Administration Guidelines

as amended

made under section 238-10 of the

Higher Education Support Act 2003

This compilation was prepared on 23 May 2007
taking into account amendments up to Amendment No. 1 of the Administration Guidelines F2007L01375.

Prepared by the Legislation Section, Legal Branch, Department of Education, Science and Training.
COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

ADMINISTRATION GUIDELINES

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER 1 INTRODUCTION</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 PURPOSE</td>
<td>3</td>
</tr>
<tr>
<td>1.5 INTERPRETATION</td>
<td>3</td>
</tr>
<tr>
<td>CHAPTER 2 NOTICE TO STUDENTS</td>
<td>5</td>
</tr>
<tr>
<td>2.1 PURPOSE</td>
<td>5</td>
</tr>
<tr>
<td>2.3 NOTICES THAT A HIGHER EDUCATION PROVIDER MUST GIVE TO A PERSON</td>
<td>5</td>
</tr>
<tr>
<td>2.5 INFORMATION THAT A NOTICE MUST CONTAIN</td>
<td>5</td>
</tr>
<tr>
<td>2.10 PERIOD WITHIN WHICH A NOTICE MUST BE GIVEN</td>
<td>6</td>
</tr>
<tr>
<td>CHAPTER 3 WORK EXPERIENCE IN INDUSTRY</td>
<td>7</td>
</tr>
<tr>
<td>3.1 PURPOSE</td>
<td>7</td>
</tr>
<tr>
<td>3.5 OTHER REQUIREMENTS THAT MUST BE MET TO DETERMINE THAT WORK IS WORK EXPERIENCE IN INDUSTRY</td>
<td>7</td>
</tr>
<tr>
<td>3.10 CIRCUMSTANCES IN WHICH STUDENTS ARE EXEMPT STUDENTS FOR UNITS OF STUDY THAT WHOLLY CONSIST OF WORK EXPERIENCE IN INDUSTRY</td>
<td>7</td>
</tr>
<tr>
<td>CHAPTER 4 PUBLICATION REQUIREMENTS FOR CENSUS DATES AND EFTSL VALUES</td>
<td>8</td>
</tr>
<tr>
<td>4.1 PURPOSE</td>
<td>8</td>
</tr>
<tr>
<td>4.5 PERIODS</td>
<td>8</td>
</tr>
<tr>
<td>4.10 DATE BY WHICH, AND MANNER IN WHICH, CENSUS DATES AND EFTSL VALUES MUST BE PUBLISHED BY A HIGHER EDUCATION PROVIDER</td>
<td>8</td>
</tr>
<tr>
<td>4.15 DATES BEFORE WHICH A VARIATION TO A PUBLISHED CENSUS DATE OR EFTSL VALUE MUST BE MADE</td>
<td>8</td>
</tr>
<tr>
<td>4.20 CIRCUMSTANCES IN WHICH A PUBLISHED CENSUS DATE OR EFTSL VALUE MAY BE VARIED</td>
<td>9</td>
</tr>
<tr>
<td>4.25 DATE BY WHICH, AND MANNER IN WHICH, A VARIED CENSUS DATE OR EFTSL VALUE MUST BE PUBLISHED</td>
<td>9</td>
</tr>
<tr>
<td>CHAPTER 5 ELECTRONIC COMMUNICATION</td>
<td>10</td>
</tr>
<tr>
<td>5.1 PURPOSE</td>
<td>10</td>
</tr>
<tr>
<td>5.5 INFORMATION TECHNOLOGY REQUIREMENTS</td>
<td>10</td>
</tr>
<tr>
<td>5.10 REQUIREMENTS RELATING TO METHODS TO BE USED BY STUDENTS TO IDENTIFY THEMSELVES AND INDICATE THEIR APPROVAL OF DOCUMENTS</td>
<td>11</td>
</tr>
</tbody>
</table>
CHAPTER 1  INTRODUCTION

1.1  PURPOSE

1.1.1  The purpose of these guidelines is to:
(a) specify a notice that a higher education provider must, under subsection 169-5(1) of the Act, give to a person who is enrolled with the provider for a unit of study and who is seeking Commonwealth assistance, or is a Commonwealth supported student, for the unit;
(b) specify the information that a notice must contain under subsection 169-5(2) of the Act;
(c) specify the period within which a notice must be given under subsection 169-5(3) of the Act;
(d) specify the other requirements that must be met for work to be work experience in industry under part (d) of the definition of “work experience in industry” in ‘Schedule 1-Dictionary’ of the Act;
(e) specify the circumstances in which students are exempt students for units of study that wholly consist of work experience in industry under subsection 169-20(2) of the Act;
(f) specify periods under subsection 169-25(1) of the Act;
(g) specify the date by which, and the manner in which, census dates and EFTSL values must be published by a higher education provider under subsection 169-25(3) of the Act;
(h) specify the dates before which a variation to a published census date or EFTSL value must be made under subparagraph 169-25(4)(a)(i) of the Act;
(i) specify the circumstances in which a published census date or EFTSL value may be varied under subparagraph 169-25(4)(a)(ii) of the Act;
(j) specify the date by which, and the manner in which, a varied census date or EFTSL value must be published under subsection 169-25(5) of the Act;
(k) set out requirements, under subsection 174-5(1) of the Act, relating to information technology requirements for the electronic communication of information and documents between students and higher education providers;
(l) set out requirements, under subsection 174-5(2) of the Act, in respect of electronic communication from a student to a higher education provider, for:
   (i) unique identification of the student in an electronic form; and
   (ii) methods that may be used by students to identify themselves, and indicate their approval of the information communicated.

1.5  INTERPRETATION

1.5.1  In these guidelines, unless the contrary intention appears, terms used have the same meaning as in the Higher Education Support Act 2003.

1.5.5  In these guidelines, unless the contrary intention appears:

the Act means the Higher Education Support Act 2003;
FEE-HELP loan fee means the 20 per cent fee applied to a FEE-HELP loan as specified in paragraph 137-10(2)(a) of the Act
notice means a notice entitled “Commonwealth Assistance Notice”, as specified in chapter 2 of these guidelines; and
OS-HELP loan fee means the 20 per cent fee applied to an OS-HELP loan as specified in subsection 137-15(2) of the Act.
Terms in these guidelines that are in *italics* have the meaning stated in 1.5.5 of these guidelines.
CHAPTER 2 NOTICE TO STUDENTS

2.1 PURPOSE

2.1.1 The purpose of this chapter is to specify the:
(a) notice that a higher education provider must, under subsection 169-5(1) of the Act, give to a person who is enrolled with the provider for a unit of study and who is seeking Commonwealth assistance, or is a Commonwealth supported student, for the unit;
(b) information that a notice must contain under subsection 169-5(2) of the Act; and
(c) period within which a notice must be given under subsection 169-5(3) of the Act.

2.3 NOTICES THAT A HIGHER EDUCATION PROVIDER MUST GIVE TO A PERSON

2.3.1 A higher education provider must give a notice to any person who meets the requirements of paragraph 2.1.1(a) of these guidelines.

2.5 INFORMATION THAT A NOTICE MUST CONTAIN

2.5.1 The notice must include the title ‘Commonwealth Assistance Notice’.

2.5.5 The notice must include the following information, as applicable, to the person’s enrolment at the census date for the unit(s) of study to which the notice applies:
(a) the person’s name;
(b) the name of the higher education provider;
(c) the person’s student identification number as issued by the higher education provider;
(d) the person’s Commonwealth Higher Education Student Support Number (CHESSN);
(e) the higher education award(s) in which the person is enrolled at the higher education provider for which EFTSL is recorded at the census date(s) contained in the notice;
(f) the student cohort to which the person belongs;
(g) the total EFTSL in which the person is enrolled;
(h) the total amount by which the person’s Student Learning Entitlement (SLE) is reduced;
(i) the total amount of up-front payment;
(j) the total amount of HECS-HELP discount;
(k) the total amount of HECS-HELP debt;
(l) the total amount of FEE-HELP assistance;
(m) the total amount of the FEE-HELP loan fee; and
(n) the total amount of FEE-HELP debt.

2.5.10 For each unit of study, the notice must include the following information, as applicable, to each person’s enrolment:
(a) the identification code;
(b) the census date;
(c) whether the person is required to make a student contribution or pay tuition fees or is an exempt student (which may be referred to as the person’s ‘status’);
(d) the EFTSL value;
(e) the amount by which the person’s SLE is reduced;
(f) the student contribution amount;
(g) the tuition fee amount;
(h) the amount of up-front payment;
(i) the amount of HECS-HELP discount;
(j) the amount of HECS-HELP debt;
(k) the amount of FEE-HELP assistance;
(l) the amount of the FEE-HELP loan fee; and
(m) the amount of FEE-HELP debt.
2.5.15 Where the information required under paragraphs 2.5.10(b) and 2.5.10(c) of these guidelines is identical in respect of all of the units of study to which the notice applies, that information may be provided for the notice as a whole under paragraph 2.5.5 of these guidelines.

2.5.17 In 2005, higher education providers unable to include in a notice the details required under paragraph 2.5.10 of these guidelines for each unit of study may include the details for each course of study within which the units of study are undertaken.

2.5.20 Where a higher education provider has selected a person to receive OS-HELP assistance, the notice must include the following information:
(a) the six month period to which the OS-HELP assistance relates;
(b) the amount of OS-HELP assistance for the relevant six month period;
(c) the amount of the OS-HELP loan fee for the relevant six month period; and
(d) the total amount of OS-HELP debt for the relevant six month period.

2.5.25 A notice that contains information in respect of Commonwealth support or FEE-HELP assistance must prominently display one or both of the following two statements, as applicable:

“It is your responsibility to ensure that you have sufficient Student Learning Entitlement (SLE) to cover the units of study for which this notice indicates that you are Commonwealth supported. You are eligible to be Commonwealth supported for units of study contained in this notice only if you have sufficient SLE to cover those units.”

or

“It is your responsibility to ensure that you have sufficient FEE-HELP balance to cover the FEE-HELP amounts indicated in this notice. You are eligible for the amounts of FEE-HELP assistance contained in this notice only if you have sufficient FEE-HELP balance to cover those amounts.”

2.5.27 A notice that contains information in respect of Commonwealth support or FEE-HELP assistance must prominently display the following statement:

“The information regarding Commonwealth assistance contained in this notice is correct only insofar as you have correctly advised this higher education provider of your entitlement to that assistance under the Higher Education Support Act 2003.”

2.5.30 A notice must include information on the person’s right, under sections 169-10(2) to 169-10(4) of the Act, to request the correction of information contained in the notice.

2.5.35 A notice may contain other information as determined by the higher education provider.

2.10 PERIOD WITHIN WHICH A NOTICE MUST BE GIVEN

2.10.5 A notice that contains information in respect of unit(s) of study (including unit(s) in course(s) of study under paragraph 2.5.17 of these guidelines) that are Commonwealth supported, or for which the person has sought FEE-HELP assistance, must be given within 28 days of the earliest census date indicated in the notice under paragraph 2.5.10(b) of these guidelines.

2.10.10 A notice that contains information in respect of OS-HELP assistance must be given within 28 days of the date on which the OS-HELP debt was incurred.
CHAPTER 3 WORK EXPERIENCE IN INDUSTRY

3.1 PURPOSE

3.1.1 The purpose of this chapter is to specify the:
(a) other requirements that must be met for work to be work experience in industry under part (d) of the definition of “work experience in industry” in ‘Schedule 1-Dictionary’ of the Act; and
(b) circumstances in which students are exempt students for units of study that wholly consist of work experience in industry under subsection 169-20(2) of the Act.

3.5 OTHER REQUIREMENTS THAT MUST BE MET TO DETERMINE THAT WORK IS WORK EXPERIENCE IN INDUSTRY

3.5.1 Work is not work experience in industry if all the following are performed by staff of the higher education provider or by persons engaged by the higher education provider:
(a) ongoing and regular input and contact with the student; and
(b) oversight and direction of work occurring during its performance; and
(c) definition and management of the implementation of educational content and objectives of the unit; and
(d) definition and management of assessment of student learning and performance during the student placement; and
(e) definition and management of the standard of learning and performance to be achieved by the student during the student placement.

3.10 CIRCUMSTANCES IN WHICH STUDENTS ARE EXEMPT STUDENTS FOR UNITS OF STUDY THAT WHOLLY CONSIST OF WORK EXPERIENCE IN INDUSTRY

3.10.1 A student undertaking a given unit of study that wholly consists of work experience in industry is an exempt student under subsection 169-20(2) of the Act unless all the following are performed by staff of the higher education provider or by persons engaged by the higher education provider:
(a) interaction with the student, which may include site visits; and
(b) organisation of student placement; and
(c) ongoing monitoring of student work and progress; and
(d) assessment of student learning and performance during the student placement.
CHAPTER 4  PUBLICATION REQUIREMENTS FOR CENSUS DATES AND EFTSL VALUES

4.1 PURPOSE

4.1.1 The purpose of this chapter is to specify the:
(a) periods under subsection 169-25(1) of the Act;
(b) date by which, and the manner in which, census dates and EFTSL values must be published by a higher education provider under subsection 169-25(3) of the Act;
(c) date before which a variation to a published census date or EFTSL value must be made under subparagraph 169-25(4)(a)(i) of the Act;
(d) circumstances in which a published census date or EFTSL value may be varied under subparagraph 169-25(4)(a)(ii) of the Act; and
(e) date by which, and the manner in which, a varied census date or EFTSL value must be published under subsection 169-25(5) of the Act.

4.5 PERIODS

4.5.5 For the purposes of subsection 169-25(1) of the Act:
(a) the first period of a year commences on the 1st of January and ends on the 30th of June of that year.
(b) the second period of a year commences on the 1st of July and ends on the 31st of December of that year.

4.5.10 The periods specified in paragraph 4.5.5 of these guidelines are relevant only for the purposes of subsection 169-25(1) of the Act and paragraph 4.10.5 of these guidelines.

4.10 DATE BY WHICH, AND MANNER IN WHICH, CENSUS DATES AND EFTSL VALUES MUST BE PUBLISHED BY A HIGHER EDUCATION PROVIDER

4.10.5 The census date and EFTSL value for a unit of study must be published by a higher education provider by:
(a) the 1st of April of a year for units of study with a census date in the second period of that same year; and
(b) the 1st of October of a year for units of study with a census date in the first period of the subsequent year.

4.10.10 Where a higher education provider is making this information available only through the Internet or in other electronic format, the higher education provider must also provide students with access to an information system via which the student can access the information.

4.15 DATES BEFORE WHICH A VARIATION TO A PUBLISHED CENSUS DATE OR EFTSL VALUE MUST BE MADE

4.15.1 If circumstances covered in section 4.20 of these guidelines prevail, a higher education provider may vary a published census date or EFTSL value for a unit of study up to two months before the earlier of:
(a) the date of commencement of the unit of study; and
(b) the last date that a student can enrol in the unit of study without incurring a late enrolment fee.
4.20 **CIRCUMSTANCES IN WHICH A PUBLISHED CENSUS DATE OR EFTSL VALUE MAY BE VARIED**

4.20.1 A higher education provider may only vary a published census date or EFTSL value if:
(a) the reason for the change was unforeseen by the higher education provider at the time the census date or EFTSL value was published; and
(b) the reason for the change was beyond the higher education provider’s control; and
(c) the higher education provider has advised the Department of Education, Science and Training, in writing, of its intention to vary, and its reasons for varying, the published census date or EFTSL value.

4.20.5 For circumstances to be considered unforeseen under paragraph 4.20.1(a) of these guidelines, the circumstances must be unusual, uncommon or abnormal.

4.20.10 For circumstances to be considered beyond the higher education provider’s control under paragraph 4.20.1(b) of these guidelines, the circumstances must be such that a reasonable person would consider the circumstances to not be due to the higher education provider’s action or inaction, either direct or indirect.

4.25 **DATE BY WHICH, AND MANNER IN WHICH, A VARIED CENSUS DATE OR EFTSL VALUE MUST BE PUBLISHED**

4.25.1 This section applies only if sections 4.15 and 4.20 of these guidelines both apply.

4.25.5 A higher education provider that varies a published census date or EFTSL value must publish the varied census date or EFTSL value no later than two months before the earlier of the:
(a) date of commencement of the unit of study; or
(b) last date that a student can enrol in the unit of study without incurring a late enrolment fee.

4.25.10 Where a higher education provider is making this information available only through the Internet or in other electronic format, the higher education provider must also provide students with access to an information system via which the student can access the information.
CHAPTER 5 ELECTRONIC COMMUNICATION

5.1 PURPOSE

5.1.1 The purpose of this Chapter is to set out:
(a) under sub-section 174-5(1) and sub-section 238-10(1) of the Act, requirements relating to information technology requirements for the electronic communication of information and documents between students and higher education providers; and
(b) under sub-section 174-5(2) and sub-section 238-10(1) of the Act, requirements in respect of electronic communication from a student to a higher education provider, for:
   (i) unique identification of the student in an electronic form; and
   (ii) methods that may be used by students to identify themselves, and indicate their approval of the information communicated.

Note 1: This Chapter deals with the giving of information and documents by way of electronic communications. It is not intended to preclude the giving of information and documents between students and higher education providers by way of paper communications.

Note 2: Where the notice, document or information stored on the information system contains personal information of a student, the higher education provider is required to comply with the Privacy Act 1988 and Part 5.4 of the Act.

5.5 INFORMATION TECHNOLOGY REQUIREMENTS

5.5.1 Where the Act requires or permits a notice, or other document, to be given by a student to a higher education provider and that information is given by way of facsimile, email, web-based communication or any other form of electronic communications specified by the provider, the information system used for providing that information must be:
(a) accessible by students. An information system is accessible by students if the higher education provider has:
   (i) informed students, via a direct communication to students or via the higher education provider’s publications, that the communication in question will occur by electronic means using the information system; and
   (ii) given the students the authority to use the information system;
(b) secure, so that a student’s information can be accessed only by persons authorised by the higher education provider;
(c) able to store the notice, document or information so that it is readily accessible by the student and can be made available for subsequent reference;
(d) accessible in respect of requests for Commonwealth assistance where, in the case of a student submitting an electronic request for Commonwealth assistance:
   (i) the student must use a unique identifier to identify himself or herself and to indicate his or her approval of the conditions and requirements outlined in the request for Commonwealth assistance; and
   (ii) the system must automatically generate a date field on the request; and
(e) able to generate a printable receipt for the student.

5.5.2 Where the Act requires or permits a notice, or other document, to be given by a higher education provider to a student and that information is given by way of facsimile, email, web-based communication or any other form of electronic communications specified by the provider, the information must be given in accordance with the following requirements:
(a) the students are informed, via a direct communication to students or via the provider’s publications, that the communication in question will occur by electronic means;
(b) the students are given authority to use an information system for generating, sending, receiving, storing or otherwise processing the electronic communication; and
(c) the information system stores the notice, document or information sent to the student so that it is readily accessible by the student and can be made available for subsequent reference and printing by the student.

5.10 REQUIREMENTS RELATING TO METHODS TO BE USED BY STUDENTS TO IDENTIFY THEMSELVES AND INDICATE THEIR APPROVAL OF DOCUMENTS

5.10.1 Where a student is enabled to provide an electronic communication to a higher education provider in connection with giving a notice or other document (the information) under the Act, that is required to be signed and given to the provider, the higher education provider must have in place a method the student can use to uniquely identify himself or herself in the communication and to indicate his or her approval of the information in it.

Note: Where a student is required by the Act to provide a signature and the student acts in accordance with a method allowed for in 5.10.1, the student is taken to meet that requirement.

5.10.2 A method that a student can use to uniquely identify himself or herself may involve the student's using a unique, personal identifier, issued to the student by the provider. In relation to issuing an identifier to a student, a higher education provider must:
   (a) first verify the identity of the person to whom the identifier is to be issued; and
   (b) take all reasonable precautions to ensure that there is no unauthorised access to, or use of, the identifier; and
   (c) ensure that the student is advised that, apart from the higher education provider's obligations under paragraphs (a) and (b), the student is personally responsible for protecting the identifier.
Notes to the Administration Guidelines

Note 1

The Administration Guidelines in force under section 238-10 of the *Higher Education Support Act 2003* as shown in this compilation is amended as indicated in the Tables below.

**Table of Instruments**

<table>
<thead>
<tr>
<th>Title</th>
<th>Date of FRLI registration</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
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<tbody>
<tr>
<td>Administration Guidelines</td>
<td>13 Sept 2005 (see F2005L02593)</td>
<td>13 Sept 2005</td>
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<tr>
<td>Amendment No. 1 to the Administration Guidelines</td>
<td>21 May 2007 (see F2007L01375)</td>
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</tbody>
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Table of Amendments

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>Guidelines</td>
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</tr>
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<td>p. 1.1.1</td>
<td>am. F2007L01375</td>
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