The Parliament of the
Commonwealth of Australia

THE SENATE

Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005

(Amendments to be moved by Senator Wong on behalf of the Opposition in Committee of the Whole)

(1) Schedule 1, item 1, page 3 (lines 9 to 17), omit subsection 19-37(1), substitute:

(1) A higher education provider must not:

(a) require a person to be or to become a member of an organisation of students, or of students and other persons; or

(b) require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount for membership of an organisation of students, or of students and other persons;

unless the person has chosen to be or to become a member of the organisation.

[choice to be a member]

(2) Schedule 1, item 1, page 3 (lines 18 to 22), omit subsection 19-37(2), substitute:

(2) A higher education provider must not require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or to any other entity an amount for the provision of an amenity, facility, activity or service that is not of an academic nature, unless that amenity, facility, activity or service is of direct benefit to students enrolled with, or seeking to enrol with the provider.

(2B) In this section, a direct benefit in relation to an amenity, facility, activity or service for students who are enrolled with, or seeking to enrol with a provider, is the provision of:

(a) food, beverages, meeting rooms, sports and physical recreation, child care, counselling, legal advice, health care, housing, employment, visual arts, performing arts, audio-visual media, debating, libraries, reading rooms, academic support, personal accident insurance for students, orientation information, support for overseas students, student representation and advocacy, student clubs and societies, social activities, cultural activities, welfare, commercial activities, capital funds and infrastructure, investments and reserves, student publications or student financial assistance; and

(b) administrative matters related to any of the items listed in paragraph (a), including the costs of collecting amounts paid under this section; and
(c) other facilities, or services consistent with, or reasonably incidental, to any of the items listed in paragraph (a).

(2B) Subsection (2A) does not apply to an amount that the higher education provider requires the person to pay if the amount is for goods or services that:
(a) are essential for the course of study in which the person is enrolled or seeking to enrol; and
(b) the person has the choice of acquiring from, but does not acquire from, a supplier other than the higher education provider; and
(c) either:
   (i) are goods that become the property of the person that are not intended to be consumed during the course of study; or
   (ii) consist of food, transport or accommodation associated with provision of field trips in connection with the course of study.

[direct benefit]

(3) Schedule 1, item 1, page 3 (line 23) to page 4 (line 3), omit subsection 19-37(3), substitute:

(3) A higher education provider must ensure that any fee levied in accordance with subsection (2A) is adjusted on a pro-rata basis to an amount commensurate with the person’s status as a part-time, external or distance education student, or a proposed part-time, external or distance education student.

(4) A higher education provider must ensure that it has procedures in place to provide detailed reporting and accountability mechanisms for any monies collected or received from any fees pursuant to subsection (2A). Such reporting and accountability mechanisms must include a requirement that a statement is to be provided to the higher education provider’s governing authority at least once per year, and published in the provider’s annual report.

(5) A statement required by subsection (4) must specify:
(a) the amount of monies collected by the provider in the preceding year; and
(b) the purposes for which the provider spent those monies or made them available and the amounts spent or made available; and
(c) the names of organisations of students, or of students and other persons, to which the provider made the monies available and the amounts that were made available to each organisation; and
(d) the purposes for which the organisations referred to in paragraph (c) spent the monies made available to them.

[accountability and reporting on fees collected]

(4) Schedule 1, item 2, page 4 (lines 16 to 19), TO BE OPPOSED.

[note—basic grant adjustment]

(5) Schedule 1, item 3, page 4 (line 20) to page 5 (line 33), TO BE OPPOSED.

[breaches]

(6) Schedule 1, item 4, page 5 (line 34) to page 6 (line 4), TO BE OPPOSED.

[breaches]

(7) Schedule 1, item 7, page 6 (lines 12 to 14), TO BE OPPOSED.

[reduction amount]