COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

ADMINISTRATION GUIDELINES


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(i) CITATION

These guidelines may be cited as Amendment No. 1 to the Administration Guidelines.

(ii) AUTHORITY

These guidelines are made under subsection 238-10 of the Higher Education Support Act 2003 (the Act) for the purposes of Chapter 5 of the Act.

(iii) DATE OF EFFECT

These guidelines shall take effect on the day after the day on which they are registered on the Federal Register of Legislative Instruments.

(IV) AMENDMENT

These guidelines amend the Administration Guidelines made on 5 September 2005 and registered on 13 September 2005 (see F2005L02593)

ITEM 1

Repeal the table of contents and substitute:

“TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION 5
1.1 PURPOSE 5
1.5 INTERPRETATION 5

CHAPTER 2 NOTICE TO STUDENTS 7
2.1 PURPOSE 7
2.3 NOTICES THAT A HIGHER EDUCATION PROVIDER MUST GIVE TO A PERSON 7
2.5 INFORMATION THAT A NOTICE MUST CONTAIN 7
2.10 PERIOD WITHIN WHICH A NOTICE MUST BE GIVEN 8

CHAPTER 3 WORK EXPERIENCE IN INDUSTRY 9
3.1 PURPOSE 9
3.5 OTHER REQUIREMENTS THAT MUST BE MET TO DETERMINE THAT WORK IS WORK EXPERIENCE IN INDUSTRY 9
CIRCUMSTANCES IN WHICH STUDENTS ARE EXEMPT STUDENTS FOR UNITS OF STUDY THAT WHOLLY CONSIST OF WORK EXPERIENCE IN INDUSTRY

CHAPTER 4 PUBLICATION REQUIREMENTS FOR CENSUS DATES AND EFTSL VALUES

4.1 PURPOSE

4.5 PERIODS

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

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

4.20 CIRCUMSTANCES IN WHICH A PUBLISHED CENSUS DATE OR EFTSL VALUE MAY BE VARIED

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

CHAPTER 5 ELECTRONIC COMMUNICATION

5.1 PURPOSE

5.5 INFORMATION TECHNOLOGY REQUIREMENTS

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

ITEM 2

Chapter 1 – Delete paragraphs 1.1.1(k), 1.1.1(l) and 1.1.1(m) and substitute with the following:

“1.1.1(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;

1.1.1(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.”

ITEM 3

Delete the entire Chapter 5 and substitute with the following:

“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.