

University Statute No. 29 Student Services and Amenities Fee

- [1. Definitions](#)
 - [2. Student Services and Amenities Fee](#)
 - [3. Exemptions and Fee Levels](#)
 - [4. Categories of Amenities and Services](#)
 - [5. Allocation of Fees](#)
 - [6. Resolution of Disputes](#)
 - [7. Accounting for the Student Services and Amenities Fee](#)
 - [8. Non-Payment of Fees](#)
 - [9. Rules](#)
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1. Definitions

In this Statute:

“**Act**” means the *Edith Cowan University Act 1984* as may be amended from time to time;

“**Allocation Agreement**” has the meaning given this term by section 5(6) of this Statute;

“**Committee**” means the Fees Allocation Committee, established by section 5 of this Statute;

“**Council**” means the Council of the University as established by section 8 of the Act;

“**Due Date**” means the date by which the Fee is to be paid to the University;

“**Fee**” or “**Fees**” means the Student Services and Amenities Fee;

“**GST**” has the meaning given this term by *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;

“**Rules**” means the Edith Cowan University Student Services and Amenities Fee Rules made under section 8 of this Statute;

“**Service Provider**” means a person, partnership or corporation (other than the Student Guild) bound to provide services or amenities to Students as specified under a contract or agreement with the University;

“**Student**” means an enrolled student of the University;

“**Student Guild**” means the Student Guild established by section 41 of the Act;

“**Student Services and Amenities Fee**”

(a) means a fee payable by a Student to support the provision to Students of amenities and services that are not of an academic nature; and

(b) has the same meaning as “amenities and services fee” referred to in section 41A of the Act; and

“**year**” means a calendar year.

2. Student Services and Amenities Fee

(1) The Council may, from time to time, determine –

- (a) the Fee payable by a Student, or by each Student within a specified category of Students; and
 - (b) the Due Date.
- (2) Each Student is required to pay, by the Due Date, the Fee payable by that Student.

3. Exemptions and Fee Levels

- (1) The Rules may specify that certain categories of Students are required to pay different levels of the Fee.
- (2) Payment of the Fee does not confer membership of the Student Guild or any other student organisation upon a Student.
- (3) The categories of Students required to pay the Fee and the level of the Fee payable by each category are to be published by the University on or before 1 October each year.
- (4) On or before 30 June of each year, the Student Guild must provide the Council with its recommendation of the appropriate amount of the Fee for the following year, together with a report setting out its reasons for making its recommendation.
- (5) The Council is to determine the Fee after consideration of any recommendations made under section 3(4), and of other reports or advice it receives.

4. Categories of Services and Amenities and use of the Fee

- (1) The broad categories of amenities and services within which the Fees collected may be expended are:
- (a) providing food or drink to Students on a campus of the University;
 - (b) supporting a sporting or other recreational activity by Students;
 - (c) supporting the administration of a club most of whose members are Students;
 - (d) caring for children of Students;
 - (e) providing legal services to Students;
 - (f) promoting the health or welfare of Students;
 - (g) helping Students secure accommodation;
 - (h) helping Students obtain employment or advice on careers;
 - (i) helping Students with their financial affairs;
 - (j) helping Students obtain insurance against personal accidents;
 - (k) supporting debating by Students;
 - (l) providing libraries and reading rooms (other than those provided for academic purposes) for Students;
 - (m) supporting an artistic activity by Students;
 - (n) supporting the production and dissemination to Students of media whose content is provided by Students;
 - (o) helping 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;
 - (q) advocating Students' interests in matters arising under the University's Rules;
 - (r) giving Students information to help them in their orientation;
 - (s) helping meet the specific needs of overseas Students relating to their welfare, accommodation and employment.
- (2) The University shall pay the Student Guild and any other Service Provider such amount of the Fees as is determined by Council provided that:
- (a) the amounts of any such payments comply with the requirements of the Act; and
 - (b) the University shall pay such amounts on the condition that expenditure by the recipient must be within the broad categories of amenities and services determined in an Allocation Agreement and

otherwise in accordance with the requirements of this Statute.

- (3) None of the Fees collected are to be expended by the University, the Student Guild or any Service Provider 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 a Territory; or
 - (ii) a local government body.

5. Allocation of Fees

- (1) A committee to be known as the “Fees Allocation Committee” is to be established to make recommendations to the Council and the Student Guild in respect of the appropriate allocation of the total amount of the Fees estimated to be collected in the following year to some or all of the broad categories of expenditure specified in section 4(1).
- (2)
 - (a) The Committee shall comprise two members appointed by the Council, two members appointed by the Student Guild and an independent Chair elected by a majority of the members of the Committee from persons nominated by the Council and the Student Guild respectively.
 - (b) In the event that a majority of the Committee is unable to elect a Chair, the Committee shall provide a report on the election, including the names of those nominated, to the Council and the Council shall elect the Chair.
 - (c) The Chair shall hold office for a term of 36 months and shall be eligible for re-election.
 - (d) Each of the other members of the Committee shall hold office for a term of 12 months and shall be eligible for reappointment.
- (3) Before finalising its recommendations, the Committee shall consult with, in its discretion, any Service Providers and one or more other groups which represent special student interests or provide advice on the provision of amenities and services to Students, and the Service Providers and groups so consulted shall be specified in the Committee’s recommendations.
- (4) The Committee may only make such recommendations as are approved unanimously by the Committee and, in the event that unanimity is not achieved in respect of the allocation of all of the Fees estimated to be collected in the following year, the Committee shall forward to the Council and the Student Guild a report detailing the recommendations which are unanimously made, the matters on which agreement has not been reached and the arguments presented by Committee members for and against the unresolved matters.
- (5) The Committee shall submit its recommendations and any report to be made under section 5(4) to both the Council and the Student Guild by 31 July of each year.
- (6) If the Fee allocation is not agreed in whole or in part by the Council and the Student Guild by 31 August of any year, the Committee may be requested in writing by either or both of the Council and the Student Guild to reconsider its recommendations and any matters in contention in whole or in part and to provide revised recommendations to the Council and the Student Guild on or before a specified date.
- (7) As soon as practicable following the Council and the Student Guild’s receipt of the recommendations and any report from the Committee, and in any event no later than 30 September in each year, the Council and the Student Guild shall sign a document evidencing their agreement in respect of the allocation of the Fees estimated to be collected in the following year between any or all of the categories of amenities and services set out in section 4(1) (“**Allocation Agreement**”).
- (8) In agreeing the terms of each Allocation Agreement, the Council and the Student Guild shall:

- (a) adopt all recommendations made by the Committee unless otherwise agreed between the Student Guild and the Council;
 - (b) give due consideration to all matters set out in any report made by the Committee under section 5(4) ("**Outstanding Matters**"); and
 - (c) use their best endeavours to agree a mutually satisfactory resolution of any Outstanding Matters.
- (9) Subject to this Statute, the Committee shall regulate its own proceedings.

6. Resolution of Disputes

- (1) If the Council and the Student Guild are unable to agree on any matter or matters to be included in an Allocation Agreement, the unresolved matter or matters shall be submitted to mediation in accordance with and subject to the "Mediation and Conciliation Rules" of The Institute of Arbitrators and Mediators Australia ("**Mediation Rules**").
- (2) Without limiting section 6(1), the mediator shall be appointed by The Institute for Arbitrators and Mediators Australia in accordance with the Mediation Rules.
- (3) The Council shall appoint two persons and the Student Guild shall appoint two persons, none of whom are to be members of the Committee, to participate in the processes of mediation with the mediator appointed under section 6(2).
- (4) At the conclusion of the mediation, all of the persons appointed under section 6(3) shall report to both the Council and the Student Guild on the outcomes of that process.
- (5) Unless otherwise agreed by the Council and the Student Guild, the costs incurred in the resolution of any matter or matters referred to the mediator shall be borne equally by the Council and the Student Guild.

7. Accounting for the Student Services and Amenities Fee

- (1) The Student Guild and any Service Providers receiving amounts from the Fees will fully account for all such amounts in accordance with the following requirements and any further requirements set out in the Rules:
 - (a) the Student Guild and each Service Provider must appoint an independent external auditor to audit their financial statements, whose appointment has been approved by the Resources Committee of Council;
 - (b) annual audited financial statements (including balance sheet and income and expenditure statement) clearly showing how amounts received from the Fees have been expended must be provided to the Resources Committee of Council by no later than 30 days after such accounts are finalised; and
 - (c) a report on operations, outlining the number, type and nature of services provided from amounts received from the Fees must be provided to the Resources Committee of Council at the same time the statements referred to in section 7(1)(b) are provided.
- (2) Where the Student Guild or any Service Providers receiving amounts from the Fees does not provide financial or operational reporting that meets the accountability requirements referred to in sub-section 7(1), payment of all further amounts to be allocated from the Fees will be withheld, until such time as the Resources Committee of Council is satisfied that the accountability requirements have been fully met.

8. Non-Payment of Fees

- (1) If a Student fails to pay by the Due Date all or part of the Fee payable by that Student under this Statute, the University must not:
 - (a) give the Student official notification of his or her examination or other assessment results (except for notice of eligibility for supplementary or deferred examinations or assessment);
 - (b) confer a degree, diploma or certificate on the relevant student; or
 - (c) permit the Student to re-enrol in a subsequent semester,until the outstanding Fee, or the outstanding portion of the Fee, is paid in full.

- (2) The Vice-Chancellor may exempt for good reason any person or class of persons from liability to pay any, or part of any, Fee.

9. Rules

The Council may make rules, not inconsistent with this Statute, regulating or providing for the regulation of any matter referred to in this Statute or for carrying out or giving effect to this Statute.

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