

**VOLUNTARY MEMBERSHIP OF  
STUDENT GUILDS AND  
ASSOCIATIONS ACT 1994**

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**No. 91 of 1994**

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**AN ACT to amend the —**

- *Colleges Act 1978;*
- *Curtin University of Technology Act 1966;*
- *Edith Cowan University Act 1984;*
- *Murdoch University Act 1973;*
- *University of Notre Dame Australia Act 1989; and*
- *University of Western Australia Act 1911,*

**to ensure that membership of student guilds and associations is voluntary.**

*[Assented to 5 January 1995.]*

The Parliament of Western Australia enacts as follows:

**PART 1 — PRELIMINARY**

**Short title**

1. This Act may be cited as the *Voluntary Membership of Student Guilds and Associations Act 1994*.

**Commencement and effect**

2. (1) Subject to subsection (2), this Act comes into operation on the day on which it received the Royal Assent.

(2) Except as provided in subsection (3), the amendments to each principal Act effected by this Act do not apply in respect of any subscription, fee or amount that became payable under any such principal Act before the commencement of this Act.

(3) If, before this Act comes into operation, a subscription, fee or amount has been paid under a principal Act that is amended by this Act for membership of a student guild or association in the year commencing 1 January 1995, or any part of that year, the student guild or association shall, upon written application by the person by or on whose behalf the subscription, fee or amount was paid, refund that subscription, fee or amount.

(4) The amendments to each principal Act effected by this Act are to be construed subject to the limits of the legislative power of the State and are valid to the extent to which they are within that power.

**PART 2 — COLLEGES ACT 1978**

**Principal Act**

3. In this Part the *Colleges Act 1978\** is referred to as the principal Act.

[\* *Act No. 100 of 1978.*

*For subsequent amendments see 1993 Index to  
Legislation of Western Australia, Table 1, p. 36.]*

**Section 44 amended**

4. Section 44 of the principal Act is amended —

(a) in subsection (2) by deleting “the enrolled students of the college” and substituting the following —

“ its members ”; and

(b) by repealing subsections (3) and (4) and substituting the following subsections —

“

(3) Subject to the conditions and qualifications for membership prescribed by Statute any enrolled student may be a member of the student association.

(4) It is not compulsory for any enrolled student to be a member of the student association.

(5) It is not compulsory for any enrolled student or person seeking enrolment as a student —

(a) to make a subscription or pay any fee required by the student

association, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or

- (b) to pay an amount required by a college for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the college,

unless that person has chosen to join the student association or to make use of the amenity, facility or service.

(6) No academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of that student not being a member of the student association.

”.

### **Sections 44A and 44B inserted**

5. After section 44 of the principal Act the following sections are inserted —

“

#### **College not to accept certain Commonwealth grants**

44A. A college shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted to the college for a student association as a result of the State taking or refusing or failing to reverse, action having the effect,

directly or indirectly, of preventing or hindering the imposition of fees for such a student association or the collection of those fees;

- (b) accept payment of any amount referred to in paragraph (a) on condition that the college will pay that amount to the student association or pay that amount to the student association without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the college will pay that amount to the student association or pay that amount to the student association without undue delay.

**Student association not to accept certain Commonwealth grants**

**44B.** A student association shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the student association as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by a college, or payment by a college to a student association, of financial assistance from the Commonwealth;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the

student association use that amount for the purposes of providing benefits to students or for purposes that further the objects of the student association;

- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the student association will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the student association.

”.

**PART 3 — CURTIN UNIVERSITY OF TECHNOLOGY  
ACT 1966**

**Principal Act**

6. In this Part the *Curtin University of Technology Act 1966\** is referred to as the principal Act.

[\* *Reprinted as at 24 August 1988.*  
*For subsequent amendments see 1993 Index to  
Legislation of Western Australia, Table 1, pp. 54-5.]*

**Section 44 amended**

7. Section 44 of the principal Act is amended —

(a) in subsection (2) by deleting paragraph (e) and substituting the following paragraph —

“

(e) shall be a recognized means of communication between its members and the Council.

”;

(b) in subsection (3) by deleting “the enrolled students” and substituting the following —

“ its members ”; and

(c) by repealing subsections (5) and (6) and substituting the following subsections —

“

(5) Subject to the conditions and qualifications for membership prescribed by Statute any enrolled student may be a member of the Student Guild.

(6) It is not compulsory for any enrolled student to be a member of the Student Guild.

(7) It is not compulsory for any enrolled student or person seeking enrolment as a student —

(a) to make a subscription or pay any fee required by the Student Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or

(b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

unless that person has chosen to join the Student Guild or to make use of the amenity, facility or service.

(8) No academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of that student not being a member of the Student Guild.



**Sections 45 and 46 added**

8. After section 44 of the principal Act the following sections are added —

“

**University not to accept certain Commonwealth grants**

45. The University shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted to the University for the Student Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for the Student Guild or the collection of those fees;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the Student Guild or pay that amount to the Student Guild without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the Student Guild or pay that amount to the Student Guild without undue delay.

**Student Guild not to accept certain  
Commonwealth grants**

**46.** The Student Guild shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the Student Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to the Student Guild, of financial assistance from the Commonwealth;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the Student Guild use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Student Guild;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the Student Guild will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Student Guild.

”

**PART 4 — EDITH COWAN UNIVERSITY ACT 1984**

**Principal Act**

9. In this Part the *Edith Cowan University Act 1984\** is referred to as the principal Act.

[\* Reprinted as at 16 May 1991.

*For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, p. 64.]*

**Section 41 amended**

10. Section 41 of the principal Act is amended —

(a) by repealing subsection (3) and substituting the following subsection —

“ (3) The Student Guild shall be an organized association of enrolled students the primary function of which is to further the common interests of its members. ”;

(b) in subsection (4) by deleting “the recognized means of communication between the enrolled students” and substituting the following —

“ a recognized means of communication between its members ”;

and

(c) by repealing subsections (5) and (6) and substituting the following subsections —

“ (5) Subject to the conditions and qualifications for membership prescribed by

Statute any enrolled student may be a member of the Student Guild.

(6) It is not compulsory for any enrolled student to be a member of the Student Guild.

(6a) It is not compulsory for any enrolled student or person seeking enrolment as a student —

(a) to make a subscription or pay any fee required by the Student Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or

(b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

unless that person has chosen to join the Student Guild or to make use of the amenity, facility or service.

(6b) No academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of that student not being a member of the Student Guild.

**Sections 41A and 41B inserted**

11. After section 41 of the principal Act the following sections are inserted —

“

**University not to accept certain Commonwealth grants**

**41A.** The University shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted to the University for the Student Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for the Student Guild or the collection of those fees;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the Student Guild or pay that amount to the Student Guild without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the Student Guild or pay that amount to the Student Guild without undue delay.

**Student Guild not to accept certain  
Commonwealth grants**

**41B.** The Student Guild shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the Student Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to the Student Guild, of financial assistance from the Commonwealth;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the Student Guild use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Student Guild;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the Student Guild will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Student Guild.

**PART 5 — MURDOCH UNIVERSITY ACT 1973**

**Principal Act**

12. In this Part the *Murdoch University Act 1973\** is referred to as the principal Act.

[\* Act No. 20 of 1973.

*For subsequent amendments see 1993 Index to  
Legislation of Western Australia, Table 1, p. 144.]*

**Section 20 amended**

13. Section 20 of the principal Act is amended —

(a) by repealing subsection (2) and substituting the following subsection —

“

(2) The Guild shall be an organized association of students for the furthering of the common interests of its members, and shall be a recognized means of communication between its members and the Senate.

”;

and

(b) by repealing subsections (2a) and (2b) and substituting the following subsections —

“

(2a) Subject to the conditions and qualifications for membership prescribed by Statute any student may be a member of the Guild.

(2b) It is not compulsory for any student to be a member of the Guild.

(2c) It is not compulsory for any student or person seeking enrolment as a student —

- (a) to make a subscription or pay any fee required by the Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or
- (b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

unless that person has chosen to join the Guild or to make use of the amenity, facility or service.

(2d) No academic benefit, right or privilege shall be denied to or withheld from any student by reason of that student not being a member of the Guild.

”

**Sections 20A and 20B inserted**

14. After section 20 of the principal Act the following sections are inserted —

“

**University not to accept certain Commonwealth grants**

**20A.** The University shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted



to the University for the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for the Guild or the collection of those fees;

- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay.

**Guild not to accept certain Commonwealth grants**

**20B.** The Guild shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to the Guild, of financial assistance from the Commonwealth;

- (b) accept payment of any amount referred to in paragraph (a) on condition that the Guild use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the Guild will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild.

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**PART 6 — UNIVERSITY OF NOTRE DAME AUSTRALIA  
ACT 1989**

**Part 8 added**

15. After Part 7 of the *University of Notre Dame Australia Act 1989*\* the following Part is added —

“

**PART 8 — STUDENT ASSOCIATIONS**

**Interpretation of Part**

31. In this Part, unless the contrary intention appears —

“**student association**” includes any association, society, or other body, whether corporate or unincorporate representing the interests of students, or any group of students;

“**student**” means a person enrolled at the University.

**Membership of student associations to be voluntary**

32. (1) It is not compulsory for any student to be a member of a student association.

(2) It is not compulsory for any student or person seeking enrolment as a student to make a subscription or pay any fee required by a student association, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee, unless that person has chosen to join the student association.

(3) No academic benefit, right or privilege shall be denied to or withheld from any student by reason of that student not being a member of a student association.

**University not to accept certain Commonwealth grants**

**33.** The University shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted to the University for a student association as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for a student association or the collection of those fees;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the student association or pay that amount to the student association without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the student association or pay that amount to the student association without undue delay.

**Student association not to accept certain Commonwealth grants**

**34.** A student association shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the student association as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to a student association, of financial assistance from the Commonwealth;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the student association use that amount for the purposes of providing benefits to students or for purposes that further the objects of the student association;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the student association will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the student association.

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**PART 7 — UNIVERSITY OF WESTERN AUSTRALIA  
ACT 1911**

**Principal Act**

16. In this Part the *University of Western Australia Act 1911*\* is referred to as the principal Act.

[\* *Reprinted as at 31 March 1993.*

*For subsequent amendments see 1993 Index to  
Legislation of Western Australia, Table 1, pp. 218-9.]*

**Section 28 amended**

17. Section 28 of the principal Act is amended —

(a) by repealing subsections (2) and (2a) and substituting the following subsections —

“

(2) Subject to the conditions and qualifications for membership prescribed by Statute any student may be a member of the Guild.

(2a) It is not compulsory for any student to be a member of the Guild.

(2b) It is not compulsory for any student or person seeking enrolment as a student —

(a) to make a subscription or pay any fee required by the Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or

(b) to pay an amount required by the University for the provision

of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

unless that person has chosen to join the Guild or to make use of the amenity, facility or service.

(2c) No academic benefit, right or privilege shall be denied to or withheld from any student by reason of that student not being a member of the Guild.

”;

and

(b) in subsection (3) —

(i) by deleting “organized association of the students” and substituting the following —

“ organized association of students ”; and

(ii) by deleting “between the students” and substituting the following —

“ between its members ”.

### **Sections 28A and 28B inserted**

18. After section 28 of the principal Act the following sections are inserted —

“

#### **University not to accept certain Commonwealth grants**

**28A.** The University shall not —

(a) accept payment of any amount of financial assistance from the Commonwealth granted

to the University for the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for the Guild or the collection of those fees;

- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay.

**Guild not to accept certain Commonwealth grants**

**28B.** The Guild shall not —

- (a) accept payment of, or use, any amount of financial assistance from the Commonwealth authorized to be paid to the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to the Guild, of financial assistance from the Commonwealth;



- (b) accept payment of any amount referred to in paragraph (a) on condition that the Guild use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the Guild will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild.

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