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

(Amendments to be moved by Senator Joyce in committee of the whole)

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

(2) A higher education provider can require a person enrolled with, or seeking to enrol with, the provider to pay the provider an amount for the provision of an amenity, facility, activity or service fee that is not of an academic nature, only where such amenities, facilities, activities or services are provided by the higher education provider or a controlled entity of the higher education provider as specified in this section.

(2A) In engaging a service provider to provide an amenity, facility, activity or service as specified in subsection (2B), a higher education provider must comply with the tendering and accountability processes provided for in the Financial Management and Accountability Act 1997 and the regulations made under that Act.

(2B) In this section, an amenity, facility, activity or service for which a charge can be required is as follows:

(a) food and beverages, meeting rooms, sports, fitness and physical recreation, dental care, general practitioner health services, child care, counselling, housing, debating, libraries and reading rooms, academic support, orientation information and activities, support for overseas students, drama, welfare support, capital funds and infrastructure, investments and reserves and 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).

(2C) No compulsory fee or charge may be levied by or on behalf of a student union, association, guild, or like entity for an amenity, facility, activity or service listed in this section.

[amenity, facility, activity or service fee – non-academic]

(2) Schedule 1, item 1, page 4 (after line 3), at the end of section 19-37, add:
(4) 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 proposed part-time, external or distance education student.

(5) 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. The statement 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.

[annual reporting]

(3) Schedule 1, item 3, page 5 (line 19), at the end of paragraph 33-37(4)(b), add “unless it is paid in accordance with subsection (2)”.

[exemption from breach]

(4) Schedule 1, item 3, page 5 (lines 21 to 23), omit paragraph 33-37(4)(c), substitute:
   (c) requiring a payment within 28 days after the notice is given of up to five times the amount paid to the provider or any other entity as a result of the requirement; and

[penalty for wrongful payment]