

ED401

**EDITH COWAN UNIVERSITY ACT 1984**

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 27 of the *Edith Cowan University Act 1984*, has approved Edith Cowan University Statute No. 29 as set out in the attached schedule.

Hon. SUE ELLERY, MLC, Minister for Education and Training.  
NICK HAGLEY, Clerk of the Executive Council.

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**EDITH COWAN UNIVERSITY ACT 1984**

**EDITH COWAN UNIVERSITY**

**AMENDING STATUTE NO 1 OF 2021**

The University Statutes are hereby amended as follows—

1. This Amending Statute comes into operation on the day it is published in the *Government Gazette*.
2. Statute No 29 is repealed.
3. Statute No 29 as set out in the attached Schedule is enacted.

The Common Seal of Edith Cowan University was affixed by resolution of the Council in the presence of—

PROFESSOR STEPHEN CHAPMAN, Vice-Chancellor.  
JOANNE QUINN, Authorised Sealing Officer.

Dated this 15th day of September 2021.

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**EDITH COWAN UNIVERSITY ACT 1984**

**UNIVERSITY STATUTE NO. 29—STUDENT SERVICES AND AMENITIES FEE**

**Part 1—Preliminary**

This Statute is made by the Council of the University under the powers conferred on it by section 26 of the *Edith Cowan University Act 1984*.

**1.1 Short title**

This is *University Statute No. 29—Student Services and Amenities Fee*.

**1.2 Commencement**

This Statute takes effect on the day after it is published in the *Government Gazette*.

**1.3 Purpose**

The purpose of this Statute is to provide for an annual amenities and services fee to be payable by enrolled students.

**1.4 Terms used**

(1) In this Statute, unless the contrary intention appears—

**Act** means the *Edith Cowan University Act 1984*;

**allocation agreement** means the agreement referred in section 3.1(3) between the University and the Student Guild;

**due date** means the date, determined by the Council under section 2.1, when the fee is payable;

**fee** means the annual amenities and services fee (also described as the student services and amenities fee or SSAF), determined under Statute 29, that is payable by an enrolled student;

**fee rules** means the rules made under section 4.1;

**permissible categories of amenities and services** means the broad categories of amenities and services, as set out in section 3.2(2), within which the collected fees may be expended;

**prescribed** means prescribed by rules made under this Statute;

**teaching period** means a period during a year, determined by the University, during which enrolled students may undertake a course of study in a unit; and

**year** means calendar year.

(2) Unless otherwise defined in subsection (1), a term used in this Statute has the meaning given in the Act or in *University Statute No. 1—Interpretation*.

## **Part 2—Determination of the fee**

### **2.1 Determining the amount and due date**

- (1) The Student Guild may, by 30 June each year, make a submission to the Council recommending the amount of the fee to be payable for the following year and setting out the reasons for its recommendation.
- (2) The Council may, by 30 September each year, determine, in respect of the next year—
  - (a) the amount of the fee payable by an enrolled student or by an enrolled student within a prescribed class; and
  - (b) the due date.
- (3) In determining the amount of the fee payable, the Council—
  - (a) is to take into account any submission that it receives from the Student Guild under subsection (1);
  - (b) may take into account any other matter that it considers to be relevant;
  - (c) may set different levels of the fee to be payable by different classes of persons (including by different prescribed classes of persons);
  - (d) may exempt persons or classes of persons (whether or not prescribed classes of persons) from payment of the fee.

### **2.2 Publication of fee determination**

The Vice-Chancellor is to publish, within the prescribed time and in the prescribed manner and form, the determination made by the Council under section 2.1 and any other prescribed information relating to the fee.

### **2.3 Power to vary**

- (1) The Council may, at any time, vary a determination made under section 2.1(2).
- (2) Before the Council varies a determination under section 2.3(1), the Vice-Chancellor is to—
  - (a) consult with the Student Guild; and
  - (b) inform the Council of the substance of any submissions made by the Student Guild in the course of the consultation.
- (3) If the Council varies a determination made under section 2.1(2), the Vice-Chancellor is to publish, within the prescribed time and in the prescribed manner and form, the variation and any other prescribed information relating to the variation.

### **2.4 Requirement to pay**

- (1) Subject to any prescribed exceptions, an enrolled student must pay the fee (if any) applicable to the enrolled student, as determined under this Statute and the fee rules, by the due date.
- (2) If an enrolled student fails to pay all or any part of the fee that is payable by the enrolled student, the Vice-Chancellor may do one or more of the following—
  - (a) withhold official notification of examination or other assessment results (except for notice of eligibility for supplementary or deferred examinations or assessment);
  - (b) not confer a degree, diploma, certificate or other award on the enrolled student;
  - (c) prohibit the enrolled student from enrolling in a subsequent teaching period,until the outstanding amount of the fee is paid in full.

## **Part 3—Expenditure of collected fees**

### **3.1 Expenditure determinations**

- (1) In respect of each year's total collected fees, the Council is to determine—
  - (a) the allocation of the collected fees to particular permissible categories of amenities and services as determined by the Council;
  - (b) the amount that is to be paid to the Student Guild, being not less than 50% of the year's total collected fees;
  - (c) the terms and conditions on which any amount of the total fees collected is to be paid to the Student Guild, including conditions to be met before some or all of the amount may be paid to the Student Guild; and
  - (d) how the amount of the total fees collected (after deducting the amount that is to be paid to the Student Guild) is to be spent.
- (2) Before these determinations are made by the Council, and for the purpose of enabling the Vice-Chancellor to advise and make recommendations to the Council in respect of proposed determinations, the Vice-Chancellor is to ensure that the University consults with the Student Guild and with enrolled students in accordance with section 3.3.
- (3) As soon as practicable following the Council's determinations under this section, the Vice-Chancellor is to make reasonable endeavours to effect the execution of an agreement between the University and the Student Guild setting out—
  - (a) the amount, or estimated amount, that is to be paid to the Student Guild;

- (b) the percentage allocation of that amount between particular permissible categories of amenities and services as determined by the Council; and
- (c) the terms and conditions on which that amount is to be paid to the Student Guild.

### **3.2 Permissible expenditure categories**

- (1) The collected fees are to be expended only for a purpose that—
  - (a) relates to a permissible category of amenities and services (as set out in subsection (2));
  - (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.
- (2) The categories of amenities and services within which the collected fees may be expended are—
  - (a) providing food or drink to students on a campus of the higher education provider;
  - (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 higher education provider's rules (however described);
  - (q) advocating students' interests in matters arising under the higher education provider's rules (however described);
  - (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.
- (3) For the avoidance of doubt, this section applies whether the expenditure of collected fees is by or on behalf of the University or the Student Guild.

### **3.3 Consultation**

- (1) The Vice-Chancellor is to establish a Student Services and Amenities Fee Advisory Forum (**SSAF Advisory Forum**) to consider proposals from the University and the Student Guild regarding the proposed allocation and expenditure of the collected fees.
- (2) The SSAF Advisory Forum is to be chaired by an officer of the University who is nominated by the Vice-Chancellor and is also to include the following members—
  - (a) the President of the Student Guild;
  - (b) at least one of the 2 elected enrolled student members of the Council;
  - (c) 2 enrolled students nominated by the Student Guild of whom—
    - (i) one is enrolled in an undergraduate course of study; and
    - (ii) one is enrolled in a postgraduate course of study,
 and of whom either or both may serve concurrently as a member under paragraph (a) or paragraph (b);
  - (d) at least one officer of the University, with management responsibility for the provision of amenities and services to students, who is nominated by the Vice-Chancellor; and
  - (e) the occupant of any other position that is prescribed.
- (3) The terms of reference and procedures of the SSAF Advisory Forum may be prescribed.
- (4) The University is to consult, each year, with enrolled students and the Student Guild regarding the proposed allocation and expenditure of the collected fees for the following year by—
  - (a) convening at least one formal meeting of the SSAF Advisory Forum; and
  - (b) publishing the proposed expenditure priorities on the University's website for feedback from enrolled students.
- (5) Additional forms of consultation with enrolled students and the Student Guild regarding the proposed allocation and expenditure of collected fees may be prescribed.

(6) The Vice-Chancellor is to consider feedback received from the consultation process under this section when advising and making recommendations to the Council in respect of the proposed determinations under section 3.1.

(7) The timeframe for the consultation process may be prescribed.

(8) The Council is to review, each year, the process by which enrolled students are consulted regarding the proposed allocation and expenditure of collected fees.

### **3.4 Accounting by the Student Guild**

(1) The Student Guild must account, on an annual basis, for the amount paid to it each year by the University from the collected fees (**Guild SSAF Funds**) by—

- (a) complying with each of the requirements of section 9 of *University Statute No. 11—Student Guild*;
- (b) ensuring that there is included in the audited annual financial statements a sufficient statement of the Student Guild's income and expenditure;
- (c) providing to the Vice-Chancellor, by 30 April each year, a report on operations describing the amenities and services that have been provided in the preceding calendar year using Guild SSAF Funds; and
- (d) complying with any other requirement that is prescribed or that is imposed under the allocation agreement.

(2) If the Student Guild does not comply with a requirement under subsection (1), the University may withhold payment of further Guild SSAF Funds, in full or in part, until the Vice-Chancellor is satisfied that the requirements have been met.

### **3.5 Annual reporting**

On or before 30 June each year, the Vice-Chancellor is to ensure that the University publishes, in the prescribed manner, a report on the expenditure of the collected fees for the preceding year.

## **Part 4—Miscellaneous**

### **4.1 Rules**

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

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

### **4.2 Revocation**

*University Statute No. 29—Student Services and Amenities Fee*, published in the *Government Gazette* on 24 May 2003, is revoked.