

COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

FEE-HELP GUIDELINES

Making of Guidelines pursuant to section 238-10 of the *Higher Education Support Act 2003*

I, JULIE BISHOP, Minister for Education, Science and Training, pursuant to section 238-10 of the *Higher Education Support Act 2003* ("the Act"), make the attached Guidelines.

Dated this.....3rd.....day of.....August.....2007.

JULIE BISHOP

Minister for Education, Science and Training

COMMONWEALTH OF AUSTRALIA

Higher Education Support Act 2003

FEE-HELP GUIDELINES

(i) CITATION

These guidelines may be cited as the FEE-HELP Guidelines.

(ii) AUTHORITY

These guidelines are made under section 238-10 of the *Higher Education Support Act 2003*.

(iii) DATE OF EFFECT

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

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Higher Education Support Act 2003

FEE-HELP GUIDELINES

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CHAPTER 1 INTRODUCTION

1.1 INTERPRETATION

1.1.1 Unless the contrary intention appears, the terms within these FEE-HELP Guidelines have the same meaning as in the *Higher Education Support Act 2003* (the '**Act**').

1.1.5 In the FEE-HELP Guidelines, unless the contrary intention appears:

OUA means Open Universities Australia Pty Ltd (ACN 053 431 888);

DEST means the Commonwealth Department of Education, Science and Training;

The **annual financial reporting period** for OUA is the period of 12 months to which OUA's accounts relate;

Administration Guidelines means the Administration Guidelines made under section 238-10 of the Act; and

Higher Education Provider Guidelines means the Higher Education Provider Guidelines made under section 238-10 of the Act.

CHAPTER 2 BRIDGING COURSES FOR OVERSEAS-TRAINED PROFESSIONALS

2.1 PURPOSE

2.1.1 The purpose of this chapter is to:

- (a) specify the listed professional occupations for the purposes of section 104-60 of the Act; and
- (b) specify the assessing bodies for those listed professional occupations for the purposes of section 104-55 of the Act.

2.5 LISTED PROFESSIONAL OCCUPATIONS AND ASSESSING BODIES

2.5.5 The following table specifies listed professional occupations, the assessing bodies for those listed professional occupations, and the State or Territory in which the body is an assessing authority in cases where the assessing authority is limited to a State or Territory.

2.5.10 Under section 104-50 of the Act, assessing bodies may issue assessment statements for the purposes of FEE-HELP for their listed professional occupation in the State or Territory specified. Where an assessing body is not limited to a particular State or Territory, it may issue assessment statements in all States and Territories.

LISTED PROFESSIONAL OCCUPATION	ASSESSING BODY	STATE OR TERRITORY
Accountants	CPA Australia ABN 64 008 392 452	All States and Territories
Accountants	Institute of Chartered Accountants in Australia ABN 50 084 642 571	All States and Territories
Accountants	National Institute of Accountants ABN 81 004 130 643	All States and Territories
Architects	Architects Accreditation Council of Australia ABN 83 465 163 655	All States and Territories
Cadastral Surveyors	Institution of Surveyors, Australia ABN 39 917 817 054	All States and Territories
Dentists	Australian Dental Council ABN 70 072 269 900	All States and Territories
Dietitians	Dietitians Association of Australia ABN 34 008 521 480	All States and Territories
Legal Practitioners - Barristers - Solicitors	Legal Profession Admission Board ABN 50 581 255 931	NSW
Legal Practitioners - Barristers - Solicitors	Legal Practitioners Admission Board	ACT
Legal Practitioners - Barristers - Solicitors	Legal Practitioners Admission Board	NT
Legal Practitioners - Barristers - Solicitors	Barristers' and Solicitors' Boards (Queensland)	QLD
Legal Practitioners - Barristers - Solicitors	Board of Examiners, C/- Legal Practitioners' Registry.	SA
Legal Practitioners - Barristers - Solicitors	Board of Legal Education	TAS
Legal Practitioners - Barristers - Solicitors	Council of Legal Education	VIC

Legal Practitioners - Barristers - Solicitors	The Legal Practice Board Western Australia ABN 23 127 312 585	WA
Medical Practitioners (General)	Australian Medical Council Incorporated ABN 19 814 243 263	All States and Territories
Nuclear Medicine Technologists	Australian & New Zealand Society of Nuclear Medicine Inc ABN 42 512 102 604	All States and Territories
Occupational Therapists	Council of Occupational Therapists Registration Boards Aust & NZ Incorp ABN 50 377 833 627	All States and Territories
Optometrists	Optometry Council of Australia and New Zealand ABN 38 074 875 111	All States and Territories
Pharmacists	Council of Pharmacy Registering Authorities Inc ABN 45 568 153 354	All States and Territories
Physiotherapists	Australian Physiotherapy Council ABN 28 108 663 896	All States and Territories
Podiatrists	Australasian Podiatry Council ABN 24 008 488 748	All States and Territories
Radiographers	Australian Institute of Radiography ABN 26 924 779 836	All States and Territories
Registered Nurses	ACT Nursing and Midwifery Board	ACT
Registered Nurses	The Nurses and Midwives Board of NSW ABN 41 356 382 097	NSW
Registered Nurses	The Nursing Board of the Northern Territory ABN 43 327 327 719	NT
Registered Nurses	Queensland Nursing Council ABN 31 518 972 839	QLD
Registered Nurses	Nurses Board of South Australia ABN 61 964 469 696	SA
Registered Nurses	Nursing Board of Tasmania ABN 33 786 914 844	TAS
Registered Nurses	Nurses Board of Victoria ABN 96 394 267 286	VIC
Registered Nurses	The Nurses Board of Western Australia ABN 70 013 199 477	WA
School Teachers	ACT Department of Education & Training ABN 71506957312	ACT
School Teachers	NSW Department of Education and Training ABN 40 300 173 822	NSW
School Teachers	Department of Employment, Education and Training ABN 84 085 734 992	NT
School Teachers	Queensland College of Teachers ABN 49 750 572 133	QLD
School Teachers	Teachers Registration Board of SA ABN 18 376 765 315	SA
School Teachers	Department of Education Tasmania ABN 26 237 631 294	TAS
School Teachers	Employment Assessment Centre, Department of Education ABN 52 705 101 522	VIC
School Teachers	Victorian Institute of Teaching ABN 12 386 253 536	VIC
School Teachers	Department of Education and Training ABN 69 769 481 770	WA
Social Workers	Australian Association of Social Workers ABN 93 008 576 010	All States and Territories
Speech Pathologists	The Speech Pathology Association of Australia Limited ABN 17 008 393 440	All States and Territories
Veterinarians	Australasian Veterinary Boards Council Incorporated ABN 49 337 540 469	All States and Territories

CHAPTER 3 REQUIREMENTS FOR OPEN UNIVERSITIES AUSTRALIA (OUA)

3.1 PURPOSE

- 3.1.1 The purpose of this chapter is to set out requirements for OUA for the purposes of section 104-3 of the Act.

3.5 FINANCIAL VIABILITY REQUIREMENTS

- 3.5.1 OUA:

- a) must be financially viable; and
- b) must be likely to remain financially viable.

- 3.5.5 If a student accesses a unit of study through OUA for which the student has received assistance under Chapter 3, OUA must give to the Minister a financial statement for that annual financial reporting period.

- 3.5.10 The statement must be provided:

- a) in the form approved by the Minister under paragraph 19-10(2)(a) of the Act for financial statements given by higher education providers pursuant to section 19-10 of the Act; and
- b) together with a report on the statement by an independent qualified auditor; and
- c) within 6 months after the end of the annual financial reporting period for which the statement was given.

3.10 QUALITY REQUIREMENTS

- 3.10.1 For the purposes of paragraph 104-3(2)(b) of the Act, OUA must have an Academic Programmes Board, or its equivalent, to make recommendations to OUA's Chief Executive Officer on:

- a) the academic programme offered by OUA;
- b) the units to be offered, their content and their mode of delivery;
- c) assessment and other academic procedures;
- d) the accreditation of the units to be offered; and
- e) quality assurance arrangements for OUA;

for the on-going assurance of the quality of tuition accessed through OUA.

- 3.10.5 OUA shall have on its Academic Programmes Board, or its equivalent, representatives from universities that:

- a) make available to OUA, units of study for which a student may be entitled to receive FEE-HELP;
- b) recognise units of study and sequences of units of study within a discipline that are successfully completed with OUA as contributing to the requirements of their higher education awards; and
- c) agree to conform to the educational and other principles determined by OUA's Board of Directors.

3.10.10 OUA must advise the Minister before there is any change to the role and functioning of its Academic Programmes Board, or its equivalent. OUA must provide this advice in writing at least 30 days before the change takes effect. The advice must contain details on the nature of the change that is to occur and the date on which the change is to occur.

3.10.15 OUA must ensure that students who access a unit of study through OUA receive all the learning materials, services and experiences necessary to complete all the requirements of each unit of study for the tuition fee.

OUA must ensure that each unit of study accessed through OUA and for which a student may be entitled to receive FEE-HELP is of a standard that enables it to be recognised as contributing to the requirements of a higher education award issued by a higher education provider.

3.10.20 OUA must ensure that the content and sequencing of the units of study to which it provides access enables a student:

- a) to progress their studies within a discipline in a coherent manner, consistent with sound curriculum principles; and
- b) to have a sequence of successfully completed units of study within a discipline recognised as contributing to the requirements of a higher education award issued by a higher education provider.

3.10.25 OUA must offer appropriate information and advice to its students on:

- a) the requirements and demands of units of study and sequences of units of study within a discipline, including progression requirements to year 2 and 3 level units; and
- b) the requirements for having units of study, and sequences of units of study within a discipline, recognised as contributing to the requirements of a higher education award of a higher education provider.

3.10.30 OUA will provide to all students and higher education providers the information necessary for a provider to consider granting credit for units successfully completed through OUA.

3.15 FAIRNESS REQUIREMENTS

3.15.1 For the purposes of paragraph 104-3(2)(c) of the Act, OUA must treat fairly:

- a) all of the students who access unit/s of study through OUA; and
- b) all of the persons seeking to access unit/s of study through OUA in accordance with this section 3.15.

3.15.5 OUA must allow any person who is an Australian citizen, a citizen of New Zealand who will be resident in Australia for the duration of the unit, or a permanent visa holder who will be resident in Australia for the duration of the unit, to undertake any unit of study that may be accessed through OUA, provided the person:

- a) has successfully completed any unit/s of study that may be accessed through OUA and which is identified by OUA as a pre-requisite to undertaking the unit; and

- b) pays to OUA the tuition fee for the unit; and
- c) does not have any outstanding debt to OUA; and
- d) is not in breach of the regulations of OUA or the relevant higher education provider.

3.15.10 OUA must have:

- a) a grievance procedure relating to non-academic matters for dealing with complaints by students who access unit/s of study through OUA, and persons who seek to access unit/s of study through OUA; and
- b) a review procedure for dealing with review of decisions made by OUA relating to assistance under Part 3-3 of the Act.

3.15.15 OUA must ensure that its:

- a) grievance procedure relating to non-academic matters complies with the requirements that are specified in the Higher Education Provider Guidelines for the non-academic grievance procedures of higher education providers; and
- b) review procedure for dealing with review of decisions made by OUA relating to assistance under Part 3-3 of the Act complies with the requirements that are specified in the Higher Education Provider Guidelines for the review procedures of higher education providers for decisions in relation to assistance under Chapter 3 of the Act

3.15.20 OUA must ensure that all of the students who access a unit of study through OUA have their complaints about academic matters dealt with through the academic grievance procedure of the higher education provider that has made the unit available through OUA.

3.15.25 OUA must publish, and make publicly available, up to date information setting out:

- a) its non-academic grievance and review procedures and any other complaint mechanisms available to complain about OUA's decisions; and
- b) how students are to submit a complaint about an academic matter to a higher education provider that has made a unit of study available through OUA.

3.15.30 OUA must appoint a review officer to undertake reviews of decisions made by OUA relating to a person's application for re-crediting of the person's FEE-HELP balance.

3.15.35 OUA must ensure that a review officer of OUA:

- a) does not review a decision that the review officer was involved in making; and
- b) in reviewing a decision of OUA, occupies a position that is senior to that occupied by any person involved in making the original decision.

3.15.40 In respect of Personal Information obtained for the purposes of Chapter 3 of the Act, OUA must comply with:

- a) the Information Privacy Principles set out in section 14 of the *Privacy Act 1988*; and
 - b) the requirements for the protection of Personal Information as set out in Part 5-4 of the Act.
- 3.15.45 OUA must have a procedure under which a student accessing unit/s of study through OUA may apply to OUA for, and receive, a copy of Personal Information that OUA holds in relation to that student. OUA must comply with this procedure.
- 3.15.50 OUA must ensure that a student accessing a unit of study through OUA may apply to the higher education provider that has made the unit available for, and receive, a copy of Personal Information that the higher education provider holds in relation to that student.
- 3.15.51 Complaints about breaches of privacy should be referred to the Privacy Contact Officer in the Litigation and External Review Section of DEST's Procurement, Assurance and Legal Group. Privacy complaints may be emailed to privacy@dest.gov.au. Privacy complaints can be made directly to the Federal Privacy Commissioner, however the Federal Privacy Commissioner prefers that DEST first be given an opportunity to deal with the complaint.

3.20 COMPLIANCE REQUIREMENTS

- 3.20.1 OUA's administrative arrangements must support the provision of FEE-HELP assistance under the Act.
- 3.20.5 Subject to paragraph 3.20.10, OUA must give to the Minister such statistical and other information that the Minister by notice in writing requires from OUA in respect of:
- a) the provision of higher education by OUA; and
 - b) compliance with the requirements of the Act by OUA.
- 3.20.10 Paragraph 3.20.5 applies only to the extent possible given the nature of OUA's provision of higher education.
- 3.20.15 The information required under paragraph 3.20.5 must be provided in the form approved by the Minister under section 19-70(2)(a) of the Act and in accordance with such other requirements as the Minister makes for higher education providers under section 19-70(2)(b) of the Act.
- 3.20.20 OUA must by writing inform the Minister of any event affecting:
- a) OUA; or
 - b) a related body corporate of OUA;
- that may significantly affect OUA's capacity to comply with the requirements for OUA specified in the Act and the FEE-HELP Guidelines.

3.25 TUITION FEE REQUIREMENTS

- 3.25.1 For the purposes of subsection 104-4(2AA) of the Act, when determining more than one fee under subsection 104-4(2) of the Act, OUA must not have regard to any matter relating to the manner or timing of:
- a) any student's payment of the tuition fee to OUA; or
 - b) the Commonwealth's payment to OUA of any amount lent to a student in discharge of the student's liability to pay the tuition fee; or
 - c) any other matters stipulated in the Higher Education Provider Guidelines as matters to which a higher education provider should not have regard to in determining more than one student contribution amount or tuition fee.
- 3.25.3 For the purposes of paragraph 104-3(2)(e) of the Act, OUA:
- a) must require any student who is accessing a unit of study through OUA, to pay to OUA the tuition fee for the unit; and
 - b) must not charge any domestic student any other fee for the unit unless it is:
 - i) a charge for a good or service that is not essential to completion of the unit of study; or
 - ii) a charge that is for an alternative form or alternative forms of access to a good or service which is otherwise made readily available at no additional fee by OUA; or
 - iii) a charge for a good or service that the student has the choice of acquiring from a supplier other than OUA and is for:
 - A) equipment or items which become the physical property of the student and are not consumed during the unit of study; or
 - B) food, transport and accommodation costs associated with the provision of field trips that form part of the unit of study.
- 3.25.5 Despite paragraph 3.25.3 of the FEE-HELP Guidelines OUA must repay to a person any payment of his or her tuition fee for a unit of study that the person made on or before the census date for the unit if the person is no longer enrolled in the unit at the end of the census date.
- 3.25.6 For the purposes only of paragraphs 3.25.10 and 3.25.15 of the FEE-HELP Guidelines, a period or periods shall be defined as:
- a) the first period of a year commences on the 1st of January, and ends on the 30th of June, of that year; and
 - b) the second period of a year commences on the 1st of July, and ends on the 31st of December, of that year.
- 3.25.10 For the purposes of paragraph 104-3(2)(e) of the Act, OUA must give to the Minister a schedule of tuition fees determined under subsection 104-4(2) of the Act for all the units of study to which it provides access, or proposes to provide access, during a period.
- 3.25.15 For the purposes of paragraph 104-3(2)(e) of the Act, OUA must:

- a) ensure that the schedule provided under paragraph 3.25.10 provides sufficient information to enable a person to work out his or her tuition fee for each unit of study to which OUA provides access or proposes to provide access; and
- b) give the schedule for a particular period to the Minister by emailing the schedule to the email address aip@dest.gov.au; and
- c) give the schedule to the Minister by the 1st of April of each year for units of study, and confirmation of a census date for each unit of study in the second period of the same year; and by the 1st of October of each year for units of study with a census date in the first period of the next year.

However, in cases where the Higher Education Provider Guidelines stipulate dates for higher education providers to deliver equivalent schedules, and where the dates stipulated by the Higher Education Provider Guidelines differ from the dates stated above, then the dates stipulated by the Higher Education Guidelines shall be the dates by which OUA should deliver schedules for the purposes of paragraph 3.25.15 of the FEE-HELP Guidelines; and

- d) post the schedule for a particular period on OUA's website by the dates set out for delivery to the Minister in paragraph 3.25.15(c) above; and
- e) ensure that the schedule is available on request and without charge to all students accessing, and all persons seeking to access, unit/s of study through OUA.

3.25.20 For the purpose of paragraph 104-4(2A)(a) of the Act, OUA may vary a tuition fee if the following circumstances apply:

- a) the reason for the change was unforeseen at the time the tuition fee was determined; and
- b) the reason for the change was beyond OUA's control; and
- c) OUA has advised the Department of Education, Science and Training, in writing, of its intention to vary, and its reasons for varying, the tuition fee; and
- d) the variation is made no less than two months before the earlier of either the date of commencement of the unit of study or the last date that a student can enrol in the unit of study without incurring a late enrolment fee; and
- e) for circumstances to be considered unforeseen under a) above the circumstances must be unusual, uncommon or abnormal; and
- f) for circumstances to be considered beyond OUA's control under b) above the circumstances must be such that a reasonable person would consider the circumstances to not be due to OUA's action or inaction, either direct or indirect.

However if it is the case that the conditions and dates stipulated by the Higher Education Provider Guidelines for the variation of tuition fees by higher education providers differ from the conditions and dates stipulated by a) to f) above in any substantial manner then the conditions and dates stipulated by the Higher Education Provider Guidelines shall apply for the purposes of paragraph 3.25.20 of the FEE-HELP Guidelines.

Or under paragraph 104-4(2A)(b) of the Act OUA may vary a tuition fee if it does so with the written approval of the Minister.

3.25.25 If OUA varies a tuition fee in accordance with subsection 104-4(2A) of the Act, OUA must:

- a) withdraw any previous schedule given under 3.25.10 of the FEE-HELP Guidelines or under this paragraph of these Guidelines which contains the tuition fee subject to variation and post a replacement schedule incorporating the variation on OUA's website and;
- b) give the Minister a replacement schedule incorporating the variation.

3.30 ADMINISTRATIVE REQUIREMENTS

3.30.1 OUA must give a notice to a person who is seeking FEE-HELP assistance for a unit of study access to which is provided by OUA. This notice will be called the Commonwealth Assistance Notice.

3.30.5 The Commonwealth Assistance Notice given under paragraph 3.30.1 must:

- a) contain the information set out in the Administration Guidelines as information that must be provided in a *notice* (as defined under the Administration Guidelines) provided to students; and
- b) be given within the period set out in the Administration Guidelines by which a *notice* (as defined under the Administration Guidelines) provided to students must be given.

3.30.10 If, after giving a person a notice under paragraph 3.30.1, OUA is satisfied that a material particular in the notice was not, or has ceased to be, correct, OUA must give a further written notice to the person setting out the correct particular.

3.30.15 OUA must accept a written request from a person who has received a notice under paragraph 3.30.1 for the notice to be corrected in respect of a material particular, if the request:

- a) specifies the particular in the notice that the person considers is incorrect; and
- b) specifies the reasons the person has for considering that the particular is incorrect; and
- c) is given to the appropriate officer of OUA within 14 days after the day the notice was given or within such further period as OUA allows for the giving of the request.

3.30.20 If OUA receives a request under paragraph 3.30.15 OUA must, as soon as practicable:

- a) determine the matter to which the request relates; and
- b) notify the person in writing of OUA's determination; and
- c) if OUA determines that a material particular in the notice was not, or has ceased to be, correct—give a further notice under paragraph 3.30.10 which effects the correction.

- 3.30.25 OUA must ensure that a date determined under subsection 104-4(5) of the Act as the census date for a unit of study for a year occurs not less than 20% of the way through the period during which the unit is undertaken.
- 3.30.26 For the purposes only of paragraph 3.30.30 of the FEE-HELP Guidelines periods are defined as follows:
- a) the first period of a year commences on the 1st of January and ends on the 30th of June of that year; and
 - b) the second period of a year commences on the 1st of July and ends on the 31st of December of that year;
 - c) however if it is the case that the dates defined as periods for the purpose of subsection 169-25(1) of the Act by the Administration Guidelines differ from the dates stated above then the dates stipulated by the Administration Guidelines shall be the definition of period for the purposes of paragraph 3.30.30 of the FEE-HELP Guidelines.
- 3.30.30 OUA must publish the census date for each unit of study to which access is provided by OUA during a period by posting it on OUA's website by the following dates:
- 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;
 - c) however if it is the case that the dates stipulated by the Administration Guidelines for the publishing of census dates by higher education providers differ from the dates stated above then the dates stipulated by the Administration Guidelines shall be the governing dates for paragraph 3.30.30 of the FEE-HELP Guidelines.
- 3.30.35 For the purpose of paragraph 104-4(5A)(a) of the Act OUA may vary a census date if the following circumstances apply:
- a) the reason for the change was unforeseen at the time the census date was published; and
 - b) the reason for the change was beyond OUA's control; and
 - c) OUA 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, and
 - d) for circumstances to be considered unforeseen under a) above the circumstances must be unusual, uncommon or abnormal; and
 - e) for circumstances to be considered beyond OUA's control under b) above the circumstances must be such that a reasonable person would consider the circumstances to not be due to OUA's action or inaction, either direct or indirect; and
 - f) the variation must be made no later than two months before the earlier of the date of commencement of the unit of study and the last date that a student can enrol in the unit of study without incurring a late enrolment fee;

However if it is the case that the conditions and dates stipulated by the Administration Guidelines for the variation of census dates by higher education providers without written ministerial approval differ from the conditions and dates stipulated by a) to f) above in any substantial manner then the conditions and dates stipulated by the Administration Guidelines shall apply for the purposes of paragraph 3.30.35 of the FEE-HELP Guidelines.

Or under paragraph 104-4(5A)(b) of the Act OUA may vary a census date if it does so with the written approval of the Minister.

3.30.37 If OUA varies a published census date under paragraph 104-4(5A)(a) of the Act, OUA must publish the variation by the same date as provided for in paragraph 3.30.35 of the FEE-HELP Guidelines as the date for variation of census dates. If OUA varies a published census date under paragraph 104-4(5A)(b) of the Act, OUA must publish the variation as soon as possible after receiving the written approval of the Minister.

3.30.40 In communications under, or for the purposes of, the Act between the Commonwealth and OUA concerning a person who:

- a) is accessing, or seeking to access, a unit of study through OUA; and
- b) has indicated that they are seeking Commonwealth assistance under the Act for the unit;

OUA must use any identifier for that person that the Secretary has indicated must be used in such communications.

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Julie Bishop
Minister for Education, Science and Training
June 2007