

CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

STATUTE NO. 27

STUDENT SERVICES AND AMENITIES FEE

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CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

STATUTE NO. 27 – STUDENT SERVICES AND AMENITIES FEE

This Statute is made by the Council of the University under the powers conferred on it by section 34 of the *Curtin University of Technology Act 1966*.

1. Short title

This is *Statute No. 27 – Student Services and Amenities Fee*.

2. Commencement

This Statute takes effect from the date that it is published in the *Government Gazette*.

3. Meaning of terms used in this Statute

In this Statute, unless the contrary intention appears –

commencement date means the date that this Statute takes effect; and

student services and amenities fee or *amenities and services fee* means a fee payable by an enrolled student to support the provision to enrolled students of amenities and services that are not of an academic nature.

4. Power to impose fee

The Council may impose a student services and amenities fee.

Note: the University's functions and powers are set out in section 7 of the Act. See also section 3 of Statute No. 26 – Fees and Charges.

5. Amount of the fee and who is to pay

(1) The Council may determine –

- (a) the amount or amounts of a student services and amenities fee; and
- (b) who is to pay the student services and amenities fee.

Note: section 45 of the Act states –

45. *Amenities and services fee*

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

- (2) *The Council may determine that a different level of the amenities and services fee is payable by a specified class of enrolled students.*
- (3) *The amenities and services fee is payable to the Council by each enrolled student, except a student exempted from doing so, or made ineligible to do so, by Statute.*
- (4) *Despite sections 23(1)(b) and 32, the Council shall pay to the Student Guild a percentage of the amenities and services fees collected that is not less than the percentage of enrolled students that are members of the Student Guild.*
- (5) *Despite subsection (4), and regardless of the number of enrolled students who are members of the Student Guild, the percentage of the collected amenities and services fees paid to the Student Guild must exceed 50% of those fees.*
- (6) *The part of the amenities and services fees not paid to the Student Guild is to be spent on student amenities and services in the manner agreed by the Council and the Student Guild.*

(2) To avoid doubt, the Council may determine that –

- (a) the amount of the student services and amenities fee is payable by all enrolled students or that different amounts are payable by particular categories of enrolled students; and
- (b) one or more specified categories of enrolled students are exempt from paying the student services and amenities fee.

6. Requirement to pay

An enrolled student in respect of whom a student services and amenities fee has been imposed must pay the fee.

7. Application of the fees – generally

- (1) The student services and amenities fees paid to the University must be applied only for a purpose that –
 - (a) relates to the provision to enrolled students of an amenity or service that is not of an academic nature;
 - (b) is permitted by a written law of the State or the Commonwealth; and
 - (c) is not prohibited by a written law of the State or the Commonwealth.

Note: Section 19-38(1) and (2) of the Higher Education Support Act 2003 (Cth) prohibits a higher education provider, or any other person, from spending an amount paid to the provider as a student services and amenities fee ‘to support:

- (a) *a political party; or*
- (b) *the election of a person as a member of:*
 - (i) *the legislature of the Commonwealth, a State or Territory; or*
 - (ii) *a local government body'.*

(2) Subject to subsection (1), the student services and amenities fees paid to the University may be applied for a purpose that relates to the provision of any of the following amenities and services –

- (a) providing food or drink to enrolled students on a campus of the University;
- (b) supporting a sporting or other recreational activity by enrolled students;
- (c) supporting the administration of a club most of whose members are enrolled students;
- (d) caring for children of enrolled students;
- (e) providing legal services to enrolled students;
- (f) promoting the health or welfare of enrolled students;
- (g) helping enrolled students secure accommodation;
- (h) helping enrolled students obtain employment or advice on careers;
- (i) helping enrolled students with their financial affairs;
- (j) helping enrolled students obtain insurance against personal accidents;
- (k) supporting debating by enrolled students;
- (l) providing libraries and reading rooms (other than those provided for academic purposes) for enrolled students;
- (m) supporting an artistic activity by enrolled students;
- (n) supporting the production and dissemination to enrolled students of media whose content is provided by enrolled students;
- (o) helping enrolled students develop skills for study, by means other than undertaking courses of study in which they are enrolled;
- (p) advising on matters arising under the University's rules (however described);

- (q) advocating enrolled students' interests in matters arising under the University's rules (however described);
- (r) giving enrolled students information to help them in their orientation; and
- (s) helping meet the specific needs of overseas enrolled students relating to their welfare, accommodation and employment.

Note: Examples of expenditure for a purpose that relates to the provision of an amenity or service specified in subsection (2) include -

- (a) *expenditure by the University in directly providing the amenity or service;*
- (b) *expenditure by the University in getting someone else to provide the amenity or service or subsidising the provision of the amenity or service by someone else; and*
- (c) *expenditure by the University on infrastructure for the provision of the amenity or service.*

8. Process for determining application of the fees

- (1) If all or part of the student services and amenities fees paid to the University in or for a particular year or period are paid by the University to the Student Guild, the Student Guild must apply those fees only –
 - (a) in accordance with section 7; and
 - (b) either –
 - (i) as agreed in writing between the University and the Student Guild; or
 - (ii) as determined under subsection (2).
- (2) If, within a period of 6 weeks from the date that the student services and amenities fees for a particular year or period are published, the University and the Student Guild cannot agree in writing on how the Student Guild and the University are to apply the student services and amenities fees paid to the University in or for that year or period, the Vice-Chancellor is to determine, in writing and within a further period of 6 weeks, how the Student Guild and the University are to apply the student services and amenities fees paid to the University in or for that year or period.

9. Accountability of the Student Guild

The Student Guild must account to the University for the student services and amenities fees that are paid by the University to the Student Guild by –

- (a) ensuring that the annual financial statements of the Student Guild are audited, in accordance with the relevant auditing standards in force at the

time, by an independent external auditor whose appointment has been approved by the Council;

- (b) submitting to the Council, within 4 months of the end of the Student Guild's financial year, in a form specified by the University –
 - (i) the audited annual financial statements of the Student Guild for that financial year including an audited balance sheet and the audited annual statement of the Student Guild's income and expenditure for that financial year; and
 - (ii) a written report on how the student services and amenities fees have been applied by the Student Guild during that financial year; and
- (c) submitting to the Council, within 3 months of the end of each quarter, a quarterly report on the Student Guild's balance sheet and income and expenditure for that quarter.

10. Rules

The Council may make rules, not inconsistent with the Act or any Statute –

- (a) to regulate, or provide for the regulation of, a student services and amenities fee; or
- (b) to carry out or give effect to this Statute.

REVISION HISTORY

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