

Western Australia

**Acts Amendment (Student Guilds and
Associations) Act 2002**

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No. 44 of 2002

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Acts Amendment (Student Guilds and Associations) Act 2002

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Western Australia

Acts Amendment (Student Guilds and Associations) Act 2002

No. 44 of 2002

An Act to amend —

- **the *Curtin University of Technology Act 1966*;**
- **the *Edith Cowan University Act 1984*;**
- **the *Murdoch University Act 1973*;**
- **the *University of Notre Dame Australia Act 1989*; and**
- **the *University of Western Australia Act 1911*.**

[Assented to 3 January 2003]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Acts Amendment (Student Guilds and Associations) Act 2002*.

2. Commencement

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

**Part 2 — *Curtin University of Technology*
Act 1966 amended**

3. The Act amended

The amendments in this Part are to the *Curtin University of Technology Act 1966**.

[* *Reprinted as at 28 July 1999.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 93.]

4. Section 44 amended

- (1) Section 44(2)(e) is deleted and the following paragraph is inserted instead —

“

- (e) shall be the recognised means of communication between enrolled students and the Council, in accordance with any Statutes that the Council makes.

”.

- (2) Section 44(4)(a) is deleted.
(3) Section 44(5), (6) and (7) are repealed and the following subsections are inserted instead —

“

- (5) Any enrolled student is eligible to be a member of the Student Guild.
(6) Subject to subsection (7), a student becomes a member of the Student Guild upon enrolment, for the period of enrolment.
(7) A student may elect at the time of enrolment not to become a member of the Student Guild, and an enrolled student may resign at any time as a member of the Student Guild.

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(7a) An enrolled student cannot hold an elective office of the Student Guild unless that enrolled student is a member of the Student Guild.

”.

(4) After section 44(8) the following subsection is inserted —

“

(9) The University shall not act in a way that may dissuade or discourage an enrolled student, or person seeking enrolment as a student, from being or becoming a member of the Student Guild.

”.

(5) Section 44(16) and (17) are repealed.

5. Sections 45 and 46 replaced

Sections 45 and 46 are repealed and the following sections are inserted instead —

“

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.

46. Council to include detail in Statute

- (1) The Council shall define, by Statute —
 - (a) broad areas of amenities and services to which the Student Guild may apply the fees paid to it; and
 - (b) processes for resolving disputes that might arise in the course of defining those areas.
- (2) The Council shall prescribe, by Statute, the measures by which the Student Guild is to account for the fees received, and those measures shall include —
 - (a) a requirement that the annual financial statements of the Student Guild are to be audited by an independent external auditor whose appointment requires Council approval; and
 - (b) a requirement for the Student Guild to provide a copy of each audited balance sheet, and an annual statement of the Student Guild's income and expenditure, to the Council.
- (3) The Council shall prescribe, by Statute, the process for reaching agreement between the Council and the

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Student Guild about the expenditure of the part of the amenities and services fees not paid to the Student Guild.

”.

Part 3 — *Edith Cowan University Act 1984* amended

6. The Act amended

The amendments in this Part are to the *Edith Cowan University Act 1984**.

[* *Reprinted as at 1 October 1999.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 107.]

7. Section 41 amended

(1) Section 41(4) is amended as follows:

(a) by deleting “a recognized” and inserting instead —
“ the recognised ”;

(b) after “Council” by inserting —

“

in accordance with any Statutes that the Council makes

”.

(2) Section 41(5) is amended by deleting “may” and inserting instead —

“ is eligible to ”.

(3) Section 41(6) and (6a) are repealed and the following subsections are inserted instead —

“

(6) A student becomes a member of the Student Guild upon enrolment, for the period of enrolment, unless —

(a) at the time of enrolment that student elects not to become a member; or

(b) the enrolled student is not eligible to be a member.

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(6a) Despite subsection (6), an enrolled student may resign at any time as a member of the Student Guild.

”.

(4) Section 41(7) and (8) are repealed and the following subsection is inserted instead —

“

(7) An enrolled student (whether a member of the Student Guild or not) may vote in an election held to fill a vacancy in a Student Guild office, but an enrolled student cannot hold an elective office unless that enrolled student is a member of the Student Guild.

”.

(5) Section 41(10) is repealed.

8. Sections 41A and 41B replaced

Sections 41A and 41B are repealed and the following sections are inserted instead —

“

41A. Amenities and services fee

- (1) An annual amenities and services fee shall be set at an amount determined 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 section 36(1)(b), 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 amenities and services fees paid to the Student Guild must exceed 50% of those fees.

41B. Council to include detail in Statute

- (1) The Council shall specify, by Statute, the broad categories of amenities and services within which the fees collected may be expended.
- (2) The fees collected each year are to be allocated to broad categories of expenditure under an agreement between the Council and the Student Guild, and the Council shall prescribe, by Statute, the processes for —
 - (a) determining the broad categories of amenities and services within which the fees are to be expended; and
 - (b) resolving disputes that arise in the process of those determinations.
- (3) The Council shall prescribe, by Statute, the measures by which the Student Guild is to account for the fees received, and those measures shall include —
 - (a) a requirement that the annual financial statements of the Student Guild are to be audited by an independent external auditor whose appointment requires Council approval; and

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- (b) a requirement for the Student Guild to provide a copy of each audited balance sheet, and an annual statement of the Student Guild's income and expenditure, to the Council.

”.

Part 4 — *Murdoch University Act 1973* amended

9. The Act amended

The amendments in this Part are to the *Murdoch University Act 1973**.

[* *Reprinted as at 26 February 1999.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 253.]

10. Section 20 amended

- (1) Section 20(2) is amended by deleting “a recognized means of communication between its members and the Senate.” and inserting instead —

“

the recognised means of communication between students and the Senate, in accordance with any Statutes that the Senate makes.

”.

- (2) Section 20(2a), (2b) and (2c) are repealed and the following subsections are inserted instead —

“

- (2a) Any student is eligible to be a member of the Guild.
- (2b) The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

”.

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(3) After section 20(4) the following subsections are inserted —

“

- (5) A student becomes a member of the Guild upon enrolment, for the period of enrolment, unless at the time of enrolment that student elects not to become a member.
- (6) Subject to subsection (7), a student becomes a member of the Guild upon enrolment, for the period of enrolment.
- (7) A student may —
 - (a) elect at the time of enrolment not to become a member of the Guild; and
 - (b) resign at any time as a member of the Guild.
- (8) A student cannot hold an elective office of the Guild unless that student is a member of the Guild.

”.

(4) Section 20(11) and (12) are repealed.

11. Sections 20A and 20B replaced

Sections 20A and 20B are repealed and the following sections are inserted instead —

“

20A. Amenities and services fee

- (1) An annual amenities and services fee shall be set at an amount determined by the Senate after receiving a report from, and a recommendation by, the Guild.
- (2) The Senate may determine that a different level of the amenities and services fee is payable by a specified class of students.

- (3) The amenities and services fee is payable to the Senate by each student, except a student exempted from doing so, or made ineligible to do so, by Statute.
- (4) The Senate shall pay to the Guild a percentage of the amenities and services fees collected that is not less than the percentage of students that are members of the Guild.
- (5) Despite subsection (4), and regardless of the number of students who are members of the Guild, the percentage of the amenities and services fees paid to the Guild must exceed 50% of those fees.
- (6) The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in the manner agreed by the Senate and the Guild.

20B. Senate to include detail in Statute

- (1) The Senate shall specify, by Statute, the broad categories of amenities and services to which the Guild may apply the fees paid to it.
- (2) The Senate shall prescribe, by Statute, the processes for —
 - (a) determining the broad categories of amenities and services to which the Guild may apply the fees; and
 - (b) resolving disputes that arise in the process of those determinations.
- (3) The Senate shall prescribe, by Statute, the measures by which the Guild is to account for the fees received, and those measures shall include —
 - (a) a requirement that the annual financial statements of the Guild are to be audited by an

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independent external auditor whose appointment requires Senate approval; and

- (b) a requirement for the Guild to provide a copy of each audited balance sheet, and an annual statement of the Guild's income and expenditure, to the Senate.
- (4) The Senate shall prescribe, by Statute, the process for reaching agreement between the Senate and the Guild about the expenditure of the part of the amenities and services fees not paid to the Guild.

”.

**Part 5 — *University of Notre Dame Australia*
Act 1989 amended**

12. The Act amended

The amendments in this Part are to the *University of Notre Dame Australia Act 1989**.

[* Reprinted as at 1 June 2001.]

13. Part 8 repealed

- (1) The heading to Part 8 is repealed.
- (2) Part 8 is repealed.

**Part 6 — *University of Western Australia*
Act 1911 amended**

14. The Act amended

The amendments in this Part are to the *University of Western Australia Act 1911**.

[* *Reprinted as at 11 February 2000.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 394.]

15. Section 2 amended

Section 2 is amended after the definition of “Convocation” by inserting the following definitions —

“

“**Guild**” — The Guild of Undergraduates established under section 28;

“**student**” — A person enrolled in the University as a student;

”.

16. Section 28 amended

- (1) Section 28(2), (2a) and (2b) are repealed and the following subsections are inserted instead —

“

(2) Any student is eligible to be a member of the Guild.

(2a) The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

”.

- (2) Section 28(3) is amended by deleting “recognized means of communication between its members” and inserting instead —
- “ recognised means of communication between students ”.
- (3) After section 28(4) the following subsections are inserted —
- “
- (5) Subject to subsection (6), a student becomes a member of the Guild upon enrolment, for the period of enrolment.
- (6) A student may —
- (a) elect at the time of enrolment not to become a member of the Guild; and
- (b) resign at any time as a member of the Guild.
- (7) A student cannot hold an elective office of the Guild unless that student is a member of the Guild.
- ”.
- (4) Section 28(9), (10) and (11) are repealed.

17. Sections 28A and 28B replaced

Sections 28A and 28B are repealed and the following sections are inserted instead —

“

28A. Amenities and services fee

- (1) An annual amenities and services fee shall be set at an amount approved by the Senate after receiving a report from, and a recommendation by, the Guild.
- (2) The Senate may determine that a different level of the amenities and services fee is payable by a specified class of students.

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- (3) The amenities and services fee is payable to the Senate by each student, except a student exempted from doing so, or made ineligible to do so, by Statute.
- (4) The Senate shall pay to the Guild a percentage of the amenities and services fees collected that is not less than the percentage of students that are members of the Guild.
- (5) Despite subsection (4), and regardless of the number of students who are members of the Guild, the percentage of the amenities and services fees paid to the Guild must exceed 50% of those fees.
- (6) The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in a manner determined by the Senate after consultation with the Guild.

28B. Senate to include detail in Statute

- (1) The Senate shall specify, by Statute, the broad categories of amenities and services to which the Guild may apply the fees paid to it.
- (2) The Senate shall prescribe, by Statute, the processes for determining the broad categories of amenities and services to which the Guild may apply the fees.
- (3) The Senate shall prescribe, by Statute, the measures by which the Guild is to account for the fees received, and those measures shall include —
 - (a) a requirement that the annual financial statements of the Guild are to be audited by an independent external auditor whose appointment requires Senate approval; and

- (b) a requirement for the Guild to provide a copy of each audited balance sheet, and an annual statement of the Guild's income and expenditure, to the Senate.

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