

Commonwealth of Australia
Higher Education Support Act 2003
ADMINISTRATION GUIDELINES 2012

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

I, Chris Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations, pursuant to section 238-10 of the *Higher Education Support Act 2003* (the Act), make the Administration Guidelines 2012 for the purposes of the Act.

Dated this 28th day of November 2011.

Signed

CHRIS EVANS
Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Commonwealth of Australia
Higher Education Support Act 2003
ADMINISTRATION GUIDELINES 2012

(i) CITATION

This legislative instrument may be cited as the *Administration Guidelines 2012*.

(ii) AUTHORITY

This legislative instrument is made under section 238-10 of the Act for the purposes of the Act.

(iii) COMMENCEMENT

This legislative instrument will come into effect on 1 January 2012

(iv) REVOCATION

The *Administration Guidelines* dated 5 September 2005 (the Former Guidelines) and all subsequent amendments are revoked.

(v) TRANSITIONAL ARRANGEMENTS

The revocation of the Former Guidelines does not affect the validity of a payment or decision made under those guidelines. A decision made under the Former Guidelines is taken to continue to have effect as if it were made under the *Administration Guidelines 2012*.

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CHAPTER 1 INTRODUCTION

1.1 PURPOSE

1.1.1 The purpose of these guidelines is to:

- (a) set out the requirements under paragraph 19-37(5)(b) of the *Act* for providers to determine a student services and amenities fee;
- (b) specify the requirements under paragraph 19-37(5)(d) of the *Act* for providers to determine the day on which a student services and amenities fees is payable; and
- (c) specify the requirements under paragraph 19-37(6)(a) of the *Act* for providers to publish enough information to enable a person liable to pay a student services and amenities fee to work out the amount of the fee, and notice of the day on which the fee is payable;
- (d) specify circumstances in which a higher education provider will be satisfied that special circumstances apply to the person that:
 - (i) are beyond the person's control (paragraph 36-21(1)(a) of the *Act*);
 - (ii) do not make their full impact on the person until on or after the census date for the unit of study in question (paragraph 36-21(1)(b) of the *Act*); and
 - (iii) make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit (paragraph 36-21(1)(c) of the *Act*).
- (e) 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
 - (i) is seeking Commonwealth assistance for the unit or for a student services and amenities fee imposed on the person by the provider; or
 - (ii) is a Commonwealth supported student for the unit;
- (f) specify the information that a *notice* must contain under subsection 169-5(2) of the *Act*;
- (g) specify the period within which a *notice* must be given under subsection 169-5(3) of the *Act*;
- (h) 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*;
- (i) 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*;
- (j) specify periods under subsection 169-25(1) of the *Act*;
- (k) 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*;
- (l) 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*;
- (m) 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*;
- (n) 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*;
- (o) 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;
- (p) 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*;

course means course of study;

FEE-HELP loan fee means the fee applied to a FEE-HELP loan as specified in paragraph 137-10(2)(a) of *the Act*;

First Half Year means the part of a year that commences on 1 January 2013 or a later year and ends on 30 June of that year;

GST means Goods and Services Tax as defined in section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999;

Initial First Half Year means the part of a year that commences on 1 January 2012 and ends on 30 June of that year;

notice means a notice entitled "Commonwealth Assistance Notice", as specified in chapter 2 of these guidelines;

Second Half Year means the part of a year that commences on 1 July and ends on 31 December of that year; and

unit means unit of study.

1.5.10 Terms in these guidelines that are in *italics* have the meaning stated in 1.5.5 of these guidelines.

CHAPTER 2 DETERMINING AND PUBLISHING STUDENT SERVICES AND AMENITIES FEES

2.1 PURPOSE

The purpose of this chapter is to:

- (a) set out the requirements under paragraph 19-37(5)(b) of the *Act* for providers to determine a student services and amenities fee;
- (b) specify the requirements under paragraph 19-37(5)(d) of the *Act* for providers to determine the day on which a student services and amenities fee is payable; and
- (c) specify the requirements under paragraph 19-37(6)(a) of the *Act* for providers to publish enough information to enable a person liable to pay a student services and amenities fee to work out the amount of the fee, and notice of the day on which the fee is payable.

2.5 DETERMINING A STUDENT SERVICES AND AMENITIES FEE

- 2.5.1 For the purposes of paragraph 19-37(5)(b) of the *Act*, a higher education provider may determine a student services and amenities fee in accordance with paragraph 19-37(5)(e) and, subject to paragraph 2.10, the amount of the student service and amenities fee may apply to all persons or may be one or more amounts that apply to a particular category of persons who are enrolled or seeking to enrol with the provider for a period starting on or after 1 January 2012.
- 2.5.5 For the purposes of paragraph 19-37(5)(e) of the *Act*, if a provider determines a fee in accordance with paragraph 2.5.1, the provider must specify the period to which the fee relates and the persons or categories of persons to who the fee relates.
- 2.5.10 When determining an amount of a student services and amenities fee, a higher education provider must not have regard to any matter related to the manner or timing of:
 - (a) any person's payment of the student services and amenities fee to the provider; or
 - (b) the Commonwealth's payment to the higher education provider under paragraph 128-1(b) of the *Act* of any amount lent to any person in discharge of the person's liability to pay the student services and amenities fee.
- 2.5.15 Without limiting the generality of paragraph 2.5.1 of these Guidelines, a higher education provider may choose to determine different amounts for particular categories of persons who are enrolled or seeking to enrol with the provider, including a zero amount for a student services and amenities fee.

Note: categories of persons can be determined on any reasonable and relevant basis, including: mode of attendance (i.e. external and internal), type of course (i.e. undergraduate and postgraduate) or equity status (i.e. low SES and indigenous).

- 2.5.20 Any amount of a student services and amenities fee determined by a higher education provider must be a GST inclusive amount, to the extent that any GST is payable by the person required to pay the fee.

2.10 AMOUNT OF STUDENT SERVICES AND AMENITIES FEES FOR STUDENTS WHO ARE NOT FULL-TIME STUDENTS

- 2.10.1 For the purposes of paragraph 19-37(5)(c) of the *Act*, a student services and amenities fee determined by a higher education provider for a person or persons who are enrolled or seeking to enrol with the provider on a part-time basis must be no more than 75 per cent of the maximum student services and amenities fee that the provider determines for persons enrolled or seeking to enrol with the provider on a full-time basis.

For the purposes of this paragraph 2.10.1, the term “part-time basis” means a study load of less than 75 per cent of the normal full-time student load for the period to which the fee relates.

2.15 DETERMINING A DAY ON WHICH A STUDENT SERVICES AND AMENITIES FEE IS PAYABLE

- 2.15.1 For the purpose of paragraph 19-37(5)(d) of the Act, the day on which a fee is payable must not be earlier than the last day on which a student, who is required to pay the fee, is able to enrol with the provider in a *course of study or *bridging course for overseas-trained professionals that is to be undertaken with the provider in the period to which the fee relates.
- 2.15.5 For purposes of paragraph 2.15.1 of these *Guidelines*, the reference to the last day on which a student is able to enrol with the provider means the enrolment closing date as specified by the provider.

2.20 CIRCUMSTANCES IN WHICH A STUDENT SERVICES AND AMENITIES FEE AND/OR DAY ON WHICH THE FEE IS PAYABLE MAY BE VARIED

- 2.20.1 Subject to paragraph 2.20.5, a higher education provider may only vary a determination of a student services and amenities fee and/or the day on which a student services and amenities fee is payable if:
- (a) the variation is:
 - (i) necessary because of circumstances that did not apply at the time the fee, and/or the day on which the fee is payable, was determined under paragraph 19-37(5)(b) of the *Act*; or
 - (ii) to correct an administrative error; and
 - (b) the higher education provider has advised the Department of Education, Employment and Workplace Relations, in writing to aip@deewr.gov.au, of its intention to vary the determination of a student services and amenities fee and/or the day on which the fee is payable at least 5 working days before making the variation.
- 2.20.5 A variation of a student services and amenities fee and/or the day on which the fee is payable for any period that will, in the higher education provider's reasonable view, disadvantage any person enrolled, or seeking to enrol, with the provider may only be made up to two months before the date of commencement of the period.
- 2.20.10 Without limiting the generality of paragraph 2.20.5 of these *Guidelines*, a person will be disadvantaged by a variation that increases the student services and amenities fee, and/or a variation that changes the day on which the fee is payable to an earlier day.

2.25 PUBLICATION REQUIREMENTS FOR A STUDENT SERVICES AND AMENITIES FEE AND DAY ON WHICH THE FEE IS PAYABLE

- 2.25.1 For the purpose of subparagraph 19-37(6)(a)(i) of the Act, a higher education provider must publish:
- (a) the amount of the fee;
 - (b) the period to which the fee relates; and
 - (c) a description of the category of persons required to pay the fee which will enable a person to determine if they are in that category.
- 2.25.5 A higher education provider must publish the information under subparagraphs 19-37(6)(a)(i) of the Act, paragraph 2.25.1 of these *Guidelines* and the notice pursuant to 19-37(6)(a)(ii) of the Act by:
- (a) the 1st of January 2012 for a student services and amenities fee that is payable in the Initial First Half Year;

- (b) the 1st of October of a year for a student services and amenities fee that is payable in the First Half Year; and
- (c) the 1st of April of a year for a student services and amenities fee that is payable in the Second Half Year of that year.

2.25.10 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.

2.30 DATES BY WHICH, AND MANNER IN WHICH, A VARIED STUDENT SERVICES AND AMENITIES FEE OR DAY ON WHICH THE FEE IS PAYABLE MUST BE PUBLISHED

2.30.1 This section only applies if sections 2.20.1 and 2.20.5 of these guidelines both apply.

2.30.5 A higher education provider that varies a published student services and amenities fee or day on which the fee is payable must publish the varied fee or day payable no later than two weeks after making the variation.

2.30.10 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 3 SPECIAL CIRCUMSTANCES

3.1 PURPOSE

- 2.1.1 The purpose of this chapter is to specify the circumstances in which a higher education provider will be satisfied that special circumstances apply to the person that:
- (a) are beyond the person's control (paragraph 36-21(1)(a) of the Act);
 - (b) do not make their full impact on the person until on or after the census date for the unit of study in question (paragraph 36-21(1)(b) of the Act); and
 - (c) make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit (paragraph 36-21(1)(c) of the Act).

3.5 CIRCUMSTANCES BEYOND A PERSON'S CONTROL

- 3.5.1 A higher education provider will be satisfied that a person's circumstances are beyond that person's control if a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.

- 3.5.5 The situation referred to in paragraph 3.5.5 must be unusual, uncommon or abnormal.

3.10 CIRCUMSTANCES THAT DID NOT MAKE THEIR FULL IMPACT UNTIL ON OR AFTER THE CENSUS DATE

- 3.10.1 A higher education provider will be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person's circumstances occur:
- (a) before the census date, but worsen after that day; or
 - (b) before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
 - (c) on or after the census date.

3.15 CIRCUMSTANCES THAT MAKE IT IMPRACTICABLE FOR THE PERSON TO COMPLETE THE REQUIREMENTS

- 3.15.1 A higher education provider will be satisfied that a person's circumstances make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit if circumstances such as the following occur:
- (a) medical circumstances. For example, where a person's medical condition has changed to such an extent that he or she is unable to continue studying; or
 - (b) family/personal circumstances. For example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies; or
 - (c) employment related circumstances. For example, where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control; or
 - (d) course related circumstances. For example, where the provider has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or course.

A person is unable to complete the requirements for a unit if the person is unable to:

- (a) undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- (b) complete the required assessable work; or

- (c) sit the required examinations; or
- (d) complete any other course requirements because of their inability to meet (a), (b) and (c) above.

3.20 ADVICE TO BE PROVIDED TO STUDENTS

- 3.20.1 Higher education providers must publish the timeframe within which they will consider applications, and within which it will notify applicants of their decision. The method of publication is to be determined by the higher education provider.
- 3.20.5 In accordance with section 27A of the *Administrative Appeals Tribunal Act 1975*, the higher education provider is obliged to advise the applicant that, if they are dissatisfied with the initial decision, they may apply to the higher education provider for a review of that decision. The application must be made in accordance with the provisions of and the timeframes specified in the *Administrative Appeals Tribunal Act 1975*.
- 3.20.10 In accordance with section 209-10 of the *Higher Education Support Act 2003*, the application must be made by written notice and must be made within 28 days, or such longer period as the reviewer allows, after the day on which the person first received written notice of the decision.

CHAPTER 4 NOTICES TO STUDENTS

4.1 PURPOSE

4.1.1 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:
 - (i) is seeking Commonwealth assistance for the unit or for a student services and amenities fee imposed on the person by the provider; or
 - (ii) 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*.

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

4.3.1 A higher education provider must give a *notice* to any person who meets the requirements of paragraph 4.1.1(a) of these guidelines.

4.5 INFORMATION THAT A NOTICE MUST CONTAIN

4.5.1 The *notice* must include the title 'Commonwealth Assistance Notice'.

4.5.5 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 of up-front payment;
- (i) the total amount of HECS-HELP discount;
- (j) the total amount of HECS-HELP debt;
- (k) the total amount of FEE-HELP assistance;
- (l) the total amount of the *FEE-HELP loan fee*; and
- (m) the total amount of FEE-HELP debt.

4.5.10 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 student contribution amount;
- (f) the tuition fee amount;
- (g) the amount of up-front payment;
- (h) the amount of HECS-HELP discount;
- (i) the amount of HECS-HELP debt;
- (j) the amount of FEE-HELP assistance;
- (k) the amount of the *FEE-HELP loan fee*; and
- (l) the amount of FEE-HELP debt.

- 4.5.15 Where the information required under paragraphs 4.5.10(b) and 4.5.10(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 4.5.5 of these guidelines.
- 4.5.17 In 2005, higher education providers unable to include in a *notice* the details required under paragraph 4.5.10 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.
- 4.5.20 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
- 4.5.21 Where a person is seeking Commonwealth assistance for a student services and amenities fee imposed on the person by the provider, the *notice* must include the following information:
- (a) the amount of the student services and amenities fee;
 - (b) the day on which that student services and amenities fee was payable; and
 - (c) the amount of SA-HELP debt in respect of that student services and amenities fee.
- 4.5.25 A *notice* that contains information in respect of FEE-HELP assistance must prominently display the following statement:
- “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.”
- 4.5.27 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*.”
- 4.5.30 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*.
- 4.5.35 A *notice* may contain other information as determined by the higher education provider.

4.10 PERIOD WITHIN WHICH A NOTICE MUST BE GIVEN

- 4.10.5 A *notice* that contains information in respect of unit(s) of study (including unit(s) in course(s) of study under paragraph 4.5.17 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 4.5.10(b) of these guidelines.
- 4.10.7 A notice that contains information in respect of SA-HELP assistance must be given to a person by the later of:
- (a) 28 days after the date on which the SA-HELP debt was incurred; and
 - (b) the date on which the higher education provider must give the person a notice, if any, in accordance with paragraph 4.10.5 of these Guidelines, provided that that date and the date on which the SA-HELP debt was incurred are both in either of the periods specified in paragraph 6.5.5 of these Guidelines.

Note: Where a date cannot be determined under subparagraph 4.10.7(b) the notice required under this paragraph 4.10.7 must be given in accordance with subparagraph 4.10.7(a).

- 4.10.10 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 5 WORK EXPERIENCE IN INDUSTRY

5.1 PURPOSE

- 5.1.1 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*.

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

- 5.5.1 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.

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

- 5.10.1 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 6 PUBLICATION REQUIREMENTS FOR CENSUS DATES AND EFTSL VALUES

6.1 PURPOSE

- 6.1.1 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*.

6.5 PERIODS

- 6.5.5 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.

- 6.5.10 The periods specified in paragraph 6.5.5 of these guidelines are relevant only for the purposes of subsection 169-25(1) of *the Act* and paragraph 6.10.5 of these guidelines.

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

- 6.10.5 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.
- 6.10.10 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.

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

- 6.15.1 In the circumstances covered by paragraph 6.20.1(c) of these guidelines, a higher education provider may only 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.

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

- 6.20.1 A higher education provider may only vary a published census date or EFTSL value if:
- (a) the variation is:
 - (i) necessary because of circumstances that did not apply at the time the census date or EFTSL value was determined under subsection 169-25(1) of *the Act*; or
 - (ii) to correct an administrative error; and
 - (b) the higher education provider has advised the Department of Education, Employment and Workplace Relations, in writing, to aip@deewr.gov.au of its intention to vary the census date or EFTSL value at least 5 working days before making the variation; and
 - (c) where the variation to the census date or EFTSL value for a unit of study will in the provider's reasonable view disadvantage a student enrolled or seeking to enrol in the unit of study affected by the variation, it is made before the date ascertained in accordance with section 6.15.1 of these guidelines.
- 6.20.5 Without limiting the generality of paragraph 6.20.1(c) of these guidelines, a student will be disadvantaged by a variation that:
- (a) reduces the EFTSL value for a unit of study; or
 - (b) brings the census date for a unit of study forward in time.

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

- 6.25.1 This section applies only if sections 6.15 and 6.20 of these guidelines both apply.
- 6.25.5 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 weeks after making the variation.
- 6.25.10 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 7 DETERMINING THE EFTSL VALUE OF A UNIT OF STUDY

7.1 PURPOSE

- 7.1.1 The purpose of this chapter is to set out the requirements that higher education providers must adhere to when determining the EFTSL value for a unit of study (section 169-28 of *the Act*).

7.5 EFTSL VALUE FOR A UNIT OF STUDY

- 7.5.1 An EFTSL value for a unit of study represents the study load for that *unit*. A study load for a unit of study is expressed as a proportion of the standard study load for one full-time year of the course of study of which the *unit* forms part, as determined by a higher education provider. A standard study load for one year of a course of study is determined in accordance with paragraphs 7.5.15 to 7.5.25 of these guidelines.
- 7.5.5 The aggregated EFTSL values for units of study undertaken by a full-time student doing a standard study load for one year of a course of study would normally add to 1.0.
- 7.5.10 Students doing more than the standard study load would generate EFTSL values adding to more than 1.0 for the relevant year of study; students doing less than the standard study load would generate EFTSL values adding to less than 1.0 for the relevant year of study.

Standard study load

Where the higher education provider specifies a standard study load

- 7.5.15 A standard study load for one year of a course of study is a sequence of units of study, determined by the higher education provider, which a student would be required to undertake in a full year of a particular *course* to:
- (a) undertake study for that year in the *course* on a full-time basis; and
 - (b) complete units of study at a pace which would enable such a student to complete the *course* in the standard number of years on a full-time basis as determined by the higher education provider, taking into account the requirements of these guidelines.

Where the higher education provider does not specify a standard study load

- 7.5.20 Where a higher education provider does not specify a standard study load, the standard study load for one year of a course of study should be determined by the higher education provider to be the minimum annual study load which, when aggregated with standard study loads for the other years of the *course*, would enable completion of the *course* in the standard number of years on a full-time basis, as determined by the higher education provider, taking into account the requirements of these guidelines.
- 7.5.25 Where a higher education provider does not specify a standard study load in any of the years of a course of study, the higher education provider should regard the study load for the units of study as being equally distributed over the standard number of years for completion of the *course* determined by the higher education provider.

7.10 METHOD OF CALCULATION OF EFTSL VALUES

- 7.10.1 Subject to the situation identified for domestic students studying with overseas higher education institutions in paragraph 7.15 of these guidelines, the calculation of EFTSL values for units of study is to be undertaken in the way described in this section.

Calculating the proportion of standard study load

7.10.5 The EFTSL value of a unit of study is determined by calculating the proportion of standard study load which the unit of study represents of the total standard study load specified by the higher education provider for one year of full-time study in the course of study of which the unit forms part.

7.10.10 The calculation of the EFTSL value for a unit of study is to be undertaken using whatever number of decimal places is required to enable the aggregated EFTSL values for all units of study for a full-time year of study to add as close as possible to 1.0. In reporting data to the Commonwealth for its statistics collections, it may be necessary to round or truncate the results of some calculations.

Allocation of credit points

7.10.15 In calculating the EFTSL value for a unit of study, higher education providers may allocate credit points to units of study offered by higher education providers as a means of identifying the relative value of a unit of study within a course of study.

$$\text{Eg: } \frac{\text{Number of credit points for a unit of study}}{\text{Total number of credit points for a full-time year of study}} = \text{EFTSL value for unit of study}$$

Example of calculation using credit points

7.10.25 The following example is provided to illustrate the calculation of EFTSL values for a student enrolled in a number of units of study in a particular course of study in a particular year using credit points. For the purposes of this illustration, the standard study load prescribed for this course in a particular year comprises five units: Unit A and B are offered on a semester basis and Units C, D and E are offered on an annual basis:

Unit A	Semester I unit	2 Credit points
Unit B	Semester II unit	2 Credit points
Unit C	Annual unit	4 Credit points
Unit D	Annual unit	4 Credit points
Unit E	Annual unit	4 Credit points

In this example, the EFTSL value for each unit of study has been calculated by dividing the number of credit points for that unit of study by the total number of credit points for all units of study comprising the standard study load for this course of study, in this case 16.

Unit A =	2/16 =	0.125
Unit B =	2/16 =	0.125
Unit C =	4/16 =	0.25
Unit D =	4/16 =	0.25
Unit E =	4/16 =	0.25
TOTAL	16	1.0 <i>EFTSL</i>

It should be noted that, in this example, the EFTSL values aggregated for a student undertaking Units A, B, C, D and E (that is, the standard study load prescribed for this year in this course of study) equals 1.0.

7.15 METHOD OF CALCULATION OF EFTSL VALUES - SPECIAL CASES

EFTSL values for domestic students studying with overseas higher education institutions

7.15.1 EFTSL values for units of study undertaken by domestic students with an overseas higher education institution that will be counted as credit towards a course of study in which the student is enrolled at the Australian higher education provider, are to be calculated as follows:

- the EFTSL value for a unit of study undertaken at an overseas higher education institution is equal to the EFTSL value which would be assigned to the same or equivalent unit of study if it were undertaken at the higher education provider providing the course of study in which the student is enrolled.

CHAPTER 8 ELECTRONIC COMMUNICATION

8.1 PURPOSE

8.1.1 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*.

8.5 INFORMATION TECHNOLOGY REQUIREMENTS

8.5.1 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.

8.5.5 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.

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

- 8.10.1 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 8.10.1, the student is taken to meet that requirement.

- 8.10.5 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.