year, and somehow the student representatives have either not been informed or have not been able to see that process. Perhaps there has not been sufficient communication. It was an opportunity, today, for the two sides to hear each other. It is interesting that it happened in briefings to the upper House. It was an opportunity to create better pathways for understanding and better pathways for communication between themselves. That is always a good thing.

There was a feeling from the students that the council was not hearing them, or keeping faith with them and I know that is not the intention of the council. It was a great opportunity for them to hear each other's side and perhaps begin a better style of communication between them.

There is no doubt in my mind that it is good corporate practice for the council to have had itself, and its model, externally reviewed particularly with the increasing complexity of the council's task. It is a good aim to be more flexible and responsive to the sometimes very fast-moving changes in the education environment and in the educational needs of current and future students.

As long as there is room for all the necessary skills, and for all the stakeholder voices to be heard on the council, I can see no reason to vote against the reduction in numbers in this bill. I will support this bill. However, it is important for undergraduate students to have a voice. Not as advocates for the other students, and not as representatives of the student body but to bring an undergraduate point of view - bringing student matters to the attention of the university council. I have a fair amount of experience on both sides of the fence. I was a member, for many years, of a national consumer council. I was there as a community representative, with skilled experts - so-called - also around the table. Often, when I contributed to the discussion, they would say that they had not considered that particular point of view. The consumer often has a different point of view from the experts.

I have also seen from the other point of view, as a board member, particularly a board member that deals with young people's issues or education issues, how valuable it is to have a voice from the 'consumer' whether it be a student or any other community group. There are often things we do not take into account when we look at things from a business, or a skills point of view. The representative voice is important.



I am flagging that I will propose an amendment that will make sure that the undergraduate student continues to be represented. If the students look at it from that point of view, they will see they are not losing any representation because the student representation currently is two members - one postgraduate and one undergraduate. If we have an undergraduate student represented on the council, continuing to be represented specifically as an undergraduate student - one student only rather than two but an undergraduate - then that absolutely maintains the undergraduate representation as it is currently. I am aware there will be amendments proposed by other members that will maintain the potential for a postgraduate student to be included on the council.

I support the bill, Madam President. I congratulate the council and the university on its continuing, brilliant service to this state.

[4.15 p.m.]

**Mr MULDER** (Rumney) - I also appreciated the briefings. I thought they were very valuable and we got some very good insights into some of the issues we are dealing with at the moment.

The principles of this bill are twofold. One is to streamline and modernise the membership of the governing council at the University of Tasmania. The other amendment is to establish a mechanism for dismissal of the chancellor or deputy chancellor.

I wish to make my remarks in terms of those two principles. First, there is an underlying principle that I, at least, hold very dear and that is that government should not be interfering in what universities do. There should be academic freedom. Government should be hands off. It has a role in supporting them but when it gets itself tangled up in governance then we start to have some problems.

I am sure the chancellor would be very quick to tell us if he thought there was excessive government interference in the running of the university, and the university felt itself lacking the necessary freedom to pursue its programs of teaching, research, and general advancement of knowledge.

There is nothing wrong with industry or government funding a specific program and setting requirements, but they are particular programs. They are not the governance of the university itself. That is why I am really concerned about the stakeholders.

The new proposed board is based on a specific set of skills the board thinks it needs, so it hunts people with those skills and places them on the board. Section 8(3) of the principal act makes it quite clear that members of council are responsible and accountable to the council rather than their constituent bodies. They are not employing a representative or a delegate; they are just tapping into a different set of skills and a different perspective. As the member for Elwick says, they are getting the client's perspective around the board table, and there is nothing ever wrong with that.

The model being proposed, streamlined as it is, has one member of the council for each of the separate stakeholder groups. We have an academic member, we have a professional staff member, we have a student member and we have ministerial members.

Why have we adopted this streamlined model, but we have two members from one particular stakeholder group? I will be putting forward an amendment in the second reading speech to suggest that we should take that down to one. I do not know why the government needs a member on the governing council of the University of Tasmania at all. It has its input, I suppose, in other areas in the teaching, but I have a problem with government getting control or getting the membership in control.

**Ms Forrest** - They won't have control if there are only one or two of them on a board of 12 or whatever number you end up with.

**Mr MULDER** - I am not talking about control in the sense that they can outvote everyone else; I am talking about excess representation from the government. I have questions about whether they are a stakeholder at all in the university or the management of the university. I would be happy to look at an amendment to bring that back at least to one for the reasons that I have already brought forward.

The other issue here is the tenure of board members. One of the things this legislation does is bring the ministerial representatives from their current four-year terms to three-year terms. Academic and professional representatives will remain at two and the student representative is one year. We heard in the briefings this morning that there is some consideration that it takes six months to work out what you are doing on council, so if you are going to have one-year turnovers, that should be a concern. If a student representative is going to spend 50 per cent of their time coming up to speed, it is a loss of input and a loss of opportunity. I will put forward, in the committee stage when we get to schedule 1, a suggestion that maybe two years should be appropriate. I think it is more apt that I talk about some mechanisms for achieving that when it comes to the committee stage.

Section 9 of the principal act spells out the functions of the board. It is important to know what these board members are doing, so I refer members to section 9 of the act which sets out that it is a governing body; it is about governing the institution, not setting all sorts of other different things. It really is about governing and that puts it into the context of what the board members do.

The other major change in the bill is the proposed new section 17A which establishes a mechanism for dismissal of the chancellor or deputy chancellor and does so by a two-thirds majority vote of council. Forever being suspicious of government, as we should be, with its creeping influence and interference in stuff that it really should not be interfering in, I sometimes wonder whether this is why the government's representation on the council is twice that of all the other stakeholder groups, as is proposed. I note that. I do not have any problems with the mechanisms for removing the chancellor or deputy chancellor, but I want to make sure that none of the various stakeholder groups is unduly represented in that operation.

I am happy to support the principle of the bill, subject to my proposed amendments. I note that some of the amendments that I have circulated are identical to those that other members have circulated, so at least I know there is some support for them in this place. I look forward to hearing the views of other members.

Once again, I found the briefings to be most illuminating. At first flush, when I saw this legislation, I thought it was pretty straightforward and it would not take much time but, as always, those who live with it every day will give you a totally different perspective from those who just

visit it occasionally. I too have my experiences at university; all five kids have been or will be going through the university and I do not see that this would do anything else but make the university a better place, and the experience that they will have, a better experience.

[4.24 p.m.]

**Mr GAFFNEY** (Mersey) - I will be speaking later about the reasons that I support the bill. Given the high turnout of students we had at the briefing this morning, it is obvious that students at the University of Tasmania have a number of concerns about this bill.

Madam President, I wish to table an email I received earlier this week about the bill from a concerned student. I am sure this student email does not encapsulate all the concerns of the students; however, I still think it is necessary to voice them. This email highlights the concerns of the student body so much so that students in general take time to process their thoughts and their feelings especially when they have a very heavy workload, as at the moment. The email reads:

Dear the honourable Mr Gaffney

I write to you regarding the university bill that you will debate in two days' time.

As a student studying public policy, I have several concerns with this Bill.

Firstly, the Honourable Minister Nick McKim in his Second Reading Speech stated 'the reason for the reduction in size and altered composition of the Council is that it should no longer be the traditional large body of persons appointed as representatives of particular interest groups'. All I ask is, Why? Is there evidence that the current make-up has led to bad decision making. In what way?

Furthermore, I have concerns that the reduction of the Council actually comes from the loss of staff and student representatives. Surely, education at its core is about staff and students and I query why their voices are being silenced.

Secondly, the Minister stated: 'The changes proposed in this bill are in accord with the Voluntary Code of Best Practice for the Governance of Australian Universities ...'

Mr Gaffney it is important that you note the Code at point seven states: 'The size of the governing body should not exceed 22 members.' The current size of UTAS University Council is 18. As such, there is little justification for the reduction of the University Council size.

Mr Gaffney, I fear that the result of this Bill will see decision making centralized and this may not necessarily reflect the desires of faculties, or students, especially given the reduction comes from student and staff representatives.

This fear is currently being played out in the Faculty of Arts restructure, which is occurring next year and students were only told of it in October, barely 1 month before their exams are due to begin. In the case of the Arts Faculty

Restructure, it appears the University has thrust these changes on to staff and students at a time in which they cannot respond.

Thirdly, Minister McKim stated: Council membership must provide the necessary skill sets for ensuring the proper governance of a large tertiary education business within a highly competitive environment and a budget governed along business lines, rewarding achievement with revenue.

This may be so, but I see no reason why the Council cannot incorporate more people with necessary skill sets alongside staff and student voices. Additionally, the Voluntary Code of Best Practice states at point 7 that two members of the University Council should have financial management experience. Again, I reiterate that the University Council is already compliant in this regard.

Mr Gaffney, on the issue of necessary skill sets, you will note that students have a unique skill set in that students are consumers of the University. Corporate governance or financial management people are not consumers of the University.

Fourthly, Minister McKim stated: The current act requires consideration to be given, when appointing members to required skills, regional and gender balance. That provision will continue.

I suggest that a reduction in Council members actually makes it harder to get requisite skills, regional balance and gender on to the University Council. More members make 'balance' easier to achieve.

The Honourable member for Bass, Mr Ferguson, states: 'The university advised that these changes are highly desirable from a modern corporate governance perspective.'

Again, I reiterate that what may be desirable from a 'modern corporate governance perspective' does not necessarily ally with educational outcomes. The University's business is to educate first, and it is a business second. Let's not confuse priorities here.

Furthermore, a reduction in student representatives that this Bill takes is inconsistent with what is occurring in internationally renowned Universities such as Harvard and Oxford, and G8 Universities including Melbourne University.

Finally, the government is a substantial stakeholder in the University of Tasmania. Section 8(b) of the Bill proposes a reduction from 4 to 2 in the number of persons appointed by the Minister. The government invests millions of dollars into Tasmania.

I would suggest that 2 members out of 12 is not reflective of the financial commitment to University of Tasmania by the Tasmanian government.

If there was evidence to suggest that the current University Council's make-up led to erroneous strategic decisions, I may have a different opinion. However, in the absence of such evidence, I urge you not to support this Bill, or make significant amendments to it.

Further, I echo concerns raised by Mr Ferguson in the House of Assembly, being that a University Council student representative is 'appointed' not 'elected'.

Although the Minister stated he has 'confidence that the Council would appropriately consider that appointment' I have to question for whom it would be appropriate - the Council, the University or the students?

The student body currently has no elected voice on the University Council, Mr Gaffney, I hope this distresses you as much as it distresses me.

One possible compromise which may interest you is to have two student representatives on the Council, but instead of them being appointed by the university, have them elected by the student body. Or alternatively reduce the number of student representatives on Council but, have him or her elected rather than appointed.

Mr Gaffney, you may wish to view, this Bill in perspective. Currently the Faculty of Arts is being 'restructured' which is executive speak for job cuts. There is heightened student and staff concern about the restructure, as illustrated by the turn-out of 100 students and staff at a forum in the University on Tuesday. Furthermore, the recent TUU elections had a comparatively large voter turn-out - suggesting that students do have concerns with the way the University is being run.

On a side note, I think they should call it 'TU squared'. It would be much easier to say and it is much more academic.

Finally, it is my understanding the Honourable Minister McKim was not briefed on this matter by the TUU. Instead of passively waiting for students and the Tasmanian University Union to engage with him, I suggest to you and the Legislative Council that you send this Bill back to the Honourable Minister so he can actively engage with student representatives and listen to their concerns before commending this Bill to the House.

I heard on ABC Radio earlier this week comments by Mr McKim that the Legislative Council is irrelevant and holds too much power to block Bills. Well, might I suggest to you that the Bill you will debate on Thursday and which was delivered under Mr McKim's stewardship is a prime example of why the Legislative Council is needed. This is because Mr McKim's Bill has substantial flaws and it is only through the review, check and balance process the Legislative Council that such flaws are able to be detected.

As a current student, this issue will have a massive impact on the quality of my education. Please vote against the passage of this Bill.

While I may not agree with all the issues outlined and raised by this student, and whilst many of the concerns have been discussed and dissected in the earlier briefings, which for the record I found to be very beneficial, and speakers for both sides' opposing viewpoints were articulated very well, I believe they should be recorded in *Hansard*. I also believe those briefings might have been avoided if an easier flow of communication and opportunity to discuss concerns had been coordinated by the university hierarchy to explain the reason behind the operation suggested in this bill. Chancellor Bugg outlined the reasons for the decrease in the council numbers and the reasons for those decisions were sound and, other than some minor amendments which will be raised later, I will be supporting the bill.

I trust that any further management or structural changes which could impact on the educational outcomes of students, present and future, are discussed collaboratively so that everyone has a chance to be involved and feel included. If we believe in trust, I believe communication and access to information are of paramount importance. I am generally supportive of the bill.

I would like to briefly comment on a couple of issues raised by honourable members. I must admit I have no issues about, first, the gender make-up of any board in Tasmania; second, the geographical area from where the representatives are based; and/or third, where the various learning disciplines are housed. They are decisions to be made by the board in which I trust. I can only commend this to the House because of the tremendous and vastly improved opportunities for those individuals wishing to attend the Cradle Coast campus. It is improving in leaps and bounds and is attracting a number of students from not only local boundaries but across the state, nationally and internationally. I cannot adequately describe this huge inroad and the obvious advantage through our region of the Cradle Coast campus being part of the University of Tasmania. I am supportive of this bill.

[4.33 p.m.]

**Ms FORREST** (Murchison) - I wish to make a few points, some of which have been raised by other members, but not to dwell on those.

I commend the students who presented to the Legislative Council this morning. It always gives me great faith in our future when I see young people so competent and confident in what would be, in my mind, a fairly daunting experience to front up to 15 elected members. They did a magnificent job and put their case very well. Whilst I may not agree entirely with all the points they raised, they put a very good case, were well prepared and had researched the topic well. I can understand their frustration if they felt they have not been engaged in this process as adequately as they could have been. However, there are always two sides to every argument and every experience of that. Two people or two groups always see the same event in a different way. I was very impressed with their preparation, the succinct way they put their points across and the enthusiasm and passion with which they did that.

**Mr Harriss** - Hear, hear.

**Ms FORREST** - I apologise for missing part of the briefing later on. I was supporting a constituent of mine during the apology for the forced adoptions. It was a lady I spent a lot of time with and I promised her my support while she was here. It was a difficult time for her and I was

very pleased to be with her. I apologise for not being here for some of that briefing. I meant no disrespect to the members of the university who were briefing us at the time.

I thought that I should declare an interest as a current University of Tasmania student. I may have a vested interest in some regard. I have no desire to be on the council at this stage as their student representative. I am enrolled at the Cradle Coast Campus. I handed in an assignment on Monday. On time that one - the one before was a bit late because things overtook me a couple of weeks ago.

**Mr Gaffney** - Was there a word limit?

**Ms FORREST** - It was 3 000 to 6 000 words. I did about 5 000. The other one was only 1 000 and I had 996.

**Mr Harriss** - Do not get distracted like that. You are like a big snapper.

*Members laughing.*

**Ms FORREST** - The point that the member for Nelson raised was about the challenges in doing a university education from America or by distance. I did my master's degree through Flinders University in Adelaide and it is hard work. You get very little feedback and you feel totally unengaged. I never set foot on the campus but I do have a master's degree as a result which I am really proud of.

I support the bill. I will listen to the amendments that are being proposed when we get to that stage. I acknowledge that this is a big business we are talking about - a \$500 million business per annum. It is important that we have a good corporate governance model and structure to oversight that. It needs to be a structure that can be responsive and reactive as well as proactive. The old joke is that the best structure is a committee of three where two are on annual leave. If you have an unwieldy size of council or structure such as this it does make it very difficult to make those decisions quickly and move in a way that reflects the importance of such a big organisation. This is what this bill is about. It is about corporate governance or governance generally.

The previous amendment in 2001 commenced this process of reducing the size of the council to a more functional and more appropriate model to the times. We were informed in the briefing this was another step on that pathway. It was an interim measure in 2001; to reduce it too dramatically at that time would have been too difficult.

The university has grown significantly since 2001. We were informed in the briefing that in 2001 there were 12 820 students with a budget of \$182 million. In 2012 there were 27 000 students with a \$500 million budget.

There has been significant growth. We were also advised that in 2001 there was little if any capital works going on within the university. Currently, there is about \$400 million worth of property, building and investment right across the state. You need a good corporate structure around that to ensure that sort of work, not just the education of the students and the support of the academic staff, but also building activities, are managed well and properly.

I had a question and maybe the leader can provide some information for me on this with regard to the committee structure that sits under the council. This is one of the reasons that the decision was made. As I understand it, to reduce the student representation on the council to one is because the remuneration committee, the finance committee and a couple of others -

**Ms Rattray** - There were five subcommittees.

**Ms FORREST** - Yes. How many are on each of those committees? I think there were several that it would be inappropriate for students to be on. It is not appropriate for students to sit on some of them, for example if they are determining pays or salaries and things like that. I would like a breakdown of the committee structure - how many there are, what they are for and the ones that might be unsuitable for student representation. When you have a lean structure, as we are talking about, the last thing you want to do is make it unworkable because you lack the people necessary to make the committees functional. Committees obviously have a very important role in determining crucial matters such as salaries.

It is important to note that there was no suggestion in the second reading, and no suggestion in the briefings, that there have been problems with the current make-up of the council, such as the students not performing in the way they should. It is a process of refining and redefining the structure of the council to make it more contemporary in terms of good governance.

As far as the remuneration or the stipend that members who sit on the council may get, I think it is irrelevant to the discussion. If people sit on these councils, they assume a degree of responsibility. They are subject to the rules of the council, and possibly the corporations law. I am not sure if that is the case with the council, but there would be expectations of them. I know, from being involved in boards, that it does require a significant amount of work. In a tight council like this there is a lot of work - there is a lot of reading and preparation. It is not a walk in the park. There are significant legal responsibilities that you need to be aware of and abide by.

It is good that the emerging leaders of our state - the students at the university - recognise and value the Legislative Council.

**Mr Farrell** - Hear, hear.

**Ms FORREST** - When they get to make decisions and perhaps stand for election themselves, they will consider this place as a valued place to be. It would be good to have some of them consider standing for public office in the future, because that is where our future leaders will come from.

I support the principle of the bill. I will listen to the ongoing debate in the committee stage about some of the proposed amendments and determine my decision on those at a later time.

[4.43 p.m.]

**Dr GOODWIN** (Pembroke) - I also support the bill and I appreciated the extensive briefing session we had this morning and into the afternoon. I also commend the student representatives who attended today on both their manner of presentation and the quality of their submissions. Their arguments were very clear, and that makes our job much easier when we have to consider potential amendments.



I am a proud graduate of the University of Tasmania, twice, so I have the undergraduate experience and I have also had the postgraduate experience. They are completely different, from my perspective. I wanted to make that clear in the briefing because it was something the students were arguing for. They made it very clear that they wanted to see two positions retained on the University Council so that both an undergraduate and a postgraduate student could be represented, reflecting the different skills and experiences of each.

One matter raised in response to that by Mr Bugg, the chancellor, was that under the act as it currently stands, and even with the changes, there is capacity for the University Council to appoint additional persons, over and above the student and staff representatives and the ministerial appointments. But there is a provision in the act that prevents those council appointments from being current students. That would prevent the appointment of a postgraduate student who might have important skills and experience - who might bring something very useful to the council in terms of skills, consistent with this move towards a corporate governance model. Someone who might assist the process of transition from a representative governance model to a more contemporary corporate governance model.

I will be moving an amendment to the provision changing the wording to 'undergraduate student' rather than just 'student' so that a postgraduate student who had relevant skills and experience would not be excluded from appointment under that subsection. The member for Murchison is an example of a current postgraduate student with a whole range of relevant skills and experience that you might want to consider as an appointment to the university council, but because she is a current postgraduate student she would be excluded. To make it as flexible as possible, it would be good if current postgraduate students are eligible to be appointed as university council members under that provision. That may, in fact, see the end result the students are after, where you would have one undergraduate student representative on the university council, as well as a postgraduate student appointed on the basis of their specific skills insofar as they are consistent with the more modern governance model.

I support the bill. I understand the rationale behind the bill and why the chancellor and the university want to move to this model - this more streamlined board. I understand the need for flexibility. I understand the need for the council to be smaller and more skills based, but I also appreciate the students' concerns. I will wait and see what other members have to offer in the way of amendments, but I will be moving the one that I mentioned.

[4.48 p.m.]

**Mr DEAN** (Windermere) - I will keep my contribution relatively short. I do not see much to be gained from repeating the information that has already been presented. UTAS is well known for its qualifications and what it does, and it rates amongst the best, not only in the country, but also in the world. If that was not the case we would not be getting the overseas students we are currently getting, I think that speaks for itself. I was of the view that the mayors had buried the hatchets, or had recovered the hatchets and reburied the hatchets, but it seems it has not quite happened. It seems there are issues still surfacing that need some direction or discussion.

I have confidence in the senior management of UTAS in appropriately placing their staff and acting in the best interests of this state. I am quite confident they will always do that. As the information from the briefing this morning identifies, when you start looking at reducing numbers the task is never going to be easy. It is never going to be straightforward, and it is always going to raise issues. I could look at the Launceston City Council, for instance, where I was for about 10

years and I tried over that whole period to reduce the number of councillors or aldermen from 12 to 10 to 9 but I was never successful.

Perhaps my arguments were never strong enough, but there is always, unfortunately, in some of those issues a lot of self-interest and that really does create some problems but it was a difficult task, a task I could never get through, even though I moved the motion two or three times.

If you are going to do this sort of thing you have to get your consultation and communication strategies right. That is vital, in my view; it does seem to me from the information we have received by way of email, correspondence and the information that came out this morning that perhaps the consultation and communication processes were not as good as they could have been. Had that been better, then perhaps a lot of the issues that were discussed this morning might not have arisen.

The point I raised during the briefing this morning - or was raised by the students and I took it up - is the meeting that occurred in June of last year when this matter was initially discussed with the council. I refer to it as the 'infamous' council meeting because at that meeting you had two student representatives present. They came away from that meeting with a certain position and a certain understanding. They articulated that position to the student body, and clearly it differed from that which came out of the meeting.

One wonders how two persons could get it so wrong. Then you have to look at the other side and it would have been 12 to 14 other members at that meeting - I am not quite sure. The chancellor was not there, he said. They are saying it was fairly clear what happened - that there was discussion of the reduction of the numbers on the council including the reduction in the number of student representatives. Something has gone horribly wrong, I am not quite sure what, but one must question what did happen in relation to that. The students presented very well this morning; we have gone through that and I think it is very clear.

It is a fairly significant point because I think that has been the reason for much of the frustration and angst and probably some of the resistance to the change that is provided for in this bill. That is not to say that had there been a proper understanding of what happened in that meeting this process would have still been easy and that the students would have accepted the decrease in their numbers. It would have been an easier process had they had a proper appreciation and understanding of what happened at that meeting.

I received a number of letters and emails, as did other members, where they said that the consultation process was poor. Two or three people involved in the university have urged us to defer this matter so that there could be a better process put into place. I do not think that is necessary in the circumstances.

The briefing was excellent, as I have said, and I appreciated that process very much. The reason given for the reduction is that a leaner team is a much easier team to get together; and it is much easier and quicker to get 10 to 12 people together than 18.

The situation with the students, the decrease in those numbers is an interesting one. I will listen to the amendments and arguments that members will put forward. I have looked at those proposed amendments and I am not saying at this stage whether I will accept any of them, but I

will listen to the positions put forward. I will now wait until the committee stage to further look at those issues.

[4.55 p.m.]

**Mrs ARMITAGE** (Launceston) - I support the principle of the bill. I particularly thank the students for the many briefings we had this morning. I thought they performed extremely well. They were competent, as was said by the member for Murchison, and it is not an easy thing coming before the members of any House delivering new comments. I also thank the university for the briefing as well; it was certainly interesting.

One thing I found from looking at this bill is the differentiation between being a representative and actually on the council. I will read part of an email that I received - and I am sure most members did - from chancellor Damien Bugg which clears it up a little bit. The chancellor says:

It is not correct to say that the Council is a mixture of representative and corporate governance models and many [of the] concerns are by the council being referred to as a 'representative' model. If people appointed to the governing body of a significant entity, such as the University of Tasmania, feel that they 'represent' a constituency then they clearly are at risk of bringing a conflict of interest to the table, particularly if their sense of representation involves a constituency within the university community.

What the council must have, and every new member of Council receives a briefing from [the chancellor] about this, is a membership which is first and foremost representing the council in the best interests of the University and the Tasmanian communities. To do otherwise ... would be contrary to the council member's duty to Council and the University and contrary to the provisions of the University of Tasmania Act ...

We expect every member of council to bring to the meetings and work of Council those skills and experiences that have been identified as necessary for the balanced understanding the Council must have of the affairs of the University the functioning of a large and complex business (an annual turnover of more than \$500 million and staff of more than 2 400 with students in Tasmania, mainland Australia and overseas numbering in excess of 25 000)

And I know we were told today that was around 27 000.

The resolution of the University Council to recommend to Government that the size of Council be reduced and make up changed, as reflected in this Bill, was unanimous and that Council consisted of two student members (not representatives ...

And this is the issue that I find is probably the one challenging part, but we keep seeing those representatives and this morning I was thinking that we have two students and we have 27 000 students and that seems a fair balance but when you look at the makeup of the council, are they representing or is it a council with the skills mix? That is where the challenge comes. As I have

asked other members, do you have people representing there or do you have your skills mix which is identified as part of the council?

Some of the key factors which all of the council considered were -

1. A Council of 18 is too large to meet easily and frequently, particularly as we are the only University in the State and the Council should meet in all regions.

I agree with that and I heard the member for Windermere saying he thought that the divide between Launceston and Hobart had been removed. I do not know that there has ever been a real divide; we are one Tasmania; it is the University of Tasmania and it is really important that we do not try to continue that divide. We have wonderful schools in Launceston, the Cradle Coast and the Maritime College. There are five different campuses and we should all be working together as one.

- 2: We want to meet at least monthly, not the 7 times a year we have met previously (3 meetings in the South and North and one in the North West).
3. A majority of members must be external because of the demand for commercial, corporate and other specific skill sets not readily available within the university community.
4. The key committees of Council, from the very nature of their work, ought not have staff members or students on them. Remuneration Committee, Finance Committee and Ceremonial and Honorary Degree committees for example. This increases the workload of non University Council members.
5. The skill sets we need on Council are, importantly, across a broad range, including the internal issues of the University. The demands for specific skill sets will change with time, hence the recommendation for flexibility in the maximum number of Councillors.
6. With the Council able to meet more frequently some meetings will be devoted exclusively to high level strategic deliberation and other meetings will be able to accommodate joint meetings of Council and Academic Senate Standing Committee for the specific exercise of the advisory role of Senate in a more direct and effective way. This would be the first time in the history of this university that such meetings have occurred.
7. The more frequent meetings will enable Council to rapidly respond to changing circumstances to assist the senior management of the University in achieving the lofty goals the Council has set for the University in those key areas ... [of] Research and Teaching and Learning.

Those comments aside, from the briefings this morning and also looking at many figures, we had Jo Archer present to us at Launceston City Council recently and she brought with her a lot of

figures of numbers of students and teachers and it was interesting to see how well our university stacks up.

You hear all the time people saying 'punching above our weight' and it becomes a rather well worn phrase but in this case we can use it proudly. Tasmania does punch above its weight and when you look at the number of overseas and international onshore students that we have it is an incredible number.

The mission of the University of Tasmania is to continue its -

long tradition of excellence and commitment to free inquiry in the creation, preservation, communication and application of knowledge, and to scholarship that is global in scope, distinctive in its specialisations and that reflects our Tasmanian character. The University will provide leadership within its community, thereby contributing to the cultural, economic and social development of Tasmania.

That is important. I have never looked into this university and this council before. I have had many briefings on the university, as many of us have, and we have been to a variety of different functions and seen the School of Architecture. We have all had different tours of many of the different faculties and campuses. When you look into the real workings, the real nuts and bolts of this council, it makes you start to think. I was looking at representation but now I am not so sure; I think I was probably on the wrong tangent.

I will listen to the debate when we get into committee regarding some of the amendments that we have and whether one member from the student body is adequate or there should be two, bearing in mind that there already are postgraduate ex-students on this council. It is an interesting one. I support the principle of the bill but I will be looking forward to further discussion in committee as to the recommendations and the amendments.

[5.03 p.m.]

**Mr VALENTINE** (Hobart) - I too was impressed with the presentations that we had this morning from both sides, with the students taking the opportunity to outline their particular concerns, which I noted. The chancellor gave a great presentation too; he cares for the university and wants to see it succeed.

**Mrs Taylor** - I might just note the stamina of the students and the chancellor in that they are still here.

**Mr VALENTINE** - Still here at five past five.

**Ms Rattray** - And the members.

**Mr VALENTINE** - Yes, the stamina of the members.

We all know that decreases in administration are *de rigueur* these days. Many organisations are trying to reduce the cost of their existence. When I was on the Southern Tasmanian Councils Authority as chair we were always looking at ways to assist councils to reduce their costs.

By the same token, with the honourable member for Elwick, I sat on a committee to try to work out how best councils might be able to rethink their strategic directions in terms of mergers. That was no small task. It was significant. It is something you do when you are an organisation serving the people. When you are spending public money, the public want to see value for money. So it is that we have this bill before us today, an effort to reduce the overheads on one part but more particularly, as was pointed out, it is simply about better governance to make the organisation less wieldy.

I heard the member for Nelson say it has been focused on this for many months. Indeed, I am sure it has. The disappointing aspect of this, as we have learnt today, is that it has largely been without student input, at least that is the story we are getting and I have not been shown otherwise at this point. The lack of consultation concerns me. There are many ways of doing consultation, of course. We know that you can simply send out information in a leaflet or some other way on a website and hope people will assimilate it. You can call a meeting; inform people that way and get a bit of feedback. Or you can receive the feedback and act on it. Of course, that is true consultation. Not acting on it, necessarily, doing whatever anyone tells you to do, but listening to what they have to say, taking into consideration what they have to say, weighing that up and then acting as a result of hearing that feedback. That is true consultation.

The corporation of UTAS, the University of Tasmania, provides the highest level of education to the people of this state. I do not think anyone would doubt that. There are 27 000 effective full-time load students; I think that is how it is termed. It is a valuable asset to our state. The research efforts alone that the university engages in and the research that they collaborate in with other institutions is very much appreciated. It is something that sets the university apart in some of the areas of research that they engage in. I know the Antarctic sector, southern ocean studies and those areas are really right up there and we should be very proud of the university that we have.

From my perspective successful corporations are those that engage well with their clients and their stakeholders. The students are the clients, but they are more than clients; they are stakeholders. They are not going to just buy a product and go away. They are there for a period of years; they have skin in the game, if I can put it that way. During briefings this morning, I was mentioning that about 12 per cent of the university's revenue is from fees and charges. I am not quite sure what the percentage is of just fees alone. It might be about 9 per cent or so, maybe 8 per cent. The government has some skin in the game too. I believe they own the buildings. Three per cent of revenue is from the government. You have students providing 12 per cent and you have the government providing 3 per cent.

I know we are told this is not about purchasing seats. I hear that from the chancellor and I think it is very important. But we must recognise that the University of Tasmania is an organism. It does not survive without students, it does not survive without lecturers and it does not survive without administrators. The reputation of the university is built on the expertise of its lecturers and its administrators, but, just as importantly, on the capacity of its students. The student members, I believe, on the council provide a reality check on the strategic directions of the body as such. Arguably, an organisation that encourages its employees to have equity in the business, or skin in the game, is likely to be more successful. Students are more than customers; they are integral to the success or failure, and have a vital interest in the organisation, because basically what that organisation is providing for them is strategic direction for the rest of their life.

We have to understand the importance of the student body as being integral to the success of the organisation. To that end I think it is important that we get the right level of student input to the decisions that are being made that affect them as much as they affect some of the other broader aspects of the university in terms of the research they undertake and which areas they will address as a corporation.

I was sent an email with a PDF attachment which gave a comparison of universities, councils and senate numbers across universities as a percentage of council membership in university or council senates. Some of the universities on here are Adelaide, up around the 14 per cent for student representation, UWA is around the same, Flinders about the same, JCU is about the same, ANU is about 13 per cent, University of New South Wales is around about 13 per cent, Newcastle is a bit lower, University of South Australia is about 13 per cent, Monash about 12, and on we go. UTAS as it currently stands is about 11, and Wollongong is just under that.

The proposed UTAS model shows student representation at about 7.3 per cent. That is taking into account the numbers on the council being something in the order of 14 at the maximum. With 12 that would put the University of Tasmania up to around the 8 per cent mark. The issue I have is that if the numbers were to lift to say 14 as the bill provides, then there is an argument to have that extra student member. I would like to move an amendment to that effect and I will work on that through the committee stage.

I believe that it is important that we have proper student representation. There is one other aspect that I was interested in and that is to do with the subcommittees, and where appropriate, there could be some student input into certain subcommittees, not all, obviously as it is not appropriate. In speaking with the chancellor during the briefing it was possible that there might be one or two committees that could see some student input at that level, and that is important as well. The whole University of Tasmania is largely built to provide for its students. I will not say that is its only focus of course because of the research aspects and the like, but the student aspect is very important.

That is about as far as I wish to go at this particular point in the second reading speech. We have to understand the value of the university to the state and the value of the students who come out of that university and I think we have to understand how valuable it is that they have a fair and reasonable input to the strategic direction of that university.

[5.15 p.m.]

**Mr FARRELL** (Derwent - Leader of Government Business in the Legislative Council) - I thank honourable members for their contributions and I would like to comment on the quality of the briefing that we had, not only from the students but also from the chancellor who put a very good case and covered a lot of areas that members raised in their concerns to the points that the students had brought up. It took me back a little. James Walker used to be in the high school debating team with my son years ago and he certainly has been honing his skills a lot. He was pretty good in high school debating but with the arguments he put forward he will probably turn out to be a heavyweight lawyer in the future.

**Ms Rattray** - Or a lightweight.

**Mr FARRELL** - No, we are over-supplied.

*Members laughing.*

**Mr FARRELL** - Speaking of the honourable member for Nelson with the mention of the performance rankings, there are many different rankings for universities. UTAS is in the top 4 per cent in the world and nationally ranked number 10 - not eight but 10, but that is pretty good and that is in the 10. Internationally, one ranking is 326 and generally in the top 500 worldwide. That is pretty good.

In regard to the issues raised about the representation of the students' interests and how will they best be served under the new model, the reduction in the size of the council does not, nor is it intended to, diminish the interests of the members of the university as described in the act, that is, the members of council, academic staff, general and professional staff, graduates and students.

Despite the need for a more corporate model of governance for the university to meet its complex management and regulatory obligations, the council must also protect the diverse interests of an increasingly large number of student, staff and alumni. Clearly, council must protect and enhance these interests but this does not necessarily require proportional representation on the university's governing body.

Prior to the amendment of the act in 2001, the university had a council of 24 members including two members, each representing the House of this parliament, as the honourable member for Nelson mentioned. He also gave great detail about his perceived value of his time on that board, and we are lucky to have that practical experience in the chamber today to draw from. I commend the honourable member for being open and honest with his reporting of his time on that board.

The university council could no longer best discharge its obligation if it was to remain as a large number of members appointed in proportion, as representatives of particular interest groups, rather than acting in the interests of the university and its members. Council is required to ensure that it identified the skill sets that must exist within its own membership to ensure it properly meets the business, budgetary, regulatory compliance, accountability and other governance requirements of both its academic and business aspects.

The University of Tasmania Act requires the minister to consider the interests of all members of the university, to have due regard to the balance of skills and experience, regional representation and appropriate gender balance of the council. Given the requirements of the code of best practice that there should be a majority of external independent members who are neither enrolled as student nor employed by the university the preferred size of council comprising 12 members effectively limits university membership to five, that is, the vice-chancellor and chair of academic senate, ex officio members, an elected member of the academic staff, an elected member of professional staff and an appointed student.

As most external members are most likely to be university alumni, there will remain the capacity for the interests of the alumni to be safeguarded. With the retention of the right of the minister to make two council appointments, the requirement for the advertising of positions for appointment, as well as the required consultation between minister and council over appointments, the interests of the university community and the broader Tasmanian community are maintained.



It is important to recognise that all council members are required to act *ad personam* - there will probably be quite a bit of Latin during my contribution seeing that it is coming from a fairly well educated lot of advisers, so I will do my best with that - in the best interests of the university. They are not appointed to serve specified constituencies. More specifically they are required to act always in the best interests of the university as a whole with this obligation to be preserved in priority to any duty a member may owe to those electing or appointing him or her.

As for the minister's acceptance of the reduction of his appointments from four to two members, the same reduction in number of staff-elected members and student members' appointment is commensurate with a smaller council, while at the time ensuring that the diverse interests of staff and students are preserved. The council resolution resulting in this amendment bill was unanimous. The council included its four elected staff members and two appointed staff members.

Under the act there are no elected student members of the council. The proposed bill retains the ongoing requirement of the university for student members to be appointed to the council after consultation with student associations. The voice of the students of the university is maintained by the current practice of the chancellor and the council executive officer in meeting with the elected Tasmania University Union president and the postgraduate president to seek advice on student member appointments. This has happened late each year, usually in November/December once the student elections have been finalised and so far the elected presidents have always been appointed if available. They may prefer to nominate someone else.

The TUU president's role can be onerous, but to date the presidents have been keen to be on the council. Theoretically also if the elected presidents in the chancellor's view had no useful skills his prerogative would be to seek another student for appointment as there is no obligation to act on a recommendation from the student leaders. Rather, the act requires them to consult with relevant student associations before making the appointment.

There are a few other bits and pieces I have that members raised. The reason for two ministerial appointments: UTAS is enabled by state legislation. It is a Tasmanian institution for the people of Tasmania, therefore a role for the elected government of Tasmania is appropriate. UTAS is key to the social and economic development of the state. The government of Tasmania should retain the influence embodied in the bill to appoint two members to council.

Another point the chancellor raised is that it brings dialogue between the minister and the chancellor because there are probably many issues that directly relate between the state and the university and it makes the channels much clearer by having the two representatives.

In relation to some of the issues raised by the member for Mersey, it is acknowledged that there are concerns over the interests of students. It is important to understand what is management's responsibility and government's responsibility for the university. It is not appropriate to infringe these boundaries.

On the matter of an appointed student, that is already in the act. From a governance practice perspective we cannot confuse an elected member with an appointed member and the university would urge students to raise their issues with the university council or management issues with the vice-chancellor. The honourable member for Hobart: the percentages that you mentioned are not relevant in a non-representative governance model.

The honourable member for Murchison inquired about the subcommittees. There is a finance committee, an audit and risk committee, ceremonial and honorary degrees, remuneration and nominations, built environment and infrastructure. There is no student representative on these committees; there could probably be student membership on the built environment or infrastructure committee.

The other issues raised are best handled in the committee stage as members have indicated that they will propose some amendments. When we get to that point we will try to explain these to members.

**Bill read the second time.**

## **UNIVERSITY OF TASMANIA AMENDMENT BILL 2012 (No. 32)**

### **In Committee**

[5.27 p.m.]

**Clauses 1 to 4 agreed to.**

#### **Clause 5 -**

(Section 4 amended - Continuance and incorporation of University)

**Mr FINCH** - Through my presentation I spoke about clause 5. I will not go over the detail of what I said but it is a claim to rewrite history. Clause 5, amending section 4, deals with the continuance and incorporation of the university. My suggestion is that there was no continuance of the university. The act that established the university in 1890 was abolished along with the Institute of Technology in Launceston. They were both abolished - finito, kaput, that is it, 'all over, red rover' - to form the new university.

What I would like explained to me is why it is in there. I have presented my case as to why it should not be there as I think it is an attempt to rewrite history.

I have lived in the north now for 40 years and I was across this debate when it occurred in our community and it was a very strong debate and a strong issue. I can go back here to, 'Warning on uni talks'. This goes back to 1988:

The Education Minister, Peter Rae, has urged the state's three tertiary bodies not to allow proposed amalgamation talks to develop into a war for control of the new state-wide university.

There was concern that these organisations were being subsumed by the bigger University of Tasmania from Hobart. That was the signal that went out from 1988 through to 1992, and subsequently through the years there has always been this fight to make sure that there is the correct recognition of what is going on in other parts of the university. I have detailed already the figures that amplify that what is occurring is that the development of the university in the north is not the same exponential growth that you have in the south of the state. I am signalling that that is what is occurring and that is what is being read by people, by academics, by the people at the

university, the staff, by the students in the north, that the proper development of that place is under threat constantly and there has to be a fight all the time to dig in and say, 'Recognise us properly.'

Clause 5 says, 'for the avoidance of doubt.' Who is doubting it? Why is that in there, leader? 'The university is taken to have continued in existence under the name "University of Tasmania".' The debate that unfolded on the floor of parliament was about what the new name should be. The best suggestion came from Peter Patmore, if you could just be light-hearted for a moment. He said that it should be the University of Launceston incorporating the University of Hobart, but he also said, 'I don't think I will get away with that'.

All the time the talk was in 1992 that it was a new university. The Southern Cross University was one of the names that was suggested, and there were other names that came forward that might represent this new university. Eventually when the council was formed and everybody thought about what the name should be, it came back to no, no, it is about a university in Tasmania. So as the decision was made, the new name for the new university would be an appropriate one, the University of Tasmania. It meant that it was the commencement of a new history. I am hoping the leader is going to say to me that the reason we want this avoidance of doubt is that when we look to appeal to our Asian students who might come here, to the Chinese students, the Indian students, that they might say, hello -

*Members laughing.*

**Mr FINCH** - this university is not a new university, this is a sandstone university.

**Mr Valentine** - That is exactly what it is about.

**Mr FINCH** - I hope that is what the leader is going to tell me. If he has another story we are all in trouble. This is trying to remove that moment in history when both the institutions were abolished by an act of this parliament to say that they no longer virtually fold, no longer exist, but what comes out of that is now the new university. It says, '... the University is taken to have continued in existence ... since its establishment in 1890'. It has not. It was abolished in 1992. It has not continued in its existence. It is a new university. It is a different university. It just happens to have been decided that it will retain the same name.

**Mr Valentine** - It's one of four sandstone universities, that's why.

**Mr FINCH** - I want to make the point again that representatives from that area of the state have to bring the signals down of what people are thinking and what people are talking about. Others might not have heard the argument. I have heard the argument. I have had it delivered to me hot and strong. I am delivering the message to this House. That is my job, is it not? I am delivering the message hot and strong and I am saying that that is what has been represented to me. These are the arguments that have been put forward and these were the arguments that were recognised, hot and strong, in 1988; in 1990 when it unfolded; in 1992 when both organisations were abolished. The argument was that this would be a new university.

You might say this is a picky point, but the point is it is here, this is what people have brought to my attention and have made strong representations to me about. I will be interested to hear what the leader has to say.

**Madam DEPUTY CHAIR** - Before the honourable member resumes his seat, I suggest that he invite honourable members to vote against the clause if they are persuaded by your argument. I do not believe you indicated that in your presentation.

**Mr FINCH** - Thank you, Madam Deputy Chair. I invite members to vote against this clause if they have a sense that what I am saying is appropriate. I cannot understand why it is in there. It does not need to be in there and it does not serve any purpose.

Madam Deputy Chair, I move -

That clause 5 be amended by voting against the clause.

**Mr FARRELL** - It may not have any great importance to the honourable member for Rosevears but he did sort of answer part of his own question at one stage. This is important to the alumni of the university because it removes doubt as to the continuity of the university and therefore the validity of its - and here is another Latin word that I have learnt today - *testamur*. The College of Arms in London is responsible for approving and maintaining the validity of the coat of arms and the continuing link must be maintained to ensure the validity of all degree certificates. Someone has written to the college and this is to remove doubt, so it is important for the alumni that this maintains the link of the university.

**Ms FORREST** - Madam Deputy Chair, I will be supporting this clause as it stands. I draw your attention to the principal act, section 4, Continuance and incorporation of University:

- (1) Notwithstanding the repeal by this Act of the Amalgamation Act, the University continues in existence under and subject to the provisions of this Act under the name 'University of Tasmania'.
- (2) The University -
  - (a) has perpetual succession and a seal; and
  - (b) may sue and be sued in its corporate name.
- (3) The seal is to be kept and used only as authorized by the Council.
- (4) All courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the University.

Then this will add new subsection (5), 'For the avoidance of doubt, the University is taken to have continued in existence under the name "University of Tasmania" since its establishment in 1890'.

I have had representation about this from the Launceston area. I had a discussion with one of my constituents and I said that I think others may be jumping at shadows here. I am hoping to be an alumnus of the university in the not too distant future, and it is important to note that this is a continuing institution of tertiary education since 1890. This is to ensure that is not lost.

Section 4(1) of the principal act makes that clear: 'Notwithstanding the repeal by this Act ...', - this is the intention. A doubts removal clause has been deemed necessary because of some fear

that it may not be recognised in that sense, when it was clearly intended it would be. The University of Tasmania is the University of Tasmania - it has campuses all around the state. At the moment it may not be growing exponentially in the north as it is in the south, but let me tell you that the Cradle Coast campus is growing exponentially. That has grown beyond belief - way above the expectations of anyone when it was first established. It has been a godsend for that part of the state because that is the area of the state with the least number of people getting university degrees. We are seeing many mature age students who have never been to university, and no-one in their family has been to university - we are seeing a whole new cohort of students. We have parents of young people saying, 'I can get a university degree on the north-west coast, so you can go to university too'. It is sending a fantastic message to the people up there.

It is about the University of Tasmania, it is about recognising the University of Tasmania as an ongoing entity since 1890. Whether we need a doubts removal clause or not, I am taking the advice provided on this. I do not think we need to be jumping at shadows and I will be supporting the clause as it is.

**Mr FINCH** - I think it is only fair that if I have three speaks, I use at least two of them.

*Members laughing.*

**Mr FINCH** - The agreement with my move to present this amendment is not resonating through the chamber, but I hear your explanation. In any of the notes I have read, I have not had that detail, and it has not come across my purview as I have carried out my research. The sandstone is not a figment of my imagination. The member for Nelson spoke to me about this 'sandstone history' that is attractive to students. As I worked through it, it did fall into place.

I withdraw the amendment.

**Clause 5 agreed to.**

**Clause 6 agreed to.**

**Clause 7 -**  
(Section 8 amended - Constitution of the Council)

[5.45 p.m.]

**Mr MULDER** - Madam Deputy Chair, I move -

That on page 5, clause 7, paragraph (b), be amended by leaving out the proposed new paragraph (d) and inserting instead new paragraph (d):

one person appointed by the Minister, who must not be a student or member of the academic staff or professional staff and who is a graduate of the University.

As I alluded to before, there seemed to be a principle being established here as we made this new council of the university. I thought that lean and mean was a bit harsh, especially coming from a keen prosecutor. Perhaps we should be thinking about the idea of a board that is lean and keen.

The principle that seems to be built in there is of one council member per stakeholder group, so you have the views of those stakeholders. An exception seems to have been made when it comes to the stakeholder minister, who wants two member representatives.

Although I do not support it, I thought a really good case had been made for one member from the student body, because you do not need two perspectives from the student body and you are trying to keep the board down in size. But then we find the minister, the government of the day, wanting two voices when they are denying the students two voices.

We need to look at the stakeholders. There are first-order stakeholders - people involved in the administration and management and running of the university. The students are first-order stakeholders, and the staff members are first-order stakeholders because they either consume or supply the services this institution offers.

I would rate the government as a second-order stakeholder - a second-order stakeholder, in the sense that it neither consumes nor supplies the services. It does not have a direct involvement in the services. It might be the owner, but we are talking about an institution that is supposed to be independent. They might own the buildings, and they might own the land, but that is not what this is all about. This is about delivering the services of the university.

To me the government is a second order stakeholder and, as such, I am not too sure they deserve equal representation with the other stakeholders. They certainly do not deserve double the stakeholder representation. I urge members to support this amendment.

**Mr FARRELL** - The government does not support the member's amendment. I did cover it in the second reading but I will go back over it: the University of Tasmania is enabled by state legislation. It is a Tasmanian institution for the people of Tasmania. Therefore, it is appropriate for the elected government of Tasmania to have two representatives. It is a system that works well for communication between the chancellor and the minister. It was reduced from four to two - so it was halved. As the chancellor has mentioned several times through the briefing, this is all about setting up the right balance of internal and external and stakeholders. I personally feel that to have a link with the government is a good thing, and if it is twice as strong that should only work in the best interests of the university and the state government, no matter who the state government is.

I have been advised, too, that it is contrary to the spirit of the national voluntary code. It means the council will have six internal members and therefore we will need seven external members. This will reduce flexibility and require the council to always have at least 13 members. I have also been advised that clause 11 preserves the ability of the government to retain some influence over this significant institution that underpins the social and economic development of the state. Omitting the other sections changes a student's term of office from one year to two years. Students may not want this. It reduces the field of opportunity and it is also a potential impact on their studies. If it were increased to two years, it would have to be -

**Dr Goodwin** - Have you wandered off to another amendment?

**Mr FARRELL** - Sorry, I kept reading on.

**Ms Rattray** - We are still on clause 7.

**Mr FARRELL** - Yes, I got really excited and thought I would get that through while I am here. The honourable member for Rosevears threw a spanner in the works.

**Mr Harriss** - You are often ahead of the game.

**Mr FARRELL** - Thank you.

That is the issue with clause 7. It keeps the balance and this has been the whole thing with the numbers of representatives on the board; one reduction will affect another membership group and it all gets out of balance, so the government does not support the amendment to clause 7.

**Mr WILKINSON** - Let us get real about this. I say that because we, in this chamber, have said for a number of years that the university is one of our greatest assets. As we are looking to the future and how we can improve ourselves, we say we are going to be a new state and we have to do things in a boutique fashion. The best way to do that is to go to government and say, 'How can you help us, not only in the south but in the north-west where people are struggling?'. You have to go up there and talk with the community; people are struggling. Look at what is happening up there with the university. You have said the interest in the university up there is increasing markedly. What is happening in Launceston? Likewise, with the numbers up there. Why don't we therefore say to the government, 'Get two people involved, have two people appointed by the minister'. That is going to be a direct conduit to the government which can only help our university. It is a very competitive field and the best thing we can do is to have a direct link, if we can, between government and the university in order to be able to react quickly to the changing student market.

We have heard of the Loyola University Chicago online courses from people overseas. That is a new development. Do we not want government to know about that quickly? Did anybody here know about that? I certainly didn't. This is the type of direct conduit I believe we need to ensure we are able to react, not only with one but two. We are not asking much here. We have looked at the balance and it seems to me that this is the balance. How are we going to do it to put our university in a competitive state compared to other universities, not only in Australia but around the world? We have to do that with a direct link to government, the government being able to react, to fund things and to look at new buildings. Look at IMAS down on the wharf; what a marvellous area that is. I remember being brought up in Battery Point; look at it now, compared to what it was in the 1950s and '60s. It is a completely new area. Would they have been able to do it as quickly if they were not aware of where buildings were to be obtained, et cetera? I think it is a real plus. I think the balance is right. I do not believe we are going to be assisted in any way with one; I think two is better than one in this situation, so I strongly support the bill as it is now.

**Dr GOODWIN** - On this occasion I agree with the honourable leader and the honourable member for Nelson that it is appropriate that we maintain reasonably strong links between government, parliament and the university, and having two representatives on the university council is important. On that basis, I will not be supporting the amendment. We should recognise that there has been a reduction in the numbers with this amendment. It has passed, but given the importance of the university to the Tasmanian economy and to the future of Tasmania it is not unreasonable for there to be two ministerial representatives on the university council.

**Ms FORREST** - I have a couple of questions about this because I am of a view to support the position as it stands for some of the reasons that the members for Nelson and Pembroke alluded to: that it is important to have government involvement at this level. I believe it is appropriate. I am sure that in the briefing - correct me if I am wrong on this - when the original draft bill was discussed at council and it was approved in principle, and then sent back to government, I understand that that is when the only difference was. I am not sure whether that was because there were going to be more or there were going to be fewer, but I understand from the briefing that that is what the situation was. That was the only change that was made when it came back. It was a concern raised by the students that the change occurred at that point. They thought there were going to be two; the draft bill came back and there was one. The bill came back and it was presented to the lower House with one, but from my memory of the briefing - and I was not there for the whole briefing so I may have got this wrong - my understanding was that this change was made after it was ticked off by the council as recorded in their minutes.

I just need some clarity around that, because is this the minister wanting a bit more control that was not supported by the university and the council at the time when they ticked off in principle on a draft bill that had a different arrangement in it as far as these positions go? I would like to have some feedback on that.

I tend to support this anyway, but I am wondering about the process that was involved in that. This enables a greater capacity to get the required skills on a board of this nature, and we talked about the importance of having finance, possibly audit skills, academic, and commerce - all those sorts of things. One would expect that the minister would appoint appropriate people with those skills or the skills identified by the university as the skills that are needed.

These are specific skills and you want the broad range of skills, and I think as the member of Nelson is alluding to, it helped because these skills are not necessarily found in one part of the state. I do not think we need to be worried too much about where these people come from but they should be appointed on merit with a broad range of skills.

I was confused about how this process happened; I do think it is appropriate but I need more information from the leader about that before I can make a final determination on the amendment.

**Mr FARRELL** - I have been advised from the chancellor: not when it was a draft bill. The university made a recommendation and the minister agreed in principle but confirmed in writing that the bill would include two ministerial appointments. That was the first and only bill.

**Ms Forrest** - So the university wanted two.

**Mr FARRELL** - No, the minister wanted two.

**Ms Forrest** - How many did the university want? Zero?

**Mr FARRELL** - Less than two. The minister wanted two and the chancellor advised us in the briefing that he works very closely with the minister when these appointments are made and his recommendations are generally well considered.

[6.00 p.m.]



**Mr GAFFNEY** - One of the advantages of the Tasmanian university system is that the five campuses are all controlled within the state. There is little competition within the state for other universities to get a hold. In saying that, to have a government connected to the university is a very powerful tool worldwide. When they say this is Tasmania and this university is supported by the government - in fact, they have two members of the government from the minister's staff on the board or on the council rep - that is very important and it sells itself. I would hesitate to think that we disconnect further the role of government from the university because it is one and the same. Very few places have the University of Tasmania as its key linchpin. It goes back to the point made by the honourable member for Rosevears where I am happy for the Tasmanian College of Advanced Education to go by the way and come under the University of Tasmania banner. It sends a much better brand name into the community. With what has happened worldwide, we need to ensure that our brand is first class and having two people chosen by the minister - the other advantage is that, if the chancellor goes to the minister and says these are the skill sets I have, out of the people I think may be on the council, you have greater access to other people in your networks who have these skill sets and you are able to have that capacity to work with the minister and filling those spaces might be a more positive way of approaching it. I cannot support the amendment. I think two members from the government are more than appropriate and I will be staying with the bill.

**Mr HARRISS** - The overriding problem the honourable leader has here is that his minister speaks for two parties and that is why he wants two people there.

*Members laughing.*

**Mr HARRISS** - That is the trouble. That is what is motivating him at the moment.

We heard in the briefing, and it was confirmed by what the honourable leader has read out, that the minister's office required two through this process. Give us some defence for that position, some powerful propositions to support that. The honourable leader said because the government has had an integral role to play with the operation of the university, providing funding, that the government deserves two. That is not a particularly strong reason to persuade me that the government deserves two, just because there is a bit of money in the process.

He also mentioned the representation. The honourable leader said that the government deserves the two representatives - it was four and it has been cut down to two - because we are a key stakeholder. But we also heard at an earlier time in the briefings, that it is not about who you represent on the council; it is a matter of being appointed to the council for all the council stands for. If the honourable leader is going to run that argument in support of his proposition, then it does not cut when we get to other amendments later on, for instance, with regard to student representation. You could argue they are key players in the whole game.

The honourable member for Pembroke referred me to the act which talks somewhat about the charter of the council. It sets out the fact that the council is to operate in the best interests of the university and take into consideration those matters. How do the minister's representatives do that? You can argue on that bald point, in terms of the operation of the university because it is about outcomes. What happens at the university, I would contend, is about outcomes. Nobody would contend for one moment that anybody on the council would have anything but the best outcomes from that facility at the heart of their decision-making.

The honourable member for Pembroke also made very worthwhile comment to me as she was going through that component of the act when she said the reason she supports the government's position and, therefore, does not support the amendment - I think this is a stronger argument which the honourable leader might like to consider - is that the university has a capacity-building role in terms of the economy of the state and a number of other things which could be built into what the university is all about in terms of outcomes. When I sit and consider that, that is a more persuasive proposition for me in terms of sticking with the government's position. At the moment I am a little on the fence because what I have heard officially from the government's position is not persuasive. To me, it is about outcomes and I am not sure that we are talking about whom you represent and, therefore, you deserve a couple of players there because you are a major stakeholder.

We heard earlier that the government contributes something like \$3 million less than the payroll tax contributed by the university alone. Nonetheless, I do accept that the government of the day, whoever it is, is a stakeholder of significance. I accept that and I do not trivialise it but there are a number of considerations.

The honourable member for Rumney, in putting the amendment, was persuasive in terms of the numbers; four down to two. Why not four down to one? The staff representation is three down to one.

For the moment, I will leave it at that. There is a little more consideration that I would like to hear.

**Mr FARRELL** - I will seek some more advice.

In regard to the two members, they do not necessarily have to be government people; they can be people from the private sector. The idea of having two is to align the government and the university policies. There may be economic policies the university is looking at pursuing that need to be integrated with the government. It gives the opportunity for the minister, if the chancellor requires a certain skill set in this new committee, to appoint someone from that area. It may be someone from an architectural background or someone running business.

International relations is another thing: it may need to be someone who has had business dealings with China, for example - the type of thing that was on the recent trade delegation. It is more about the significance of the university to the human and intellectual capital. When the institution is so vital to our state's development it would not be good to lessen the value, the close ties and the understanding between the university and the state. Even this power to influence is slight.

The ministerial appointment acts in the best interests of the university, not the government. It helps in issues of, say, lower socioeconomic people coming through from schools. It helps the university then develop its policy in line with whatever the government policy of the day is. The minister's role cuts across a number of areas. He is on the Standing Council on Tertiary Education and that influences commonwealth funding and that type of thing, so it is really important that the minister gets the feedback from the university as to where their directions are going and what their funding needs are. Dealing with international education is very much a government role and the minister always consults with the council before the appointment is made so it is done by

consideration; I want to appoint this person for this reason or do you think I should appoint this person for that reason. It is not government people who are being appointed, necessarily.

[6.15 p.m.]

**Mr MULDER** - I have heard a number of things. First of all, there is some indication that perhaps the council itself, which made the recommendation to the government, thinks there are strong and sufficient informal links without the need for ministerial appointments.

A number of other members have put fairly strongly that they think these links are important, irrespective of what the council may have recommended to the government. Even if you are persuaded by that particular argument, I think the only reason I could find for two was that two is better than one. Two links are stronger and better than one. I do not know whether you have been involved in any sort of activities around the world where you strongly rely on communication channels and you have more than one and you get really confused when different messages come through from different channels. Therefore, two is not always stronger than one and it certainly is not always better. If two is better than one and it is more important that the government has strong links with the council then what are you saying about the importance of the people who only have one? It is not important to have strong links? Two is better than one when it comes to the students. It is not important to have strong links with the staff? Two is better than one.

I take on board all the arguments about the economic future of the state; I have listened to that about how important a link is. I am persuaded to at least say that had the motion been that we sever and do not have any ministerial appointments, these arguments would have been persuasive for me to withdraw it but that is not what I am saying. What I am saying is that in the sense of equity, the message you are sending to all the other stakeholders, if you allow this double representation, you are actually demeaning the importance of the link with the internal stakeholders.

One other issue raised was that they do not have to be from the minister's office or they do not have to be government appointees but the council might seek the minister to fill a skill deficiency - sorry, the council can do that itself already. It is between four and six members that the council can go - it does not have to be able to go to the minister to appoint them. It has the capacity to appoint four or six members and, as we heard in the briefings, the reason we got some flexibility is that we are not quite sure what skill sets we are going to need. Here we have the capacity to do that already. We do not need to stack up the minister because if that was the real argument then you would say the minister can appoint up to 100 people there depending on what the council wanted it to do but we have given the council the capacity to engage a restricted number of people to do it. The argument that somehow two gives an opportunity to fill skill deficiency does not wash because the council can do that without the minister.

I urge members to focus on the fact that one link, the right ministerial appointment, surely is a strong and sufficient link and it is equitable with the other stakeholders.

**Mr FARRELL** - This model is based very much on the old model that worked well but it is a reduction in numbers to make the system more flexible. That was explained to us in the briefing. It has been a 50 per cent reduction from each staff, student and ministerial appointment. So, four went to two, two went to one and it has been a reduction in the overall thing.

**Dr Goodwin** - You are maintaining the ratio but -

**Mr FARRELL** - We are maintaining the ratio of representation on the council but making a tighter, leaner, more flexible board.

**Ms FORREST** - To pick up a point the member for Rumney made about explaining to the students, I have a different view because when a student is appointed to the council they are there to raise the student voice, not to represent the students. We need to make that distinction because if we do support one student, even though there is a percentage reduction, there is probably still an appropriate mix.

The council did not particularly want any ministerial appointments, but it is important to have those links. We, as members of parliament, are saying that and obviously we share the views of the minister. You would want to have a person there who is acting in the best interests of the council and the best interests of the university, not in the best interests of the government, but once they are appointed to the council that is their job.

**Mr Valentine** - Absolutely.

**Ms FORREST** - Their job is not to do the minister's bidding. Their job is to act according to the requirements and the role of the council as currently outlined in the act - to act in the best interests of the council and thus the university. That is good corporate governance.

Whether it is one or two is not a huge issue but it is important to have the capacity to meet the skills needs that may emerge, at times unexpectedly. If we identify a need, we need the skills to address it.

I hope we do not see - I will be clear - the secretary of education as the appointee. I think it should be someone, potentially from the private sector, who has identified skills. Although the secretary of education may have those skills - I do not know. It depends on what we are looking for.

**Mr Wilkinson** - You don't want to see 'jobs for the boys'?

**Ms FORREST** - That is what I am saying. I do not want to see jobs for the boys. I want to see this adding real value to the university council, and having input into the economic wellbeing and benefit of the state as well as the university. When they are acting in the interests of the university and the council that should be a natural flow-on.

The argument about throwing the students into the mix is not appropriate because we are talking about a different issue. I see the value of having direct input with appointees who act in the interests of the council and the university - not the government, or the minister.

**Dr GOODWIN** - The honourable member for Murchison has hit the nail right on the head with her comment that the university council is acting in the best interests of the university, which should also be the best interests of Tasmania. That is the crucial point, because I see the University of Tasmania as absolutely fundamental to the future of Tasmania. Without a really strong, well-performing university we are not going to be able to succeed in Tasmania and make a successful economy to retain our young people. We need a very strong, well-performing university that positions itself for the future. We know that the university environment is

extraordinarily competitive. We know that Tasmania has some great strengths that can be capitalised by the university but you have to have very strong, significant links between government and the university to advance the interests of Tasmania. This is all about making sure you have the right people on the university council and you have a strong link between government and the university, and everybody is working in the same direction in the best interests of the state. I think two out of 12 representatives being appointed to the council by the minister is a good balance. We have heard quite a bit from the chancellor about the importance of having the right balance on the university council. Given the importance of the university - it is the only university we have in this state and it is absolutely pivotal - two representatives is the right balance.

**Mr FARRELL** - Another point comes up in relation to the difference between the ministerial appointments and the student appointments when you look at the way the committee is structured and the subcommittee structure. The subcommittees of finance, audit and risk, ceremony and honorary degrees, remuneration, built environment and infrastructure have no student representatives at the moment. Because of the issues the chancellor mentioned, they are unable to sit on some of the committees. It is very important you have the right number of people to sit on these committees, particularly people with skills on the finance committee. Remuneration, built environment - they are all completely different disciplines. There is quite a difference between the student representatives and the ministerial appointments.

**Mr MULDER** - Once again we heard the argument that two is better than one, but no real explanation as to why two may be better than one. I will take up the point the member for Murchison made, saying it is different for the students than it is for the minister. I am sorry, but all members of council - student members of council, as well as staff members of the council, as well as the government appointees, must all act in the best interests of the community. They are all coming from a particular perspective, so, for example, you get a student perspective as to what is in the best interests of the university. Each of these stakeholder groups should have a voice as to what, in their opinion, is in the best interests of the university. It is the perspective we are getting, so why does the minister get two perspectives instead of one? Is the government's perspective so great it requires two people to carry it? The arguments that keep going round and round are about the importance of this perspective. I am partially persuaded that the government's perspective is important. But we should not be sending a message that it is twice as important as the other perspectives - those of the actual consumers and producers of the products of this business. I urge members to support it.

**Amendment negatived.**

[6.30 p.m.]

**Mrs TAYLOR**- I move -

That clause 7(d) be amended by leaving out the paragraph and inserting instead the following paragraph:

- (d) by omitting paragraph (i) from subsection (1) and inserting the following paragraph:
  - (i) one undergraduate student elected by the students and appointed by the Council.

I want to make this amendment because I have heard the arguments from the students and the chancellor and I agree that the number of students, as it currently stands in the act - there is a request for it to be changed from two students to one student. I do not disagree with that. However, in the current act, the two students are one undergraduate and one postgraduate student. I would be concerned that if we only have this one student representative, that student might or might not be an undergraduate - could be either an undergraduate or a postgraduate student. My concern is that the undergraduate view be represented on council.

I said in my contribution to the second reading speech that it is really important that the voice of undergraduates be heard, not as a representative, not as a delegate of the undergraduate body, but as a voice, that matters which are of relevance to undergraduates and to people of their age - although not all undergraduates are young people, but nevertheless, people in that position who are, for the first time, at a university, who do have particular issues that should be brought to the table.

I have asked for them to be elected by the students and appointed by the council, which is a change from the current act where they are just appointed by the council but with consultation by the student body. I have a particular reason for asking for that. That is, that the current arrangement is that the council appoints for one year only and I have a later amendment in clause 11 where I will ask you to consider changing that to two years because we have been told that it takes about six months for a person to get into the swing, to get to know what they are doing, and I think that is fair enough. If that was increased to two years it would give a greater capacity for that person to contribute meaningfully to the council.

Under the current arrangement, what generally happens is that the person appointed is the president of the TUU. I know it does not prescribe that that needs to happen but that has been normal practice. I am asking instead for that undergraduate student to be elected to that position. It could still end up being the same person. It could be that the election happens at the same time as the elections for the TUU and that it might still be that person could be elected both as student representative to council and TUU president at the same time. That depends on whom the students elect. But this gives the capacity for somebody to be elected, not necessarily tied to being president of the TUU, who then has to be appointed by council as everybody else has to be appointed to council.

I ask members to support this amendment.

**Mr FARRELL** - I have been advised that the effect of this proposed amendment would be to exclude the prospect of a postgraduate student becoming a member in this way. From a governance perspective, it confuses elected with appointed. This is not better practice governance. It is also contrary to the spirit of the national voluntary code.

**Mrs TAYLOR** - Yes, it does limit this to not being able to be a postgraduate student and that is exactly my point, that unless this is an undergraduate student then there is no guarantee that the undergraduate voice will be heard.

There is a future amendment coming from another member which will try to persuade us that there could be an opportunity for a postgraduate to be elected to one of the other positions. I will support that because I do understand that it would be good to have the opportunity, if the person

fits the bill, to be appointed to the council as well but I feel very strongly that undergraduates should have a voice. It is a very different category.

**Ms Forrest** - If you are saying that you would agree with the further amendment, should we -

**Mrs TAYLOR**- That's not my further amendment.

**Ms Forrest** - No, it's not yours, I know. If you support that, we need to deal with dispensing with yours.

**Mrs TAYLOR**- Not at all. Leader, what was the other issue?

**Mr Farrell** - The other issue was, from a government perspective, it confuses elected with appointed. This is not better practice governance.

**Mrs TAYLOR**- In fact, that is what happens at the moment. There is an elected person who is appointed by the council so I do not see that there is a difference here, except that this will be elected separately by the student body as opposed to an appointment with consultation with the TUU who in fact have elected that person. So I cannot see that there is a great confusion here. This is, indeed, also the clause that says a staff member will be elected. That is on the same basis as a staff member is elected by the staff and appointed by the council.

**Ms RATTRAY** - I am inclined to support the honourable member for Elwick's proposition in relation to the undergraduate student having a voice on the council. I am also encouraged by the fact that there will be an election for that position and then subsequently an appointment. As has been indicated, it is no different than what happens with the professional person and the academic person. If we are talking about fairness and equity, it is only fair that we continue to go down that line. I am encouraged by the member's proposition and from what I have seen today, assuming that perhaps some of those students who were in the briefing today were undergraduates, I feel sure they would be a very adequate voice on the council and representing the council's and the university's interests.

I indicate my support to the honourable member and support the amendment.

**Dr GOODWIN** - I have a couple of questions for the leader and potentially an observation in relation to this proposed amendment. I understand the point being made by the member for Elwick about undergraduate representation on the university council. It is important that the undergraduates have a voice because, as she made clear, they are the ones who spend the most time at university, generally, as undergraduates rather than postgraduates. Obviously, it is important that they have a voice on the council.

My understanding from the briefing is that, generally speaking, the TUU president is an undergraduate and that is the usual result. I believe they have a postgraduate president as well but the actual president is usually an undergraduate. In that respect, the usual way of doing business would end up with an undergraduate representative for the university council, even with this change reducing the number from two to one. So I don't know whether it is necessary to specify undergraduate because of that rationale. I am interested in the leader's comments on that and confirmation that the usual case is that the TUU president is an undergraduate.

The second issue I have is in relation to the fact that the staff are elected but the students are appointed and why there is that discrepancy in practice. That was something to which my colleague, the shadow minister Michael Ferguson, tried to get an answer in the other place but I do not think he was quite satisfied with the explanation that was given. I am also puzzled by that. Some clarification around that would be good.

**Mr FARRELL** - Student members are appointed by council. There is no requirement that they are elected representatives. The requirement is to consult with relevant student associations. It has only been through discussions with the chancellor that those members appointed have also been holders of elected offices. So if there were three student bodies, for example, then the chancellor would need to appoint whomever.

**Dr GOODWIN** - I do not think I quite have what I was after. There were two questions. The first one was: is it the case that the TUU president is usually an undergraduate? It would appear from the indications we are receiving from the back of the chamber that, yes, the TUU president is usually - always, or just usually?

**Mr Farrell** - Usually.

**Dr GOODWIN** - Is usually an undergraduate. The second question is - I am still not quite clear - why there is that distinction between the staff being elected and the students being appointed unless there is some historical explanation where it was decided that because there is an election for the TUU president and, generally, it would be the TUU president appointed if there was not a need for another election. I am trying to get to the bottom of that if I can.

[6.45 p.m.]

**Mr FARRELL** - I will seek further advice on that because I think I understood what my advice was alluding to.

To get back to the honourable member for Pembroke's questions, the student union runs the elections. If the council ran a second election, it may not elect someone who is aligned with the TUU leadership and this may be an issue for the students - appointed not elected because of the national governance protocols which prevent *ex officio* student appointments. This has not changed with these amendments; this is the way it has always been.

**Mrs Taylor** - Why is it different for the staff?

**Mr FARRELL** - I was just reminded that the chancellor said, when he was briefing us earlier today, that it took him six months to get into the way things operated. The reason the students are appointed is that they have gone through that elected process and it allows the appointment, in consultation with the TUU, of the student leader to the council.

**Mrs Taylor** - But it need not be the student leader, so it might not be the person who has been elected.

**Mr FARRELL** - It is done in consultation with the student union. I have been advised it is the best way to work with the student body. It is an election and that gives everyone the opportunity to run for election to council. It is just the governance, just the way it is.



**Mr MULDER** - There are a couple of things happening here. First, we are deciding that we want to elect a student representative and the other one is that that has to be an undergraduate; second, they will be a two-year appointment. When asked about why the student could not be elected the leader said that it is just not good governance. The difficulty was that he could not explain how it is not good governance for the students not to be elected but suddenly it was good governance for the staff to be elected. That is a bit of a dilemma and I think it is a case of talking about members of a council here - not superior members, not inferior members but equal members of council all acting in the interests of the university. I really do not see that. In the end, how do the students decide who the member is going to be? By practice, not law; they do it by electing them and if an election produced someone who was not aligned with the student body I think it is a bit specious to argue that the students would be represented by someone who was not in line with the government body. This council is not supposed to be representing its body; it is supposed to be acting in the interests of the council. You cannot have the argument one way to say that they might not be in line with the wishes of the organisation whence they came on the one hand and then say that they are not allowed to do that anyway.

If you listened in the briefings this morning you would find that, first, the student body wants elections - and they can all shake their heads if I am getting it wrong - and, second, they do not have any difficulty with every second year at the annual elections having a position on the ballot paper that says 'student council member of the university council' and then you can have an election for that.

It could well be, I would imagine, that the person who becomes president of the student union at that election also runs for the thing and you could end up with what you have today, but at least you have the idea that that person could be elected. Today they are basically saying, 'Vote for me as president because I do a great job as president. I've got the skills, the ability and all the rest of it', but that person may not be the person the students would like to see put their perspective forward on the council. There are two different roles. They do not have to be the same. They could be. The only way you are going to find out is to ask the students who is the best person to represent their positions.

**Mr Finch** - You have a collective set of nods.

**Mr MULDER** - I wish I had the amount of support inside the chamber sometimes as I get outside of it.

I think that is the issue about the elections and we can come up with an election thing that would work quite well because they are different roles - student on the body, member on the council. One person could possibly do them but not two.

The other one is about the undergraduate thing. I believe the honourable member for Pembroke is trying to find a way to get a postgraduate. It is not part of this amendment but I think there is an important issue here and it is that we are trying to create positions to take the perspectives of undergraduate and postgraduate students. If that is what we really want, why do we not go back to two student representatives, one representing the postgraduate body and the other representing the undergraduate body, instead of trying to sneak them in under some other guise? Just as a matter of policy and a matter of principle, if that is what we are trying to do then just recognise that we are trying to get two students back onto that council in that way.

You have probably gathered from this that I am supporting the amendment. I am not persuaded one bit by all the other arguments and questions at this point because all we are doing is lining them up with another member of the council who represents the service providers, the teachers. Here we are saying, 'Why shouldn't the same rules apply to the service of consumers?'

[7.00 p.m.]

**Mr GAFFNEY** - I support the amendment from the honourable member for Elwick - one undergraduate student, elected by the students and appointed by the council.

The issue regarding equity: I understand the dilemma here between the academic staff and the need to appoint the elected student. I would then flag that we just add to 7(e), 'one member of the academic staff, elected by the academic staff and appointed by the council'. Therefore there would be equity in both the undergraduates and the academic staff. To me that would negate any thoughts that one group is being favoured or one group is having different guidelines put to them.

If there is the need for the undergraduate to be appointed by the council, once elected by the student group, I would say one member of the academic staff, elected by the academic staff and appointed by the council. It would have the same rules. I flag that but I am supportive of undergraduates.

**Amendment agreed to.**

**Dr GOODWIN** - Mr Chairman, I move -

That clause 7 be amended after paragraph (f) by inserting the following paragraph:

'(fa) by omitting from subsection (1)(j) "a student" and substituting "an undergraduate student".

The rationale behind this amendment is to address the current situation whereby the university council is unable to appoint anyone who is a current student and that includes a current postgraduate student. You might have the situation where you have someone who has the skills that you would want to bring to the university council for a skills-based board, as such, that reflects this new corporate governance structure, but you are prevented from appointing them because they happen to be a postgraduate student. This is just providing a bit more flexibility for the university council to say that if they wanted to appoint someone who happened to have the relevant skills and who also happened at that time to be a postgraduate student, they would not be prevented from doing that. Of course, it may well end up addressing the concerns that students have. At the moment they have one undergraduate representative and one postgraduate representative. You may end up with a situation where you have on the council at a particular time an undergraduate student and a postgraduate student, but it would not necessarily be the case.

This does not make it compulsory for the university council to appoint a postgraduate student; it just means that if there was a suitable candidate who has the relevant skills to bring to the university council, then that option is available.

**Mrs Taylor** - Someone who just happens to be a postgraduate.

**Dr GOODWIN** - Yes, because if you think about the sorts of people who are postgraduate students, they come from all walks of life and sometimes bring quite extensive experience in the areas which would be relevant to this sort of skills-based board. The fact they would be excluded just because at that point in time they happen to be a postgraduate student concerns me, so I think this amendment provides a bit more flexibility for the university council to make sure they get the best people they can for their corporate governance structure.

**Mr FARRELL** - I am advised this amendment will include a postgraduate student under the external members clause and makes that student member internal; therefore it will increase the numbers of council members if a majority of externals are to be maintained, as required by the best practices protocols. Two students means there will be six internals and therefore require seven externals. This means the council's size will not be able to be less than 13.

**Mr WILKINSON** - The debate is starting to spin its wheels a bit and has been for some time. When I spoke with the honourable member for Pembroke it seemed to me what she is saying is a fair proposal. She is saying that if a postgraduate student fits the bill, why not have the postgraduate student on the board? A postgraduate student could be a tax expert or an architectural expert involved with the doing up of the university on the Domain. You must then ask yourself, if that is the case does it play with the balance? You would have to have an extra member on the council to fit in with the Universities Governing Bodies Act 2011 (No. 51) in New South Wales, which was the act they were looking at. When you look at 'size of governing body', clause 3(6) says: 'The majority of the total number of members must be external persons'. That would mean if this person was the postgraduate student, there would have to be an extra person on council to retain that majority, which could well be 13. The argument might then be, what happens when there is a casual vacancy as well? In order to abide by the size of the governing body if there was a casual vacancy as well, does that mean that that further throws that balance out of sync? That is my concern with it; are the postgraduates getting a say?

I understand the fellow who was recently president of the union and therefore the representative was a Singaporean. They may argue that because overseas students have a significant role to play in the university, should there be an overseas student involved as well? There could be those types of arguments. I agree with the undergraduate because they are the majority of the university and need to have a voice. When you look at others such as the postgraduates, do you also look at international students because they may bring even more to a university council than a postgraduate? They bring a view as to how they are being accepted by the university and the community, what their accommodation is like et cetera. The argument can continue to go round and round and there could be good arguments put both ways. My real problem -

**Mrs Taylor** - An undergraduate could be an overseas student.

**Mr WILKINSON** - Yes, and it was on the last occasion. If you look at these interest groups, there is an argument you could raise for each of the interest groups which, as we have been told, are not interest groups but this business model. If we are looking at a lean and mean fighting machine -

**Mr Mulder** - Lean and keen.

**Mr WILKINSON** - Lean, mean and keen fighting machine; what we are looking at is the best governance body. No doubt this was thrown around a lot at the council itself, and with the minister, to see what they believe would be the most appropriate body. If we agree with this amendment what we could be doing is, by looking at the governance model, increasing the council by one because of that external/internal ratio. That is the problem that I am questioning at the moment. I probably could not agree with the amendment unless the honourable member for Pembroke can persuade me otherwise.

There is also a difficulty with the casual vacancy; if the vacancy is not external, what do we do then? That could lift it to an extra one as well. That is the difficulty.

**Mr MULDER** - I have difficulty with this amendment because if the member wanted to ensure postgraduate representation - and we have just supported the suggestion that the undergraduate would be represented as the student representative - the way to do that is to create a new paragraph (g) with reference to the principal act which says that. If we think that is important, then we say that. The problem is that we have the balance issues. We have a student and we want a second one. This goes back to the question of giving them back their second representative. I think the way to achieve that would be to put (g) in there and run the argument about balance and dual representation of the student body et cetera.

One of the problems with trying to put it into here is that it contradicts the whole intent and purpose - four to six persons appointed by the council, each of whom must not be a member of the academic staff or general staff or a student, and of whom one must be a graduate of the university. What we are saying is that there is a group of people who bring a perspective through other means, if that is what this intent is, that we need people, external, if you like, but graduates of the university, so they have some understanding, but external to the current operations of the university, to bring their perspectives to the council. Yet we are now going to make a qualification to say that is what we generally mean but not specifically. If you went to the specifics, that argument belongs in one of the blank sections up ahead of it and I do not think its proper place is here. I do not think it is appropriate.

**Mrs TAYLOR** - I have a different perspective on this, not because I think there necessarily needs to be a view from the postgraduate student community but rather that by saying you cannot have a postgraduate on that independent section of the council that is limiting the capacity of the council. You are saying, because you might have a particular member of the council at the moment, for instance, who is there because of MOOCs - massive open online course - and when the MOOCs thing is sorted out, it may be that that person no longer needs to be on the council. I think what you are doing, by saying you cannot possibly be a postgraduate student, is limiting the council's capacity to find the best person who might be suitable for a time for a particular task. You are saying we cannot use that person because they happen to be a postgraduate student of this university. I question the leader. In all of this we have said it cannot be an undergraduate or a postgraduate but it has not said, 'of this university'. Are we taking that as read?

[7.15 p.m.]

**Mr Farrell** - Yes.

**Mrs TAYLOR** - Can it be an undergraduate student or a postgraduate student of a different university? Would they fit into this?

**Ms Forrest** - Like Flinders University. I could do it for that.

**Mrs TAYLOR**- Absolutely, so would that fit into it or not? I thought we should at least raise that question.

My point is that this is not forcing the council to do anything. It is not saying the council must have a postgraduate student, it is saying that if the best person for the next appointment, or for a particular reason, happened to be a postgraduate student, you would not knock them out just because they are a postgraduate student. It is the university council which will make the appointment so if they do not feel a postgraduate student fits in that position, they will not appoint a postgraduate student. They do not have to have one.

It is not like the last amendment which said there must be representation from the undergraduates. This says if the person that you really want happens to be a post graduate student then you can appoint them, but you do not have to have them. It is true that that would upset the balance so you would then have to have 13, possibly, for a time but it is for a time - the council can make the appointment for as long as it wants. If they need a person with a particular skill for a particular time, you are taking away, in my view, the limitation.

**Mr WILKINSON** - A better thought might be to avoid this amendment and leave it for the discretion of the council to get an external, who is an immediate post graduate, to provide that particular skill set. They could do that and you would still have that ability and you would not mess up that balance that you have been speaking about.

**Dr Goodwin** - It does not address the point that Adriana was making or that I was getting at, which is you are looking for -

**Mr CHAIRMAN** - Order, the honourable member for Elwick.

**Dr Goodwin** - Sorry, the honourable member for Elwick. I am sure I am not the first person to call someone by their first name by mistake.

**Mr Wilkinson** - By their proper name.

*Members laughing.*

**Dr Goodwin** - It does not address the issue that if there is someone out there who you think would be fantastic to be on the university council but they happen to be a post graduate student, they are excluded.

**Mrs Taylor** - Just not limiting the council.

**Dr Goodwin** - Yes.

**Mr WILKINSON** - I hear what you say, but to me it would seem important and just because of that you do not agree with it. But it would seem important to have a lean expert outfit that is able to be flexible.

The people in charge are going to be selecting people who they believe to be the appropriate set. I would find it extremely difficult to see - and I might be wrong - that there would not be a person who has just concluded the post graduate course in whatever it was if a person could not be, from that field, picked up to do the job as an external, which would continue to keep the balance as opposed to allowing that person to be classed as an internal.

The real difficulty with that would be if there was a casual vacancy that was an external, that would throw the balance right out so that is why I have difficulties with it.

**Dr GOODWIN** - This internal/external discussion explains why the chancellor kept talking about balance so I finally understand why the balance issue is so important because of this internal/external ratio. I do not think when I first mooted this amendment I was aware of the intricacies of the internal/external balance so obviously it does create some problems.

I am still concerned about the fact that some really good people are excluded from being on the university council because of this provision and because of the balance, ratio and internal/external issue but I guess that is the way it is, unless there is some way of amending the internal/external ratio, and I do not think anyone wants to go there.

**Mrs Taylor** - There are still going to be eight because there are six external -

**Dr GOODWIN** - Up to - I think it will be.

**Mrs Taylor** - plus two that the minister appoints, who are also going to be external. So is that not eight external? If there has to be more external than internal, is that not still more - six plus two? Sounds like more to me.

*Members laughing.*

**Dr GOODWIN** - It does. Let me seek further advice.

**Mr FARRELL** - I am advised that the council can run with between 10 and 14. What this amendment will do is fix it at 13 and cut out 10, 11 and 12. If there are six internals, then there have to be seven externals, so it does push it to that outside limit.

**Mrs Taylor** - Which are the six internals?

**Mr FARRELL** - It is in our briefing notes.

**Mrs Taylor** - I understand now, thank you, leader, it has been explained.

**Mr FARRELL** - The whole idea of this is to balance the numbers with the skill sets. With regard to what does the term 'student' mean, whether it can be from other universities, 'student' is defined in the act as involved in this university - the one it refers to. The university is also defined as the University of Tasmania. It is important to remember, too, that the university requested this amendment bill and it is the university's domain to manage its relationship with its students.

**Dr GOODWIN** - Thank you, leader, for all the advice provided. I am now aware of the consequences that I did not fully appreciate when I moved the amendment.

I wish to put on record my concerns that there are people who are going to be excluded because of this provision. It would appear that there were historical reasons that were not fully appreciated for having that provision in there which is around this internal/external balance. But, of course, we have passed the amendment which restricts the student representative to an undergraduate so we have effectively removed any possibility of there being a postgraduate representative on the university council and it is important to make that clear that that is what we have now done.

**Mr Dean** - The minister can.

**Dr GOODWIN** - No, the minister cannot either because it would still upset the balance and that is not possible.

**Mr Wilkinson** - That could have been the debate in the council. That is why we will have a student. That would have been, I would imagine, the debate as opposed to saying an undergraduate or a postgraduate. But, of course, you can have an immediate postgraduate. An immediate postgraduate is pretty well on the mark.

**Dr GOODWIN** - Yes, and I would hope that that would occur, that there would be consideration given to appointing an immediate postgraduate student to the council who had the appropriate skill set because I do think that it is important to have some form of postgraduate representation on it and I do not mean someone who graduated with their postgraduate degree 10 years ago but someone - I am referring to myself.

I could withdraw the amendment or we can put it or whatever. I seek leave to withdraw my amendment.

**Mr CHAIRMAN** - The honourable member seeks leave to withdraw the amendment.

**Leave granted.**

**Mr VALENTINE** - I am still waiting for an amendment to come back. What do I do at this point, Mr Chairman?

**Mr CHAIRMAN** - The honourable leader could report progress. It might be a productive way forward.

**Mr VALENTINE** - It is an amendment that is related to clause 7(d), but we are not off clause 7 yet. Are we allowed to go backwards or not? It is not the one that you have, it is one that adds to the member for Elwick's. The one that has been distributed, I have been told that, once the member for Elwick's goes through, I cannot do that. One is being drafted I hope.

**Ms Forrest** - A further amendment.

**Mr VALENTINE** - It further amends that clause. I am in your hands, Mr Chairman.

**Mr CHAIRMAN** - Order. If the honourable member would like to resume his seat, then the leader may care to report progress, so the amendment can be provided and properly considered

and then we could move on. At this stage we need to deal with clause 7 and the only way to consider the honourable member for Hobart's foreshadowed amendment is to report progress.

**Progress reported; Committee to sit again.**

## **SUSPENSION OF SITTING**

**Mr FARRELL** (Derwent - Leader of Government Business in the Legislative Council) - Madam President, I move -

That the sitting be suspended until the ringing of the division bells.

This is to enable a raft of amendments to be drafted. I cannot put a time on it. I know some members intend to go and eat seafood in about 10 minutes' time.

**Sitting suspended from 7.32 p.m. to 7.51 p.m.**

## **UNIVERSITY OF TASMANIA AMENDMENT BILL 2012 (No. 32)**

### **In Committee**

**Clause 7 -**  
(Section 8 amended - Constitution of the Council)

**Mr CHAIRMAN** - Honourable members, before putting the question, we will proceed to vote on the question that the clause as amended stand part of the bill. We will then come back because there are couple of amendments to clause 7, so at a later time when we have dealt with the other clauses, there will be a proposition to recommit.

**Clause 7 as amended agreed to.**

**Clauses 8 to 10 agreed to.**

**Clause 11 -**  
(Schedule 1 amended - Provisions in respect of the Council)

**Mrs TAYLOR**- I move -

That clause 11 be amended after paragraph (a) by inserting the following paragraphs:

- (ab) by omitting from clause 1(1)(b) 'or (h); or' and substituting ', (h) or (i)';
- (ac) by omitting paragraph (c) from subclause (1).



I hope this extends the term for the undergraduate representative from one year to two years. I move this because I note the chancellor's comment in the briefing that it takes a while to become familiar with the operations of the council. I understand that an undergraduate elected in their last year may only be an undergraduate for one year. In that case, a new person would be elected after one year. However, that is likely to happen at any time to any member of any board or council. There are often occasions when a person does not see out their full term, and the student may not see out their full term.

On the other hand, if the student was going to be there as an undergraduate for two years, it would give them a better length of time to acquaint themselves and to be useful as an undergraduate voice on the council. That is the reason why I moved the previous clause asking for the student to be elected because if the person had been just the president of the TUU they would only be president for one year and therefore could not have stood for two years. With that amendment now having been passed, I would like to extend it so that the person could be eligible to serve a two-year term rather than a one-year term.

**Mr FARRELL** - I did go to this clause some time ago, you may remember.

*Members laughing.*

**Mr FARRELL** - Just to remind you and refresh your memories -

**Mrs Taylor** - Does the government agree with this clause?

**Mr FARRELL** - No. This changes a student's term of office from one year to two years, which is pretty obvious. Students may not want this. It will reduce the field of opportunity and it is also a potential impact on their study if they have to commit to two years, depending on their workload.

**Mr WILKINSON** - The comment just made is interesting. That is what drew me to my feet. I know a person, without mentioning names, who did endeavour to become president of the union a couple of years ago and was going to take a year off from his university course in order to carry out the job. I hear what you say; it is a situation where a student may not want that to occur because of the situation. I wonder whether it would be of benefit to anybody to do this. I hear what the honourable member for Elwick is saying - that it does take time to find your straps, and anybody in the situation when they first come into this House takes some time to understand what is going on.

**Mr Farrell** - It does.

*Members laughing.*

**Members** - Hear, hear.

**Mr WILKINSON** - When you look at the situation where the members of the council cannot be on the subcommittees because the situation they are in creates conflict of interest, I wonder whether this amendment is necessary.

**Ms RATTRAY** - I am of a mind to support the amendment. I heard, through the briefings today, about the difficulties of being able to be a productive and effective member because you need some time to settle in. I think the two-year period would facilitate that in a much better environment if you know that you have that extra time to settle in. As the honourable member for Elwick said in her contribution to her amendment, if for some reason a person elected to the position then is subsequently appointed to the council, could not carry out that role for two years then they would have every opportunity to retire or resign from the council and then obviously another process would be in place to re-elect another person who might be a very effective member for a two-year period.

There is some merit in the amendment and I will be supporting it at this stage.

**Ms FORREST** - I hope the leader can answer this question without needing to look it up. Can a student appointee be re-appointed after a one-year term? If that is the case, I would tend to support the government's position on this. If a person is suitable for the role, enjoying the role and wants to continue, then I think they would be likely to be re-elected by the body and then re-appointed. I share some concerns about tying them into two years when there could be some challenges associated with that, depending on the workload. I know, for example, that when my son was doing medicine he continued to work part-time in the hospitality industry for the first one-and-a-half or two years but with medicine the workload and contact hours are huge and he found it impossible. I was really pleased that he did find it impossible because he wanted to focus on his studies, which he has done. That is a different situation but the commitment that we are expecting here, as I understand, is that the meetings are going from seven a year to 11 a year. That will be a significant increase in the expectation for attending meetings.

As I mentioned previously in my contribution on the second reading, it is a serious and big responsibility to be a member of a council like this. I imagine there would be a significant amount of pre-reading, getting your head around the many papers, making important decisions that require consideration for discussion. I think one year is probably enough at the outset with the possibility of being reappointed. If that person has performed well and would like to, I am sure they would put a good case to the people who would be reappointing or re-electing them.

[8.00 p.m.]

**Mr GAFFNEY** - I will not be supporting the amendment. I think the chancellor saying it takes six months to come to terms with the position, or role, was an arbitrary term to say it is difficult to grasp everything at the beginning. If they are only meeting seven times a year, once every six weeks or so, for three meetings that would be a four- or five-month term. If they are going to go to monthly meetings, which would be 11 a term, the progress will probably be faster for that person to fit into the role and understand.

If you are a student, to commit to two years is a huge undertaking when you are not quite certain what next year's course load or workload will be. Some students will say, 'Yes, I did that very easily and I'd like to reapply' and they have that position. Some councillors will get to the end of the first term and say, 'This is not for me, I'd prefer to get out', and not be embarrassed by the fact that they have only fulfilled one year of the contract. I do not think it is necessary to say, 'If you do this, you are there for two years', because many young people do not like to walk away from a role because they see that that is their responsibility. I would prefer to say, 'Do it for a year. If you are good at it and enjoy it, then reapply and get re-elected for the second year.' But I do not

think it is necessary to confine somebody to a two-year term. I will not be supporting the amendment.

**Mr MULDER** - I am a little confused as to why we are always treating students differently to other members of the council. Why is it that the academic or professional staff hold it for two years and students only hold it for one?

**Mr Wilkinson** - Because they don't have exams.

**Dr Goodwin** - It was probably linked to the TUU term before.

**Mrs Taylor** - Yes, that was the reason for it.

**Mr MULDER** - Yes, and that was the election. We have now moved on to the elections. There is an argument here that says that it takes about six months, or whatever it is, a quarter of the term we are proposing, to get your feet under the table, which means you have an effectively functioning member for 18 months out of the two years. So 25 per cent wind up with 75 per cent performance, and I think that is quite okay.

The fact that someone decides halfway through that they do not want to do it, or they cease to be a student - if you look at schedule 1 and some of the other provisions:

... person may/be elected or appointed to that office for the remainder of the term of office of that member and in the same manner as the member was elected or appointed.

So you just run another election in that case. We have already decided they need to be elected. Replacing them is not a huge issue and there are all sorts of reasons why a member could not be there: they may cease to be a student, two-thirds of the council might consider they are troublemakers and do not want them and dismiss them - there are plenty of controls for people who are not performing or cannot do the work and processes that do it. I still do not see why students are being treated differently. To say they have exams, from my experience -

**Mr Wilkinson** - That's the difference. You were asking what the difference was and I'm saying that is the difference.

**Mr MULDER** - You said the difference was that they had exams. When I was at university I found that most of my lecturers were more stressed about exam time, particularly in the aftermath of having to mark them, and all those sorts of things.

The council meets 11 times a year - is that the proposal now? I would not imagine they would be meeting in the swot vac, or those periods of time. I do not think it sends a good signal to say we have all these restrictions on the students; we should treat them as equal partners with equal processes and equal access.

I am mindful to support the bill, but I am thoroughly aware of the fact that if this does not get up for the two years we are just going to chuck the name every year onto the university student union ballot paper. I imagine quite often if the student who puts his name up has done a reasonable job he will get the two years anyway.

I support the amendment. I do not see there are any great hurdles with the two-year term. There are plenty of exit clauses for people who cannot do the job or decide they want to do other things.

**Mr VALENTINE** - I support this amendment. This whole bill is about improving the governance of the university. It is about making good decisions to further the organisation. If we have students on the council they need to have the opportunity to apply themselves to the council and the only way they are going to be able to do that properly is by having an extended period of time. It will underscore the importance of the role if it is two years rather than one. For that reason I support the amendment.

**Mr Wilkinson** - Did the students ask for it?

**Mr FARRELL** - I have been advised that the university union holds its election every 12 months. The whole reason is that that ties in with that. There is a university union president elected who goes onto the panel and is there for 12 months. At the next election there is another student union leader and that person wants to go on for a two-year term, so it is restricting the opportunity. I do not know what the average term of a student is to go through university. Would it be three years? One person may be the representative who cuts out someone else who may want to be the representative the next time. The staff are generally there for longer than three years in most cases. It would be nice in a socialist world where everyone was equal, as the honourable member for Rumney was alluding to, but that is the reason behind it. It does not restrict people from doing the 12 months. It is up to the individual to decide. Someone may say, 'I would have a go at that for 12 months but I don't want to commit myself to two years', so we are prescribing quite a long term for someone. It may be two-thirds of their university career that they are spending on the council.

**Mrs Taylor** - They don't have to, it's their choice.

**Mr FARRELL** - Yes, but as one of the other members alluded to, if you say, 'I am running for a two-year term but I'm going to bail out after 12 months' - if we did that as elected people, it is a hard decision.

**Dr GOODWIN** - I am struggling a little bit with this. I understand the logic behind the honourable member for Elwick's amendment for the two years because of the time it takes to get up to speed, but I also think it is quite a significant commitment for an undergraduate. We are now talking about an undergraduate student because we have restricted it to undergraduate students. It is a significant commitment to be making to attend 11 meetings per year, given what this is about. This is the university council, the governing body of the university. This is serious business they are going to be dealing with and a significant workload. I am quite concerned about the fact that someone is going to be expected to sign up for two years as an undergraduate, given the pressures of university life. Many of them need to work now. Some people just do not have a choice about whether or not they work to support themselves through university. It is hard to know, unless you have had some previous experience of being on something like the university council of what the role is going to involve, how onerous it is. To require them to sign up for two years might be a bit much.

**Ms Forrest** - It was alluded to earlier that student representatives could be on a couple of the committees. If they are also placed on a committee, that is in addition to those 11 meetings and the other responsibilities that go with being on one of the committees.

**Dr GOODWIN** - Yes. I would hate to see the situation where you have a student who is reluctant to step down from the position because it might trigger the need for another election or whatever it is and so they feel locked into being on it for two years when they are really struggling with the stress of how onerous the role is. I would much prefer, having talked myself into it now, a 12-month term. There is always going to be the option for them to put themselves forward again if they think they are able to manage the workload and they want to. On that basis I might stick with the government's position.

**Mrs TAYLOR** - I am not going to die in a ditch over this amendment, but I would like to counter some of the arguments that have just been raised. In my experience, it is people pre-gen X, Y and Z who are concerned about holding onto commitments. If I commit to do something, then, come hell or high water, I will try to fulfil that commitment. I have to say that my children, my two sons, do not have exactly the same attitude to that and it seems to me that most of their generation does not. They are much more sensible than I am in that they say they cannot do it. They say they were going to do it but they can't, so they have to do something else.

We are talking about this being a serious commitment and that is the whole point. That is one of the points, that we do not want the undergraduate student representative to take this lightly. They are a full member of the council, for heaven's sake. This is not some little committee or mickey mouse show. They are a full member of the council, and I would expect them to take it seriously. Yes, they will be appointed for a two-year term, but they are not forced to be there for two years. They are not saying they will be there for two years, in the same way as when we are elected to this House, we are elected for six years but there is no guarantee or no compulsion for any of us to be here for that time. If your life circumstances change or if you get ill or if you just decide you do not like it anymore, then there is no reason why you could not leave. There is no detriment to any of us if we were to take that step and I do not see that there would be a detriment necessarily to the student if they decided at the end of that first year that they did not want to continue on and at election time said they are not going to do it, have an election for somebody else.

Yes, I expect there is workload involved, of course there is. But most of our students, as a number of you have pointed out, have to go out to work while they are students, to survive. There is a stipend for this position and I am told it is \$10 000.

**Mr Finch** - That goes to the union.

**Mrs TAYLOR** - Currently that goes to the student. Because they are elected as a TUU person, generally speaking it goes to the union. There is nothing to say that should happen in the future. I would expect, if you were the person elected by the student body to be the undergraduate representative, that would be fair recompense for you to be able to do the work that you do on the university council because while you are doing that work, you cannot be going out doing hospitality or one of the other many jobs that students do to make ends meet. That is fair recompense for the student, in the same way as it is for any other member of the council.

Again, let us not discriminate between the student representative - the undergraduate representative - and other representatives on council. If you take that on board - if you fulfil that commitment - there will be workload involved and there is reasonable recompense for doing that. I do not see the difference between a student and a non-student member. If you expect them to do the work, they ought to be compensated.

Under the current system, the student representatives can be re-elected. In fact, we heard that one of the two current student representatives is there for the second year and was re-elected. I am not sure whether that was the undergraduate or the postgraduate -

**Mr Farrell** - The postgraduate.

[8.15 p.m.]

**Mrs TAYLOR**- The postgraduate. That is possible, but it gives a student no expectation that they are necessarily going to be re-elected, which gives no sense of continuity either for the student or the council. Neither of them can bank on the person being available the following year or being elected the following year.

As the member for Rumney said, why would we treat undergraduates differently than we treat anybody else? They should not be forced to stay for two years if it does not suit them, but they ought to be treated like the other members of council.

**Mr VALENTINE** - If it is 12 months, then basically they are a token member. We need to understand that they are students who are vitally interested in the university. If they are vitally interested in the university they will want to serve for that period of time.

I agree with respect to the stipend, allowance or whatever, given the extra workload, and given the fact that they are going to be meeting 11 times rather than seven. The student who occupies the position needs to have that because they cannot go out to work to earn money. It is important for the university's governance that the student member is in tune with what is going on in the council. They are not sitting there in learning mode all the time, and therefore a bit reticent to speak out. A two-year period gives them the opportunity to well and truly bed themselves in, and be a valuable member of the council. If they are getting remunerated for that, I think that is the way it should be. I support the amendment.

**Mr MULDER** - I would like to pick up on some of the comments and I think we have to be very careful here. By treating students separately, we are being very patronising to suggest to them that it might be too much for them, and they need to have an escape clause. When we say, 'It might be too much for them, they may lack the commitment of our generation', I reckon we are being downright rude and we are not recognising these people for the commitment and the skills they already bring to this job.

We need to get it up to two years because that is the sort of commitment these people will make. They will know they are going to be there for two years when they go for election and I am sure most of them will follow through. If life circumstances change and it gets too much, there are all the escape clauses that apply to all members of the council equally. I am sure they will go in those situations, and there can be an election to replace them. I am concerned that the tone of the debate is getting very patronising towards intelligent human beings who are already making greater commitments than the ones we are talking about today.

**Mr FINCH** - In our briefing earlier today, I was interested to hear that it takes six months for the student to get up to speed with what is going on. I was a little amazed at that because I would have thought, as we recognise here, that we need some support when we are first elected - to enlighten us quickly about the job at hand and what the role is, because if we wait for it to come, by osmosis -

**Mr Valentine** - Fusion.

**Mr FINCH** - Yes - filter into you, then you will do what I did. Sit there for about 12 months and slowly soak it up.

*Members laughing.*

**Mr Wilkinson** - But if you were there more often - which is happening now - it would be a different story, would it not?

**Mr FINCH** - No, it is a changed game.

**Mr Wilkinson** - It was six to seven and now 11, you see.

**Mr FINCH** - Yes, it is a changed game.

**Mr Wilkinson** - So, there'd be more fast-tracking.

**Mr FINCH** - Yes, that is right. These people do not put their hand up because they are looking to take on some extra work while they are paddling their way through university. These are serious young people who are looking at it as an opportunity for them to grow as people, and to develop really high skills that are going to benefit them for the rest of their careers and their lives.

**Mr Wilkinson** - No disrespect to them, but we are talking about the university. We're not being disrespectful to the students at all - we're not trying to down-play them. The major issue is the university - the university council and the business aspects.

**Mr FINCH** - Yes, so I am saying that those young people who put their hand up for two years - and this is what I am supporting - can work out for themselves what the challenge is: how much time it is going to take, and whether they can do it as part of their university life and whether they want to take on the extra commitment and responsibility for the benefit of the university.

I like the idea of two years, taken on as a solid commitment, rather than the one-year commitment. I am inclined to agree with the amendment at this time.

**Mr GAFFNEY** - This bill says the board members are going from a term of four years to three years - an adult board member - because they have recognised that a three-year term is good and then they can reapply. It was said the staff members are at two years, so staff members who are part of the faculty and put their name up have a two-year term.

So why, in the wisdom of this arrangement, have they identified that one group of adult board members should have a three-year term, while another group of adult staff who have completed their training and will be at the university for quite a long time are being given the option of a two-year term? They have done that because they want staff members to assess the impact of the role on their work, and reapply after two years if it suits them. That is the same reason it is a one-year term for students - if they get elected, and the role suits them, they can reapply for a further term.

They are providing for graduated terms in line with the experience of the people involved. It is not treating them differently; it is highlighting the fact that there are different experiences. So it is a three-year term for board members, a two-year term for staff and a one-year term for students, who can reapply.

It is not being at all insulting or derogatory to the standard of the student qualification. It is allowing them to be a student, and to fulfil this role and if they enjoy it and they are good at it, they will do it again the following year. I cannot support the two-year term.

**Mr DEAN** - I did not hear anything in the briefing this morning that indicated the student position on this council for 12 months has been detrimental, or adverse, or has not worked well - I did not hear anything at all. There was nothing to say there ought to be two years rather than one year. So, at this time, I will not be supporting the amendment.

The member for Hobart referred to them as 'token members'. I cannot agree with that because a student on this council has exactly the same responsibilities to the university as they would have if they were there for two years. There is no difference. It may take them some time to come to terms with what is required and their responsibility and so on. To me, to say that they are -

**Ms Forrest** - That would be for a new appointment as an academic as well. They also have to get used to it.

**Dr Goodwin** - Or a ministerial appointment for that matter.

**Mr DEAN** - Absolutely. When one uses the position that they are only token members if they are there for 12 months it is wrong and I cannot accept that argument in any circumstances. If these members like the position, if they have done well and it fits with what they want to do, they can stand for election again and, if they are doing well and are well known, there is every chance of being re-elected. The students do have a different position at the university to the other members on the council and much that should also be recognised.

I cannot support the amendment and would need a lot more convincing.

**Mrs TAYLOR** - I was not going to get up again because most has been said but I was stirred to get up again because -

**Mr Dean** - I'm thrilled.

**Mrs TAYLOR** - No, it was the previous speaker, and a number of people have said that if you like it at the end of one year and you want to do it again, that is easy. I think the member for Mersey said you can just reapply and do it again for another year. Excuse me, but what is election



time like? I would not like to have to stand for election every year and run an election campaign. It is at this time of the year when you are already standing for student elections. Saying you can stand for election again is putting quite a big impost on a person who is doing the job. I want to make the point that it is not as simple as saying if you like it you can reapply and you will get reappointed. You would have to go through an election campaign, as you do for every other position.

**Mr Mulder** - It would have been if your amendment had not got up.

**Ms Forrest** - They would have to do that for the TUU - the president's role is a yearly election so there is always going to be an election every year.

**Mrs TAYLOR** - I understand that but this stops a person having to stand for election twice rather than once for a two-year term. I believe we have made too light of an election process.

The nodding gallery agrees with me.

**Mr CHAIRMAN** - Order. The honourable member would well know that she cannot see people.

**Mrs Taylor** - Sorry, I cannot see people.

**Mr FARRELL** - The issue for us, which is not about being unfair to the students or anything like that, is that if it is a 12-month term, then it will be fair for new people who enter the university to have an opportunity to run for that. If it is a two-year appointment, it will exclude a certain number of students who may not get the opportunity to run for it if it is occupied for that two-year block. That was one issue that probably had not been covered.

**Mr VALENTINE** - I was not saying that the students were token members. I said that they might be seen as, or because of their lack of capacity to be able to participate, because of their lack of knowledge. There is no way that I would consider them as token members.

**Mr Wilkinson** - They had not been in the past, and therefore by saying that it means you were saying they were token members in the years that they had been on the council, which is not right.

**Mr VALENTINE** - I know they are not and that is not what I am alluding to. I am saying that they are going to be more effective and their experience is going to be better; they are going to have the opportunity to participate more in the council. That is important. I hear the arguments about commitment in only wanting 12 months, but we have to still keep in mind we are talking about a corporation and it is the corporation that has to be uppermost in our minds in the governance. The more people you have around that table who have a good understanding of how it operates and for the majority of the time they are on there, the better.

**Mrs Taylor** - The leader said this is not about the students but then said this gives fewer students the opportunity. Do you think the fact there are now two jobs - that is, the president of the TUU and the elected member - that doubles the number of jobs, so does that not double the number of people who would have opportunity?

[8.30 p.m.]

**Mr VALENTINE** - It does double the number of opportunities.

**Amendment negatived.**

**Clause 11 agreed to.**

**Clauses 12 and 13 agreed to.**

**Progress reported; Committee to sit again.**

## **UNIVERSITY OF TASMANIA AMENDMENT BILL 2012 (No. 32)**

### **In Committee**

**Clause 7 as amended reconsidered -**  
(Section 8 amended - Constitution of the Council)

**Mr GAFFNEY** - I move -

That clause 7, paragraph (b), proposed new paragraph (e) be amended after 'by the academic staff' by inserting 'and appointed by the Council'.

This is for equity and commonality with the wording re the student selection, 'consistency'.

**Amendment agreed to.**

**Mr VALENTINE** - I move -

That clause 7, paragraph (d), be amended after 'Council', by inserting 'but, in the event that the Council comprises 14 members, one undergraduate and one postgraduate student, both elected by the students and appointed by the Council'.

I covered this in my second reading speech. It comes down to the percentage of student representation on the council compared with quite a number of other universities. I think we have all been sent the graph by Mr Vinodan Rajandran, from the university side of the debate. It is quite clear to me that if the number of members of the council were 14, that means the percentage of representation the students would have would be just over 7 per cent, in comparison to a number of these other universities which I pointed out before and which everyone has sent around to them, I believe. It is up around the 14 per cent, which is quite significant.

I know that there is not a mood around the table to move from one student to two students while the council is 12. I believe that if it gets to 14 then there is a case that can be put that says that there should be two students, and one would be undergraduate and one postgraduate. I leave that for the members to decide whether they agree with that. It is as simple as that. I do not think there is anything else I can say in support of it. I will leave it with you.

**Mr FARRELL** - I am advised that this amendment is not workable. The bill provides for up to 14 members. This can be achieved only if all council-appointed positions are filled. Therefore, if there are 14 members, there is no method to appoint one undergraduate and one postgraduate. It is also inconsistent with the provision 8(j) of the principal act.

**Ms RATTRAY** - Just a point of clarification. The honourable leader might recall during the briefing session and the debate through the day that we were informed that there may be times when there are special skills or appropriate skills provided to the council but they may not be a full-term appointee. I want to know if my understanding of that is entirely accurate. Would there be times when there may be 14 members of the council but that might only be for perhaps a short-term project, if you like, where there might be a six-month appointee? I just want to get that clear to see if I can actually envisage the honourable member's amendment in my mind.

**Mr FARRELL** - I am advised the honourable member for Apsley was almost correct there. It would not be a short-term appointment. I am advised that if they needed to bring extra people on it would be for a three-year term. By going to 14 members then that just cannot happen because there is no room on the council.

**Mr MULDER** - I like the principle but I think the leader might have been right. He would probably want to confirm when he said it is unworkable and one of the reasons it is unworkable is we are talking about a maximum of 14 members and that can only be achieved if the full six external appointments plus the two ministerial appointments equals eight. If you only do five external appointments and you use one of those external appointments to shove it over to the other side of the ledger you end up with seven and seven. That then breaches the principle of a majority of external appointments. I believe on the pure mathematics it is unworkable.

**Ms Forrest** - Check with the member for Nelson to see if it is right.

**Mr MULDER** - The honourable member for Nelson has had no trouble interrupting me when he thinks I have got it wrong on every other occasion. So I take his silence as a -

**Mr Wilkinson** - I don't think you are wrong; I am just posing questions.

**Mr MULDER** - We will leave that one alone.

**Mr Wilkinson** - Yes.

**Mr MULDER** - If the leader was to confirm that, and I would probably suggest that if it is a simply unworkable amendment, that maybe the member for Hobart might care to withdraw it on that basis.

**Mr FARRELL** - That is correct, Mr Chairman.

**Mrs TAYLOR** - I have a difficulty with this too, just in terms of the maths. It is a really noble sentiment but it just does not work. You already have 14 members and then elect someone else, which makes 15, which you cannot do. Or every time you get to 13, you then immediately have to appoint a postgraduate student which then wrecks the balance and it does not work in terms of numbers.