I, Professor Ian Young AO, Vice-Chancellor of the Australian National University, make the following rule.

Dated: 11 December 2015

Professor Ian Young AO
VICE-CHANCELLOR

[General Note:
The University is permitted to charge fees under section 41 of the Australian National University Act 1991 and section 19-85 of the Higher Education Support Act 2003 (‘the HES Act’). The Acts are accessible on the Internet at the following website: http://www.comlaw.gov.au/

This instrument relates to types of fees which the University is permitted to charge under the HES Act and which the Council has authorised for collection.

This instrument is designed to be consistent with the HES Act and with Guidelines issued by the Minister under that Act. The Guidelines are accessible on the Internet at the following website: http://www.innovation.gov.au]

PART 1 - PRELIMINARY

1 Name, commencement and authority
(1) This is the Fees Rule 2015.

(2) This instrument commences on the day after it is registered.

(3) This instrument is made under section 3 of the Fees Statute 2006.

[Note: Under section 50(3) of the Australian University Act 1991 a statute may empower any authority or officer of the University to make rules or orders. Section 9.5 of the Vice-Chancellorship Statute authorises the Vice-Chancellor to make rules and orders for a number of statutes, including the Fees Statute.]

2 Interpretation
(1) In this instrument:
Commonwealth supported place means a place within a course in which a Commonwealth supported student may enrol.
Commonwealth supported student has the meaning given in the HES Act.
contributing student means a Commonwealth supported student who receives HECS-HELP or FEE-HELP assistance.
course means a unit of study within the meaning of the HES Act.

coursework program means a program consisting either entirely of coursework or of a combination of coursework and research (the research component being less than two-thirds of the whole program).

cross-institutional student means:

(a) a person who is enrolled in a program offered by the University and is, for the purposes of that program, enrolled at another tertiary education institution in a course or other work requirement that forms part of a program offered by that institution; or

(b) a person who is enrolled in a program offered by another tertiary education institution and is, for the purposes of that program, enrolled in a course or other work requirement that forms part of a program offered by the University.

Deputy Vice-Chancellor, in relation to a matter, means the person who holds office as a Deputy Vice-Chancellor and who has portfolio responsibility for the matter.

domestic student means a person who is not an overseas student.

[Note: overseas student is defined in the HES Act.]

enrolled, in relation to a student or a program, means a student who has registered an enrolment in a course of the relevant program.

FEE-HELP is a loan scheme that assists eligible undergraduate or graduate students to pay their tuition fees.

graduate program means a program the completion of which leads to the awarding of a graduate degree, a graduate diploma or graduate certificate.

HECS-HELP means Higher Education Contribution Scheme - Higher Education Loan Program.


late fee includes a fine or penalty levied as a disincentive for late payment of fees under this instrument or late enrolment in, or withdrawal from, a course.

non-award program means a program which does not lead to the award of a degree, diploma or certificate, but which consists of a course or work requirement that forms part of an undergraduate or graduate program.

[Note: non-award program does not include studies undertaken on a non-award basis within the meaning of the HES Act.]

order means an order made under or for the purposes this instrument.

program means a course of study within the meaning of the HES Act, including a program of study offered by the University under rules made under the Programs and Awards Statute, or any course or any work requirement forming part of such a program.

Registrar, in relation to a function or matter, means the Registrar with portfolio responsibility for the function or matter concerned.

relevant authority, in relation to a student, means the Associate Dean, Registrar, or other authority, as appropriate, who is authorised under the relevant rules as the relevant authority for the program for which the student is or was enrolled.

research program means a program for which the research component comprises not less than two-thirds of the total program requirements.

SA Fee means the Student Services and Amenities Fee.

semester means first semester or second semester.

session includes, as the case requires:

(a) in relation to a person undertaking a coursework program — summer session, autumn session, winter session and spring session; or

(b) in relation to a person undertaking a research program — research quarter 1, research quarter 2, research quarter 3 and research quarter 4.

student, except in relation to a Commonwealth supported student where the HES Act definition of student applies, means a person who is, or is to be, enrolled in a program.

student contribution means a contribution payable under Part 4.
(2) Other words and expressions used in this instrument have the respective meanings given to them in the HES Act.  
[Note: For example, census date, course of study, overseas student and student contribution amount are defined in the HES Act.]

3 Application

(1) This instrument applies to persons who:
   (a) are admitted to candidature in programs offered by the University under rules made under the Programs and Awards Statute, or in any course or other work requirement forming part of such a program; or
   (b) use any ancillary service offered by the University; or
   (c) use the residential accommodation services offered by the University; or
   (d) undertake non-award studies offered by the University.

[Note: A student who wishes to use FEE-HELP must meet all the relevant requirements of the Commonwealth.]

(2) Notwithstanding anything else in this instrument, if the Vice-Chancellor or Deputy Vice-Chancellor arranges for a program to be offered in conjunction with another tertiary education institution or educational provider, the arrangement prevails over this instrument and this instrument is to be interpreted accordingly.

(3) In addition to and notwithstanding anything else in this instrument, if the Vice-Chancellor or Deputy Vice-Chancellor enters into a contract with a private or government organisation for a program to be offered, in relation to a person undertaking that program the contract prevails over this instrument and this instrument is to be interpreted accordingly.

PART 2 - TUITION FEES FOR DOMESTIC STUDENTS

4 Award programs

(1) A domestic student who is enrolled in any semester, session or trimester in a program for an award must pay to the University the tuition fees set out in, or worked out under, the orders for the courses to be undertaken in that program for that semester, session or trimester.

(2) However, a student referred to in subsection (1) is not required to pay particular fees set out in, or worked out under, the orders for the courses to be undertaken in a program if the student:
   (a) is eligible for FEE-HELP or HECS-HELP assistance from the Government and has taken out a FEE-HELP or HECS-HELP loan before the relevant census date; or
   (b) is a Commonwealth-funded Higher Degree by Research student; or
   (c) is a student who holds an Australian Postgraduate Award or an Australian Postgraduate (Industry) Award and is eligible for, but has not been awarded, a Commonwealth-funded Research Training Scheme place; or
   (d) is the holder of a full tuition fee scholarship funded by the University; or
   (e) is a person who holds a place fully funded by an employer;

and whose obligation to pay those fees is met under an award or other scheme or arrangement referred to in paragraph (a), (b), (c), (d) or (e).
(3) However, a student referred to in subsection (2) remains personally liable for the payment of any fees due to the University in respect of that student if the obligation to pay those fees is not met under an award, scheme or arrangement referred to in that subsection.

(4) Also, if the Vice-Chancellor, the Deputy Vice-Chancellor or the relevant Associate Dean sponsors all or part of the tuition fees for a student in accordance with the HES Act, the student is not liable to pay the fees so sponsored.

5 Non-award programs

(1) A student who is enrolled in a non-award program in any semester, session or trimester must pay the University the tuition fees set out in, or worked out under, the orders for the courses to be undertaken in the program for that semester, session or trimester.

(2) A student referred to in subsection (1) must pay the tuition fees referred to in that subsection whether or not the student's performance is to be examined.

(3) A contributing student who is enrolled in a course in a semester, session or trimester that does not have a Commonwealth supported place in that semester, session or trimester must pay the University the tuition fees set out in, or worked out under, the orders for that course.

(4) However, a cross-institutional student of another tertiary education institution who is enrolled in a course or other work requirement that forms part of a coursework program offered by the University is liable to pay the University the fees set out in, or worked out under, the orders for that course or other work requirement unless:
   (a) the student discharges their liability by taking out a FEE-HELP loan before the relevant census date; or
   (b) the student is awarded a Commonwealth Supported place by the University and either pays the student contribution or defers that student contribution amount using HECS-HELP.

(5) Also, if a cross-institutional student of another tertiary education institution holds a scholarship or other award that exempts the student from a requirement to pay tuition fees, the student is regarded as being enrolled at the other institution on a fee-paying basis.

PART 3 - FEES FOR OVERSEAS STUDENTS

6 Fees payable by overseas students

(1) An overseas student who is (or is to be) enrolled in a program for any semester, session or trimester must pay the University the fees set out in, or worked out under, the orders for the courses to be undertaken in that program for that semester, session or trimester.

[Note: overseas student is defined in the HES Act.]

(2) However, an overseas student referred to in subsection (1) is not required to pay particular fees set out in, or worked out under, the orders for the courses to be undertaken in a program if the student:
   (a) holds a scholarship, approved by the University, that meets the student's obligation to pay those fees; or
(b) has the tuition fees sponsored by the Vice-Chancellor, the Deputy Vice-Chancellor or the relevant Associate Dean in accordance with the Higher Education Provider Guidelines.

(3) However, an overseas student referred to in subsection (1) remains personally liable for the payment of any fees due to the University in respect of that student if the obligation to pay those fees is not met under a scholarship referred to in subsection (2).

7 Overseas students who become permanent residents

(1) An overseas student who is granted a permanent resident visa after having arrived in Australia ceases to be an overseas student and is to be treated as a domestic student if the HES Act, or a legislative instrument under the HES Act, so requires.

(2) However, an overseas student who is awarded a permanent residency visa must provide proof of their visa before the census date of the first course in the semester, session or trimester in which they are enrolled to be eligible to be recognised as a permanent resident for that semester, session or trimester.

(3) Also, an overseas student whose continued presence in Australia is subject to any limitation as to time imposed by law on the census date for a semester, session or trimester, remains an overseas student for that semester, session or trimester.

PART 4 - COMMONWEALTH SUPPORTED STUDENTS

[General Note: Commonwealth supported students are eligible domestic students that are offered a Commonwealth supported place by the University. Commonwealth supported students pay a contribution to the cost of their program whilst the Government pays the remainder of their tuition.]

8 Requirement to pay contributions

(1) A contributing student who is, in any semester, session or trimester, undertaking a program at the University on the census date for that program for that semester, session or trimester must pay to the University for that semester, session or trimester a student contribution amount, ascertained in accordance with section 19-87 of the HES Act, towards the cost of the provision of that program.

(2) A contributing student must discharge the student’s liability to make any HECS-HELP contribution on or before the relevant census date by:
   (a) making a full payment of the student contribution amount of the student contribution that the student is required to pay to the University; or
   (b) making a partial payment and deferring the unpaid part; or
   (c) deferring the entire payment.

[Note: Permanent residents cannot defer payment.]

(3) A contributing student who intends to defer payment of a student contribution liability for a semester, session or trimester in whole or in part must provide the Registrar with the student's Tax File Number or a Certificate of Application for a Tax File Number from the Australian Taxation Office before the census date for that semester, session or trimester.
(4) However, a student to whom subsection (3) applies who provides the Registrar with a Certificate of Application for a Tax File Number from the Australian Taxation Office must provide the Registrar with that Tax File Number within 21 days of it being issued.

(5) A contributing student of the kind referred to in subsection (2)(b) may in a semester, session or trimester make one or more payments of at least $500 per payment until the date notified by the Registrar, in writing, for making such payments in that semester, session or trimester, but the University will not accept any voluntary payments of any amount from such a student in that semester, session or trimester after that date.

(6) A notice referred to in subsection (5) must be published on the University’s website and on appropriate notice boards.

9 Appropriate officer

For the purposes of Chapter 5, Part 5-5 of the HES Act, appropriate officer means the person appointed by the Vice-Chancellor for that purpose.

[Note: At the commencement of this instrument, that person is the Registrar.]

10 Registrar’s duties

The Registrar must ensure compliance with the following provisions of the HES Act:

- section 169-5 (Notices);
- section 169-10 (Correction of notices);
- section 19-70 (Provider to provide statement of general information);
- section 154-55 (Higher Education Provider etc. to provide information to Commissioner).

PART 5 - FEES FOR GOODS OR SERVICES INCIDENTAL TO STUDIES

11 Fees for incidental services etc

A person who uses any incidental or additional service offered by the University must pay the amount of the fee or charge for that service.

[Note: For criteria to determine whether a fee is of a kind that is incidental to studies that may be undertaken by a university, see chapter 8 of the Higher Education Provider Guidelines made under section 238-10 of the HES Act.]

12 Student Services and Amenities Fee

A student who is enrolled in any semester, session or trimester at the University must, unless an order provides otherwise, pay to the University a fee, ascertained in accordance with section 19-37 of the HES Act, to support the provision to students of amenities and services not of an academic nature, regardless of whether the student chooses to use any of those amenities and services.
PART 6 - FEES FOR RESIDENTIAL ACCOMMODATION

13 Residential accommodation services fees

(1) Subject to the Halls of Residence Statute, the University House Statute and to any rules made under either of those statutes, if the orders so require, a person who uses the residential accommodation services offered by the University must pay the amount of the fee or charge for that service set out in, or worked out under, the orders.

(2) However, nothing in this section prevents the University from entering into a commercial arrangement with a person for the use of residential accommodation services requiring that person to pay a fee for that use.

(3) A fee payable under subsection (2) is a fee that is required to be paid under this instrument.

PART 7 - FEES FOR NON-AWARD STUDIES

14 Fees for non-award studies

A person who undertakes studies offered by the University (other than a program of instruction to enable the person to undertake a program) that are not required or permitted to be undertaken for the purpose of obtaining a degree, diploma, certificate or other award of the University, must pay the amount of the fee or charge for those studies set out in, or worked out under, this instrument or the orders.

PART 8 - COLLECTION OF FEES

15 Officers responsible for the collection of fees

(1) The Vice-Chancellor may appoint a nominee to collect the fees payable under this instrument.

(2) For the purposes of this Part, the Registrar is to be regarded as a nominee of the Vice-Chancellor.

16 Nominee to collect fees

(1) The Registrar must collect the fees and student contribution amount payable under Parts 2, 3, and 4, and any fees of a type payable under Part 5 as the Vice-Chancellor directs.

(2) A nominee must collect whichever fees payable under Part 5 as the Vice-Chancellor directs, and the fees payable under Parts 6 and 7.

(3) A nominee, other than the Registrar, has, for the purposes of this instrument, such powers as the Vice-Chancellor determines.

17 Powers of the Registrar

(1) The Registrar may, by notice, determine:
   (a) the date or dates for the payment of fees and student contribution amounts to the University; and
(b) the manner in which fees and student contribution amounts are to be paid; and
(c) the circumstances in which late fees may be imposed; and
(d) the circumstances, if any, and the conditions applying to payment by instalments; and
(e) the circumstances in which a person may be entitled to a refund of the whole or portion of the fees paid or to the remission of a fees debt; and
(f) the notice that a person is required to give the University of a change in the person's mailing or contact address.

(2) A notice may relate to all relevant students or to students of a particular class (including students to whom circumstances set out in the notice apply).

(3) The Registrar may, from time to time, by further notice, amend or revoke a notice.

(4) A notice referred to in this section must be published on the University’s website.

18 Extensions and exemptions
(1) The Registrar may:
   (a) extend the time for payment of fees to which this instrument or the orders apply; or
   (b) exempt a student from payment of a late fee or of an additional fee for the revival of an enrolment.

(2) However, the Registrar may not extend the payment due date for Commonwealth supported students beyond the census date.

19 Non-payment of fees by due date
(1) The Registrar may cancel the enrolment of a person as a student, and withdraw the rights and privileges to which that person would otherwise have been entitled, if fees payable by a person under this instrument or the orders are not paid:
   (a) before the relevant census date; or
   (b) within the period determined by the Registrar under section 18;

as the case requires.

(2) The cancellation of the enrolment of a person as a student does not extinguish any undischarged liability of the person to pay fees.

(3) In making a determination under subsection (1), the Registrar must act in accordance with the HES Act and the Education Services for Overseas Students Act 2000.

20 Applications for enrolment to be revived
(1) A person whose enrolment as a student has been cancelled may apply to the Registrar for that enrolment to be revived and the Registrar may grant the application.

(2) However, an application under subsection (1) must not be granted unless:
   (a) the relevant authority recommends that the enrolment be revived, subject to any conditions that the relevant authority may impose; and
(b) the applicant pays, in addition to all other fees (including late fees) that the applicant owes to the University, any additional fee that the applicant is required to pay under this instrument or the orders.

21 Liability of persons financially supported by third party

(1) The Vice-Chancellor may accept an undertaking by a third party (including a party within the University), or a nominee of the third party, to pay, on behalf of a person, fees payable to the University by that person.

(2) However, a person to whom this instrument applies remains personally liable for the payment of any fees due to the University in respect of that person but unpaid by the third party.

22 Sanctions against persons who fail to pay fees

(1) If a person fails to pay a fee which the person is required to pay under this instrument or the orders, the Registrar may direct that, while the fee remains unpaid:

(a) the person may not enrol or re-enrol in a program or course at the University; or

(b) the person may not be given a transcript of the person’s academic record; or

(c) the person may not be given the results of any assessment in a course or program; or

(d) the person may not receive a degree, diploma, certificate or other award of the University.

(2) In this section:

fee, in relation to a person, includes any of the following:

(a) a tuition fee;

(b) a late fee;

(c) a fee known as an SA Fee;

(d) an accommodation debt;

(e) a fee payable in relation to a financial assistance program or field trip;

(f) any other financial liability for a service rendered by the University in relation to that person.

PART 9 - MISCELLANEOUS

23 Service of notice

A notice required or permitted to be given to a person under this instrument is to be taken to have been given to the person if it was sent:

(a) by pre-paid post to the person at the address last notified to the Registrar as the person’s mailing or postal address for the relevant semester, session or trimester; or

(b) to the person at the e-mail address allocated to the person by the University; or

(c) to the person at a secure website which the person is required by the University to access.
24 Nominee may appoint agent

A nominee of the Vice-Chancellor appointed under section 15 to collect fees may appoint one or more persons to act as an agent of the nominee for the purposes of carrying out the nominee's functions.

25 Repeal etc.

(1) The Fees Rules 2014 are repealed.

(2) To remove any doubt, a reference in a rule, order or other document of the University to the Fees Rules (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.

26 Transitional

(1) To remove any doubt, any amount payable and unpaid under the Fees Rules 2014, and anything done under those rules and in effect immediately before the repeal of those rules, continues to be payable, or to have effect, as if the amount were payable, or the thing had been done, under this instrument.

(2) This section is additional to, and does not limit, the following provisions:

(a) section 7 of the Acts Interpretation Act 1901;
(b) section 7 of the Interpretation Statute.