

CURTIN UNIVERSITY OF TECHNOLOGY

FEES AND CHARGES RULES

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CURTIN UNIVERSITY OF TECHNOLOGY

Fees and Charges Rules

These Rules are made by the Council of the University under the powers conferred on it by section 4 of *Statute No. 26 – Fees and Charges* and in accordance with section 34(3) of the *Curtin University of Technology Act 1966*.

Part 1 - Preliminary

1.1 Short title

This is the *Fees and Charges Rules*.

1.2 Commencement

These Rules take effect when they are promulgated in accordance with section 4 of *Statute No. 3 – Rules*.

Note: section 4 of *Statute No. 3 – Rules* relevantly states -

‘A Rule is promulgated by posting a copy of it on the notice board located outside the main entrance to the Administration block at the University at Bentley ...’.

1.3 Objects

These Rules are intended to regulate, and provide for the regulation of fees including –

- (a) setting and publishing fees;
- (b) charging fees;
- (c) collecting fees;
- (d) penalties for non-payment or late-payment of fees;
- (e) refunding fees; and
- (f) review of decisions.

1.4 Terms used

In these Rules –

census date means the date determined and published by the University under section 169-25 of the *Higher Education Support Act 2003* (Cth);

Note: Schedule 1 of the *Higher Education Support Act 2003* (Cth) defines ‘census date’ as follows –

- (a) for a unit of study for a year, means:

- (i) if the student undertaking the unit has not accessed it through Open Universities Australia--the date determined under section 169-25; and
 - (ii) if the student undertaking the unit has accessed it through Open Universities Australia--the date determined under subsection 104-4(5); and
- (b) for a VET unit of study for a year, means the date determined under clause 67 of Schedule 1A.

due date means the date that a fee is payable;

fee means –

- (a) a charge or fee imposed by the University that is charged, or may be charged, to a student; or
- (b) a financial penalty imposed as a result of an action being taken after the deadline for that action, that is charged, or that may be charged, to a student;

Government Loan Scheme means an assistance scheme in which the Commonwealth provides an eligible student with a loan or discount and, as a benefit to the student, pays to the University the amount of the loan or discount;

Note The Higher Education Support Act 2003 (Cth) defines the assistance provided to eligible students under the HECS-HELP, FEE-HELP and SA-HELP loan schemes.

incurral date means the date that a debt under a Government Loan Scheme is incurred under the *Higher Education Support Act 2003* (Cth);

Note: For example –

under section 137-16(3) of the *Higher Education Support Act 2003* (Cth) –

‘An SA-HELP debt is taken to have been incurred by a person immediately after the day on which the student services and amenities fee to which the loan relates is payable, whether or not the Commonwealth has made a payment in respect of the fee’.

sponsorship agreement means an agreement made between the University, a student and a sponsor in a form approved by the Academic Registrar, under which the sponsor agrees to pay on behalf of the student part or all of the fees that are or will be payable by the student;

Statute 26 means ‘*Statute No. 26 – Fees and Charges*’;

student means –

- (a) an enrolled student; or
- (b) any other person who is seeking to become, or has been, an enrolled student and who is provided by the University with materials or services that are incidental to the person’s studies or proposed studies;

student contribution amount has the meaning given by section 93-5 of the *Higher Education Support Act 2003 (C'th)*;

Note: Section 93-5 of the *Higher Education Support Act 2003 (C'th)* states –

'Student contribution amounts

- (1) A person's student contribution amount for a unit of study is the amount worked out as follows:

$$\begin{array}{ccc} \text{The person's student} & & \text{The EFTSL value} \\ \text{contribution amount for} & \times & \text{of the unit} \\ \text{a place in the unit} & & \end{array}$$

where the person's student contribution amount for a place in the unit is:

- (a) if only one student contribution amount has been determined for places in the unit under subsection 19-87(2)--that student contribution amount; or
- (b) if more than one student contribution amount has been determined for places in the unit under that subsection--the student contribution amount determined under that subsection that applies to the person.
- (2) A person's student contribution amount for a place in a unit must not exceed the maximum student contribution amount for a place in the unit.
- (3) A person's student contribution amount for a unit of study is nil if the person undertakes the unit as part of an enabling course. This subsection has effect despite subsection (1).
- (4) If an amount worked out by using the formula in subsection (1) is an amount made up of dollars and cents, round the amount down to the nearest dollar.

study period means the period of time, such as a specified semester or trimester, during which a unit is offered by the University for study; and

tuition fee means a fee, other than a student contribution amount, that is charged to a student for tuition.

1.5 Interpretation

These Rules are subject to Western Australian and Commonwealth laws that apply to a fee.

Note: among the State and Federal laws applying to particular fees are –

1. The *Higher Education Support Act 2003 (C'th)* which applies to student contribution amounts, tuition fees, student services and amenities fees and other fees and charges for domestic and international students;
2. The *Education Services for Overseas Students Act 2002 (C'th)* which applies to tuition fees and other fees and charges for international students; and
3. The *Curtin University of Technology Act 1966 (WA)* which applies to amenities and services fees.

1.6 Revocation

The following Rules are revoked –

- (a) *Rule No. 2 Made Pursuant to Statute 26 – Fees and Charges: Student Contributions And Refunds;*
- (b) *Rule No. 3 Made Pursuant to Statute 26 – Fees and Charges: International Student Tuition Fees And Refunds (Including Non-Award Studies);*
- (c) *Rule No. 4 Made Pursuant to Statute 26 – Fees and Charges: Domestic Student Tuition Fees And Refunds (Including Non-Award Studies);*
- (d) *Rule No. 5 Made Pursuant to Statute 26 – Fees and Charges: University Charges And Associated Refunds;*
- (e) *Rule No. 6 Made Pursuant to Statute 26 – Fees and Charges: Appeals Against Student Contributions, Tuition Fees, Incidental Fees And Amenities And Services Fees; and*
- (f) *Rule No. 7 Made Pursuant to Statute 26 – Fees and Charges: Review Of Decisions Regarding Student Learning Entitlement (Sle), Work Experience In Industry Units (Wei) And Fee-Help Balances.*

Part 2 - Setting and publishing fees

2.1 Proposals for new fees

A proposal for a new fee must be formulated and considered in accordance with a process and criteria approved by the Vice-Chancellor and published by the Chief Financial Officer.

2.2 Publication of fees

- (1) Subject to State and Commonwealth laws applying to particular fees, the Academic Registrar must publish –
 - (a) each fee imposed by the Council; and
 - (b) whatever other information related to that fee that the Academic Registrar considers appropriate,

in whatever form the Academic Registrar considers appropriate.

Part 3 - Charging fees

3.1 Terms used

In this Part –

give, in relation to an invoice, means give or provide with access to, electronically or otherwise; and

invoice means a statement of account.

3.2 Fee invoices

- (1) The Academic Registrar must ensure that a student who is charged a fee is given an invoice.
- (2) The invoice must be given in the manner and form and at a time approved by the Academic Registrar.
- (3) The invoice must contain –
 - (a) the total amount of the fee or fees payable by the student;
 - (b) information that will inform the student of each fee that makes up the total amount that is payable;
 - (c) the due date;
 - (d) if applicable, the census date;
 - (e) if applicable, the incurral date; and
 - (f) the total of any discounts for which the student is to be eligible if payment of all or part of the fee or fees is made on or before the due date and, if applicable, the census date or incurral date.
- (4) Where the University has entered into a sponsorship agreement, the Academic Registrar must give the sponsor an invoice for the fee or fees to which the agreement relates.
- (5) An invoice given to a sponsor must include, for each student to whom the invoice relates –
 - (a) the student's name and identifier; and
 - (b) the information required by rule 3.2(3).

3.3 Adjustments to invoiced amounts

- (1) If an enrolment amendment is made after an invoice has been given to a student or sponsor, and as a result of that enrolment amendment the student is required to pay a higher fee, an additional invoice must be given to the student or sponsor (as the case may be).
- (2) If an enrolment amendment is made after an invoice has been given to a student or sponsor, and as a result of that enrolment amendment the student is required to pay a reduced fee, the student is to be eligible for a fee reduction or refund as applicable.
- (3) If a fee reduction applies, the Academic Registrar must ensure that the student is given an amended invoice showing the reduced fee.

- (4) If a refund applies, the amount of the refund is to be determined and paid in accordance with Part 6.

Part 4 - Collecting fees

4.1 Term used

In this Part –

approved method of payment means a method of payment of a fee approved or permitted under this Part.

4.2 Requirement to pay

A student or sponsor must pay a fee in accordance with an approved method of payment.

4.3 Approved methods of payment

- (1) The Chief Financial Officer, after consultation with the Academic Registrar, must approve methods of payment of a fee.
- (2) The Academic Registrar must publish details of the methods of payment approved by the Chief Financial Officer.

4.4 Satisfying eligibility conditions for a Government Loan Scheme

- (1) Satisfying the eligibility requirements for a Government Loan Scheme that are relevant to a fee is to be treated as an approved method of payment for that fee.

Note: for example -

1. HECS-HELP is relevant to student contribution amounts;
 2. FEE-HELP is relevant to tuition fees for domestic students; and
 3. SA-HELP is relevant to student services and amenities fees.
- (2) A student will satisfy the eligibility requirements for a Government Loan Scheme if the student satisfies the conditions of entitlement to assistance under that Government Loan Scheme as specified in the *Higher Education Support Act 2003*.

Notes:

1. A student's entitlement to HECS-HELP assistance is specified in section 90-1 of the *Higher Education Support Act 2003*.
2. A student's entitlement to FEE-HELP assistance is specified in section 104-1 of the *Higher Education Support Act 2003*.
3. A student's entitlement to SA-HELP assistance is specified in section 126-1 of the *Higher Education Support Act 2003*.

4.5 Sponsorship agreements

- (1) All or part of the fee or fees payable by a student may be paid by a sponsor on behalf of the student in accordance with a sponsorship agreement (made between the student, the sponsor and the University).
- (2) The Academic Registrar must approve and publish details of –
 - (a) the process that is to be followed in making a sponsorship agreement; and
 - (b) the form in which the sponsorship agreement is to be made.
- (3) A sponsorship agreement must be in accordance with the process, and in the form, approved and published by the Academic Registrar.

4.6 Payment of tuition fee by instalments

- (1) A student who experiences extenuating circumstances and has difficulty in paying a tuition fee by the due date may apply to the Academic Registrar, in the manner approved by the Academic Registrar, to pay the tuition fee by instalments.
- (2) After giving due consideration to the student's circumstances, the Academic Registrar may approve or refuse the student's application and, if the application is approved, must determine the number, due date and amount of each payment instalment.

Part 5 - Penalties for non payment and late payment

5.1 Requirement to pay by due date

- (1) A student or, where relevant, a sponsor must pay the invoiced amount of a fee on or before the due date.
- (2) If the student fails to pay the invoiced amount of a fee on or before the due date, the Academic Registrar may impose on the student a penalty that may include -
 - (a) a late payment fee;
 - (b) an academic penalty; and
 - (c) cancellation of enrolment.
- (3) If a sponsor fails to pay the invoiced amount of a fee on behalf of a student on or before the due date, the Academic Registrar may impose -
 - (a) on the sponsor – a penalty of a financial nature that could otherwise have been imposed on the student; and
 - (b) on the student – a penalty of a non-financial nature as if the sponsorship agreement did not exist.
- (4) To avoid doubt, the Academic Registrar may impose more than one penalty and more than one type of penalty on a student or sponsor under this rule.

5.2 Late payment fees

- (1) Late payment fees may be imposed by the Council and, if imposed, must be published in accordance with rule 2.2.
- (2) A student may be charged a late payment fee if the student has not paid in full a fee, using an approved method of payment, on or before the due date.
- (3) A student may be charged a late payment fee if the student has not paid in full the amount of an approved payment instalment on or before the due date for that payment instalment.
- (4) The Academic Registrar may waive the imposition, or reduce the amount, of a late payment fee where the student demonstrates, to the satisfaction of the Academic Registrar, the existence of circumstances that warrant the late payment fee being waived or reduced.

5.3 Academic penalties

- (1) If a student fails to pay the invoiced amount of a fee (or an instalment of a fee) before the due date, the Academic Registrar must impose the following academic penalties until the outstanding fee is paid in full -
 - (a) the student's results (for the relevant study period) are to be withheld;
 - (b) the student is not to be permitted to re-enrol; and
 - (c) the student is not to be permitted to graduate.
- (2) If a student –
 - (a) fails to pay the invoiced amount of a tuition fee by the due date; and
 - (b) has approval under rule 4.6 to pay the tuition fee by instalments,the Academic Registrar must impose the following academic penalties until the outstanding tuition fee is paid in full –
 - (c) the student's results (for the relevant study period) are to be withheld; and
 - (d) the student is not to be permitted to graduate.
- (3) The academic penalties under this rule are to be imposed whether or not a late payment fee has been imposed.
- (4) An academic penalty imposed on a student must be recorded on the student's student record.

5.4 Cancellation of enrolment

- (1) If a student is liable to pay a student contribution amount and, on or before the relevant census date, fails -
 - (a) to pay the student contribution amount; or

(b) to satisfy the eligibility requirements for the HECS-HELP loan scheme,

the Academic Registrar must cancel the student's enrolment in accordance with the requirements of the *Higher Education Support Act 2003* (C'th).

(2) If a student is liable to pay a tuition fee and, on or before the relevant census date, fails-

(a) to pay the tuition fee in full;

(b) to have a payment instalment plan approved by the Academic Registrar;
or

(c) to satisfy the eligibility requirements for a relevant Government Loan Scheme,

the Academic Registrar must cancel the student's enrolment.

(3) If a student is liable to pay a fee other than a student contribution amount or a tuition fee and, on or before the relevant due date or incurral date, fails -

(a) to pay the fee in full; or

(b) to satisfy the eligibility requirements for a relevant government loan scheme,

the Academic Registrar may cancel the student's enrolment.

(4) If the enrolment of a student is cancelled –

(a) under rule 5.4(1), it can be reinstated only where the student demonstrates, to the satisfaction of the Academic Registrar, that the University made an error in cancelling the enrolment; and

(b) under rule 5.4(2) or (3), it can be reinstated only in circumstances that are approved by the Academic Registrar.

(5) If the enrolment of a student is reinstated in accordance with these Rules, the student may be charged a re-instatement fee.

Part 6 - Refunding fees

6.1 Refunds of student contribution amounts

(1) If, on or before the relevant census date, a student follows the correct procedures to withdraw from a unit, the student -

(a) is to be entitled to a full refund of any student contribution amount they have paid for the unit on or before the census date; and

(b) if applicable, is to have no HECS-HELP debt reported for the unit.

Note: a refund of a student contribution amount must also comply with the requirements of the *Higher Education Support Act 2003* (C'th).

- (2) If, on or before the relevant census date, a student fails to follow the correct procedures to withdraw from a unit, or withdraws from a unit after the census date, the student -
 - (a) is not to be entitled to a refund of any student contribution amount paid for the unit on or before the census date; and
 - (b) is not to receive remission of any HECS-HELP debt incurred for the unit enrolment.
- (3) Despite rule 6.1(2), withdrawal from a unit after the relevant census date is to be treated as if it occurred prior to the census date if the student demonstrates to the satisfaction of the Academic Registrar that there are special circumstances that warrant that outcome and, in that case, the student –
 - (a) is to be entitled to a full refund of any student contribution amount paid for the unit on or before the census date; and
 - (b) if applicable, is to have no HECS-HELP debt reported for the unit.
- (4) The Academic Registrar must publish information on what constitutes special circumstances for the purposes of rule 6.1(3).
- (5) A student requesting a refund of a student contribution amount must apply in a form and manner approved by the Academic Registrar.

6.2 Refunds of other fees

- (1) This rule applies to any fee that is not a student contribution amount.
- (2) The Council is to determine a refund schedule for each fee specifying -
 - (a) the circumstances in which a student is to be eligible for a full or partial refund of the fee; and
 - (b) the amount of the refund that is payable in those circumstances.
- (3) The Academic Registrar must publish the refund schedule.
- (4) The Academic Registrar must approve and publish -
 - (a) the process a student must follow in order to claim a refund of a fee;
 - (b) how decisions are to be made by the University with respect to a student's claim for refund of a fee;
 - (c) how the University is to deal with a refund for a fee; and
 - (d) the effect that the refund is to have on the student's debt under any relevant Government Loan Schemes.

Part 7 - Review of decisions

7.1 Terms used

In this Part –

decision to which this Part applies means a decision relating to –

- (a) the charging of a fee to the student;
- (b) the amount of a fee charged to the student; or
- (c) the refusal of an application by the student for a full or partial refund or reduction of a fee charged to the student;

review officer means a person, or a person included in a class of persons, whom the Vice-Chancellor has appointed to be a review officer for the purpose of reviewing a decision; and

review procedures means the review procedures determined and published by the Academic Registrar under rule 7.2.

7.2 Publication of review procedures

- (1) The Academic Registrar must determine and publish procedures for the review of decisions to which this Part applies.
- (2) The procedures determined by the Academic Registrar must be consistent with relevant State and Commonwealth legislation.

Note: relevant Commonwealth legislation includes –

1. sections 19-45, 19-50 and 19-55 of the *Higher Education Support Act 2003* (Cth); and
2. the Higher Education Provider Guidelines.

7.3 Application for review

- (1) A student may apply for the review of a decision to which this Part applies.
- (2) An application must -
 - (a) be in writing; and
 - (b) be made within the time, and in accordance with the requirements, specified in the review procedures.

7.4 Review officer

- (1) The review of a decision to which this Part applies is to be undertaken by a review officer.

Note: under section 19-50 of the *Higher Education Support Act 2003* (Cth), a review officer must be appointed by the Vice-Chancellor (or by a delegate of the Vice-Chancellor).

- (2) A person cannot be a review officer in respect of a decision if he or she -
- (a) was involved in making the decision; or
 - (b) does not occupy a position that is senior to that occupied by any person involved in making the original decision.

7.5 Determining the application

- (1) The review officer undertaking the review of a decision to which this Part applies must –
- (a) confirm the decision;
 - (b) vary the decision; or
 - (c) set the decision aside and substitute a new decision.
- (2) The review officer must, within the time (if any) specified in the review procedures, by written notice inform the student of -
- (a) the review officer’s decision;
 - (b) the reasons for the decision; and
 - (c) any other matter, including any further right of review that the student may have, that is specified in the review procedures.

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