

EXPLANATORY STATEMENT

Guidelines issued under section 238-10 of the Higher Education Support Act 2003

Student Services, Amenities, Representation and Advocacy Guidelines

Issued by the authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Subject: *Higher Education Support Act 2003*
 Student Services, Amenities, Representation and Advocacy Guidelines

Authority

Section 238-10 of the *Higher Education Support Act 2003* (the Act) provides that the Minister may make guidelines providing for matters required or permitted by a specified chapter(s), part(s) and/or section(s) of the Act, or which are necessary or convenient to be provided in order to carry out or give effect to a specified chapter(s), part(s) and/or section(s) of the Act. In particular item 10A of section 238-10 specifies the Minister may make Administration Guidelines to give effect to matters set out in section 19-67 of the Act.

Purpose and operation

The purpose of the Student Services, Amenities, Representation and Advocacy Guidelines is to specify the requirements for student services and representation as contemplated at section 19-67 of the Act.

From 1 January 2012, higher education providers can charge a fee for student services and amenities of a non-academic nature of up to \$263 per student in 2012 (indexed annually).

Students can pay the student and services amenities fee upfront if they wish. Eligible students who are unable to pay the fee upfront, can request assistance from the Commonwealth and defer the fee through a new element of the Higher Education Loan Program (HELP) known as SA-HELP.

Universities who receive funding through the Commonwealth Grant Scheme will need to ensure they meet the Student Services, Amenities, Representation and Advocacy Guidelines. The Guidelines will ensure students are provided with information on health, welfare, financial and other services and have opportunities to participate in democratic processes for student representation.

Explanation of Paragraphs

Chapter 1

Chapter 1 sets out the purpose of the Student Services, Amenities, Representation and Advocacy Guidelines. These Guidelines set out the requirements of the National Access to Services Benchmarks and the National Student Representation Protocols. Chapter 1 also includes relevant definitions.

Chapter 2

Paragraph 2.1.1 sets out the purpose of Chapter 2.

Paragraph 2.2.1 makes it clear that higher education providers must provide all enrolled students with an orientation program. Students can be provided with relevant information in written or oral form or via the provider's website, email, SMS or through podcasts.

Under paragraph 2.2.2, higher education providers must ensure students enrolled in an undergraduate course of study, postgraduate course of study or who are overseas students (as defined in the Act) are provided with information about how to access important health and welfare services. Higher education providers must not charge students if they make a referral to an external provider.

Paragraph 2.2.3 – higher education providers will be required to ensure only trained and qualified staff are engaged if providers decide to provide health or welfare services directly to students.

Under paragraph 2.2.4 higher education providers must provide students with access to advocacy officers for matters arising under its academic and procedural rules and regulations. Advocacy officers should be separate from decision makers and those staff who administer the provider's academic rules and regulations. Officers should always act in the best interests of students.

Paragraph 2.2.5 makes it clear that when considering the appropriate level of support at a particular campus, providers must consider the differing circumstances of the student body.

Chapter 3

Paragraph 3.1.1 sets out the purpose of Chapter 3.

Paragraph 3.2.1 makes it clear that providers must consult with students regarding the form of student representation at the provider.

Under paragraph 3.2.2, providers will be required to publish how they intend to consult with students and the student's ability to participate in the decision making processes of the provider.

Paragraph 3.2.3 provides that students must be given the chance to participate in a process to democratically elect student representatives. There must be at least one representative to represent undergraduate students, one to represent postgraduate students and one to represent overseas students. The provider must meet the reasonable costs of conducting such polls.

Under paragraph 3.2.4 providers must ensure elected representatives have sufficient resources to carry out their functions on behalf of students, for example office space and IT equipment.

Paragraph 3.2.5 makes it clear that providers must undertake a formal consultation process with elected student representatives and representatives from major student organisations at the provider about how fee revenue charged under section 19-38 will be used. Consultation must include publishing identified priorities for fee expenditure and meeting with elected student representatives and representatives from major student organisations to discuss the priorities for use of the fee revenue. For example, a university could identify areas where fee revenue could possibly be spent, email the list to students and ask them to choose three areas where they would like to see the money spent. This information could then be used to help develop a list of priorities which the university would use when it meet with student representatives to seek their views on the priorities.

Commencement

This legislative instrument shall come into effect on 1 January 2012.

Consultation

Extensive consultation was undertaken with universities, students, small business, sports and community groups and state and territory governments regarding the impact of voluntary student unionism (VSU) on student services and amenities and representation. The then Minister for Youth, the Hon Kate Ellis MP, met with more than one hundred representatives from higher education stakeholder groups as well as seeking written submissions in response to a discussion paper.

The draft Guidelines were published on the Department's website in May 2009 for consultation. A revised set of the Guidelines was published in October 2010. The draft Guidelines were revised to ensure providers undertake genuine consultation with students regarding the use of fee revenue. The revised Guidelines were released on 19 September 2011. The content of the Guidelines has not changed since publication.