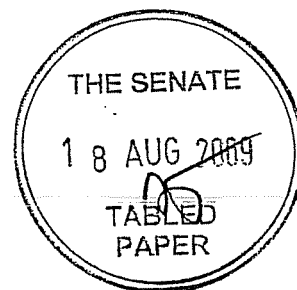




**The Hon Kate Ellis MP**  
Minister for Early Childhood Education,  
Child Care and Youth  
Minister for Sport



Senator Hanson-Young  
Parliament House  
Canberra ACT 2600

Dear Senator

I am writing to confirm the outcome of our conversations in relation to monitoring compliance with the proposed student services and amenities fee provisions of the *Higher Education Support Act 2003* and guidelines arising from the Higher Education Legislation Amendment (Student Services and Amenities and Other Measures) Bill 2009.

The proposed provisions on student services and amenities fees (amendments to section 19-37 and new section 19-38) will be part of the "quality and accountability requirements" in the *Higher Education Support Act 2003*.

Section 54-1 of the Act empowers the Minister to revoke a body's approval as a higher education provider if the Minister is satisfied that the body has breached a quality and accountability requirement and that it is appropriate to revoke the approval.

Section 54-1 of the Act empowers the Minister to determine that a grant to be made to a provider is to be reduced or an amount granted is to be repaid if the provider has breached a condition of a grant and the Minister considers it appropriate to take that action. Compliance with the quality and accountability requirements is a condition of all grants to higher education providers under the Act.

In both cases the Act sets out matters which the Minister may consider and the process to be followed (including allowing the provider to make a submission on why the action should not be taken and considering that submission).

This letter confirms our agreement to the inclusion of undergraduate, postgraduate, and international students in both the fee and advocacy guidelines that we negotiated with your office, as follows:

In the penultimate paragraph of the Student Services and Amenities Fee Guidelines (as published on the Department's website), prior to the alphabet list, we will add "undergraduate, postgraduate and international enrolled students" as follows:

Allowable uses of the fee in relation to services and amenities may include the categories listed below. In all cases the purpose would include but not be limited to, the director provision of the service or amenity, the provision of infrastructure (including new construction) and subsidies that would reduce the price that students, including undergraduate, postgraduate and international enrolled students may have to pay.

And in the Advocacy guidelines:

Part 1 (2) will read: HEPs must ensure that students, including undergraduate, postgraduate and international enrolled students are provided with information on how to access;...

Part 2 – National Student Representation Protocols  
(3) will read: A HEP must provide ensure enrolled students, including postgraduate, undergraduate and international with the opportunity to participate in a process to democratically elect student representatives.

In addition, in relation to compliance, there will be new requirements for each higher education provider to report the amount of revenue from the student services and amenities fee and the expenditure of that revenue (in aggregate) on the purposes that are specified in the Student Services and Amenities Fee Guidelines and any expenditure of that revenue on purposes not in accordance with the Guidelines.

These will be included in the (publicly available) annual reports that higher education providers provide to the Department of Education, Employment and Workplace Relations in September each year.

In addition, each higher education provider will be required to provide an annual compliance certificate, signed by each Vice Chancellor, along the lines of "XYZ university charged student services and amenities fees strictly in accordance with the HESA and the Fee Guidelines made under the HESA and the revenue from the fee was spent strictly in accordance with the Act and Guidelines and only on services and amenities in the following categories as specified in the guidelines (with a tick list of the various categories).



**Kate Ellis**

**18 AUG 2009**