



# Higher Education Support (Administration) Guidelines 2022

made under section 238-10 of the

*Higher Education Support Act 2003*

## Compilation No. 1

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## About this compilation

### This compilation

This is a compilation of the *Higher Education Support (Administration) Guidelines 2022* that shows the text of the law as amended and in force on 20/01/2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1 – Introduction

### 1 Name

This instrument is the *Higher Education Support (Administration) Guidelines 2022*.

### 3 Authority

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

### 4 Definitions

Note: A number of expressions used in this instrument are defined in Schedule 1 of the Act, including the following:

- (a) EFTSL;
- (b) grandfathered student;
- (c) higher education provider;
- (d) information system;
- (e) student;
- (f) student services and amenities fee; and
- (g) unit of study.

In this instrument:

*Act* means the *Higher Education Support Act 2003*.

*course* means course of study.

*FEE-HELP loan fee* means the difference between a FEE-HELP loan and a FEE-HELP debt, if any, as specified in subsection 137-10(2) 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*.

*overseas higher education institution* means a higher education institution that is located outside of Australia that is not the overseas campus of an Australian higher education provider.

*published census date* has the meaning given in section 22, and may be a specific date, or as referenced by the higher education provider.

*Second Half Year* means the part of a year that commences on 1 July 2013 or a later year and ends on 31 December of that year.

*student cohort* means, in relation to a particular course of study commencing prior to 4 November 2006 of which a unit of study forms a part, the group of all of the students who commence the course in a particular year with a particular higher education provider.

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***Student Identifiers Registrar*** means the statutory office holder established under Part 4 of the *Student Identifiers Act 2014*.

***Unique Student Identifier*** or ***USI*** means a student identifier within the meaning of the *Student Identifiers Act 2014*.

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## Part 2 – Determining and publishing student services and amenities fees

### 6 Determining a student services and amenities fee

- (1) For the purposes of subparagraph 19-37(6)(a)(i) of the Act, a provider publishes enough information to enable a person liable to pay the student services and amenities fee to work out the amount of the fee if the following information is published at the time the provider determines the fee:
  - (a) the amount of the fee (as a GST inclusive amount);
  - (b) the period to which the fee relates; and
  - (c) the persons or categories of persons to whom the fee relates.
- (2) When determining an amount of a student services and amenities fee for the purposes of paragraph 19-37(5)(b) of the Act, 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.
- (3) For the purposes of paragraph 19-37(5)(b) of the Act, 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 (for example, external or internal), type of course (such as undergraduate or postgraduate) or equity status (for example, low SES or from a rural or remote area).

### 7 Amount of student services and amenities fees for students who are not full-time students

- (1) For the purposes of paragraph 19-37(5)(b) 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.
- (2) For the purposes of this section, *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.

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## **8 Determining a day on which a student services and amenities fee is payable**

- (1) For the purposes 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 be undertaken with the provider in the period to which the fee relates.
- (2) For purposes of subsection (1), 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.

## **9 Circumstances in which a student services and amenities fee and day on which the fee is payable may be varied**

- (1) For the purposes of paragraphs 19-37(5)(b) and 19-37(5)(d) of the Act and subject to subsection (2), a higher education provider may only vary a determination of a student services and amenities fee, or the day on which a student services and amenities fee is payable, or both, if:
  - (a) the variation is:
    - (i) necessary because of circumstances that did not apply at the time the fee or the day on which the fee is payable was determined; or
    - (ii) to correct an administrative error; and
  - (b) the higher education provider has advised the Department, in writing to [ssaf@dese.gov.au](mailto:ssaf@dese.gov.au) or such other new email address as notified by the Department, of its intention to vary at least 5 working days before making the variation.
- (2) A provider may only vary a student services and amenities fee or the day on which the fee is payable, in the two months before the commencement of the course of study or bridging course for overseas-trained professionals that is be undertaken with the provider in the period to which the fee relates, if the provider is reasonably satisfied that the variation would not disadvantage any person enrolled or seeking to enrol.
- (3) Without limiting the generality of subsection (2), a person will be disadvantaged by a variation that increases the student services and amenities fee, or where the variation that changes the day on which the fee is payable to an earlier day.

## **10 Publication requirements for a student services and amenities fee and day on which the fee is payable**

- (1) For the purposes 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.



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- (2) A higher education provider must publish the information under subparagraph 19-37(6)(a)(i) of the Act and subsection (1), and the notice pursuant to subparagraph 19-37(6)(a)(ii) of the Act by:
    - (a) the 1st of October for a student services and amenities fee that is payable in the following First Half Year; and
    - (b) the 1st of April for a student services and amenities fee that is payable in the Second Half Year of that year.
  - (3) For the purposes of paragraph 19-37(6)(a) of the Act, where a higher education provider makes the information available only through the Internet or in other electronic formats, the higher education provider must also provide students with access to an information system through which the student can access the information.

### **11 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**

- (1) This section applies if the student services and amenities fee or day on which the fee is payable has been varied in the circumstances set out in section 9.
- (2) For the purposes of paragraph 19-37(6)(a) of the Act, 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.
- (3) For the purposes of paragraph 19-37(6)(a) of the Act, where a higher education provider makes the varied information available only through the Internet or in other electronic formats, the higher education provider must also provide students with access to an information system through which the student can access the varied information.

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## Part 3 – Special circumstances

### 12 Circumstances beyond a person’s control

- (1) For the purposes of paragraphs 36-13(3)(a) and 36-21(1)(a) of the Act, a higher education provider will be satisfied that a person’s circumstances are beyond that person’s control if a situation occurs which the provider reasonably considers is not due to the person’s action or inaction, either direct or indirect, and for which the person is not responsible.
- (2) The situation referred to in subsection (1) must be unusual, uncommon or abnormal.

Note : Circumstances specified in this provision also apply for the purposes of subsections 97-30(2), 104-30(2) and 128E-5(2) of the Act.

### 13 Circumstances that did not make their full impact until on or after the census date

- (1) For the purposes of paragraphs 36-13(3)(b) and 36-21(1)(b) of the Act, 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;
  - (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.

Note : Circumstances specified in this provision also apply for the purposes of subsections 97-30(2), 104-30(2) and 128E-5(2) of the Act.

### 14 Circumstances that make it impracticable for the person to complete the requirements

- (1) For the purposes of paragraphs 36-13(3)(c) and 36-21(1)(c) of the Act, 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 if the person undertook, or was to undertake, the unit in the following kinds of circumstances:
  - (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;
  - (b) family or 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;
  - (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

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- (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.
- (2) The requirements for a unit of study referred to in subsection (1) are that the person:
- (a) undertakes the necessary private study required, or attends sufficient lectures or tutorials or meets other compulsory attendance requirements in order to meet their compulsory course requirements;
  - (b) completes the required assessable work;
  - (c) sits the required examinations; or
  - (d) completes any other course requirements.

Note : Circumstances specified in this provision also apply for the purposes of subsections 97-30(2), 104-30(2) and 128E-5(2) of the Act.

## 15 Method of publication

The method of publication of the higher education provider's decision under this Part is to be determined by the higher education provider.

Note 1: Persons whose interests are affected by the decision must be notified of the decision and of their right to have it reviewed (see section 27A of the *Administrative Appeals Tribunal Act 1975*).

Note 2: An application for review of the provider's decision under the Act 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 (see section 209-10 of the Act).

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## Part 4 – Notices to students

### 16 People who must receive a Commonwealth Assistance Notice

For the purposes of subsections 169-5(1) and (1A) of the Act, a higher education provider must give a Commonwealth Assistance Notice to any person who meets the requirements set out in subsections 169-5(1) and (1A) of the Act.

### 17 Information that a Commonwealth Assistance Notice must contain

- (1) For the purposes of subsection 169-5(2) of the Act, the notice must include the title ‘Commonwealth Assistance Notice’.
- (2) For the purposes of subsection 169-5(2) of the Act, the notice must contain the following information, as applicable, to the person’s enrolment at the census date for the unit or units 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) or Unique Student Identifier (USI), if the person commenced the course of study prior to 1 January 2021, or the person’s USI, if the person commenced the course of study after 1 January 2021;
  - (e) the higher education course in which the person is enrolled at the higher education provider for which EFTSL is recorded at the census date contained in the notice;
  - (f) the student cohort to which the person belongs, if applicable;
  - (g) the total EFTSL in which the person is enrolled;
  - (h) the total amount of any up-front payments;
  - (i) the total amount of HECS-HELP discount applicable to the person;
  - (j) the total amount of the person’s HECS-HELP debt;
  - (k) the total amount of FEE-HELP assistance for the person;
  - (l) the total amount of the FEE-HELP loan fee applicable to the person;
  - (m) the total amount of the person’s FEE-HELP debt; and
  - (n) whether the person is a grandfathered student.
- (3) For each unit of study, the notice must include the following information, as applicable, to each person’s enrolment:
  - (a) the identification code for the unit;
  - (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;

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- (f) the tuition fee amount;
  - (g) the amount of any up-front payments;
  - (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) Where the information required under paragraphs (3)(b) and (3)(c) 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.
- (5) 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; and
  - (b) the amount of OS-HELP assistance for the relevant six month period.
- (6) 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.
- (6A) Where a higher education provider has selected a person to receive STARTUP-HELP assistance, the notice must include the following information, as applicable, to each person's enrolment in an accelerator program course:
- (a) the identification code for the accelerator program course;
  - (b) the census date;
  - (c) the EFTSL value of the accelerator program course;
  - (d) the accelerator program course fee amount;
  - (e) the amount of any up-front payments;
  - (f) the amount of STARTUP-HELP assistance; and
  - (g) the amount of STARTUP-HELP debt.
- (7) A notice that contains information in respect of FEE-HELP or HECS-HELP assistance must prominently display the following statement:
- “It is your responsibility to ensure that you have a sufficient HELP balance to cover the FEE-HELP and HECS-HELP amounts indicated in this notice. You are eligible for the amounts of FEE-HELP and HECS-HELP assistance contained in this notice only if you have sufficient HELP balance to cover those amounts.”
- (8) A notice that contains information in respect of Commonwealth assistance must prominently display the following statement:
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“The information regarding Commonwealth assistance contained in this notice reflects your advice to this higher education provider of your entitlement to that assistance under the *Higher Education Support Act 2003*.”

- (9) A notice must include information about the person’s right, under subsections 169-10(2) to 169-10(4) of the Act, to request the correction of information contained in the notice.

Note: Nothing in this section is intended to limit a provider including other information in a notice.

## **18 Period within which a notice must be given**

- (1) For the purposes of subsection 169-5(3) of the Act, a notice that contains information in respect of unit or units of study in relation to a person who is a Commonwealth Supported Student or a person who has sought FEE-HELP assistance, must be given within 28 days of the earliest census date indicated in the notice under paragraph 17(3)(b) of this instrument.
- (2) For the purposes of subsection 169-5(3) of the Act, 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 subsection (1), but only where that date and the date on which the SA-HELP debt was incurred both fall in either of the periods specified in subsection 21(1) of this instrument.

Note: Where a date cannot be determined under paragraph (2)(b) the notice required under this subsection (2) must be given in accordance with paragraph (2)(a).

- (3) For the purposes of subsection 169-5(3) of the Act, 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.
- (4) For the purposes of subsection 169-5(3) of the Act, a notice that contains information in respect of STARTUP-HELP assistance must be given within 28 days of the earliest census date indicated in the notice under paragraph 17(6A)(b).

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## **Part 5 – Work experience in industry**

### **19 Other requirements that must be met to determine that work is work experience in industry**

For the purposes of paragraph (d) in the definition of “work experience in industry” under Schedule 1 of the Act, 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;
- (b) oversight and direction of work occurring during its performance;
- (c) definition and management of the implementation of educational content and objectives of the unit;
- (d) definition and management of the implementation 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.

### **20 Circumstances in which students are exempt students for units of study that wholly consist of work experience in industry**

A student undertaking a 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 of 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 (including site visits);
- (b) organisation of student placement;
- (c) ongoing monitoring of student work and progress; and
- (d) assessment of student learning and performance during the student placement.

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## **Part 6 – Publication requirements for census dates and EFTSL values**

### **21 Period for the purpose of determining census dates and EFTSL values**

- (1) For the purposes of subsection 169-25(1) of the Act, the period commences on the earliest enrolment date for the unit as determined by the higher education provider and ends on the completion date for the unit as determined by the higher education provider.
- (2) For the purposes of subsection 169-25(1A) of the Act, the period commences on the earliest enrolment date for the accelerator program course as determined by the higher education provider and ends on the completion date for the accelerator program course as determined by the higher education provider.
- (3) A period ascertained in accordance with subsections (1) and (2) is relevant only for the purposes of subsections 169-25(1) and (1A) of the Act and section 22 of this instrument.

### **22 Date by which, and manner in which, census dates and EFTSL values must be published by a higher education provider**

- (1) In accordance with subsection 169-25(3) of the Act, the higher education provider must publish census dates and EFTSL values for units of study and accelerator program courses, on the higher education provider's website on or before the earliest enrolment date for the relevant units of study or accelerator program courses, as determined by the higher education provider.
- (2) For the purposes of subsection (1), a higher education provider publishing EFTSL values for accelerator program courses must also publish information on how the provider determined the EFTSL value for the accelerator program course under section 28A.

### **23 Date by which and circumstances in which a published census date or published EFTSL value may be varied**

- (1) For the purposes of paragraph 169-25(4)(a) of the Act, a higher education provider may only vary a published census date or published EFTSL value if the variation occurs prior to the published census date for the unit or accelerator program course, the higher education provider has written approval of the Minister in accordance with paragraph 169-25(4)(b), and:
  - (a) the variation does not disadvantage a student enrolled, or a person seeking to enrol in the unit or course; and
  - (b) the variation is necessary to correct the published census date or EFTSL value of the unit or course due to administrative error or circumstances that did not apply at the time the census date or EFTSL value was determined.
- (2) Without limiting the generality of paragraph (1)(a), a student will be disadvantaged by a variation that:



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- (a) reduces the EFTSL value for a unit of study or accelerator program course;  
or
  - (b) brings the census date for a unit of study or accelerator program course to an earlier date.

#### **24 Date by which, and manner in which, a varied census date or EFTSL value must be published**

- (1) This section applies only if subsection 23(1) applies.
- (2) For the purposes of subsection 169-25(5) of the Act, where a higher education provider varies a published census date or published EFTSL value, the provider must publish the varied census date or EFTSL value on the higher education provider's website as soon as practicable after making the variation.

#### **25 Requirements for determining a census date**

For the purposes of subsection 169-25(2) of the Act, the date determined to be the census date under paragraphs 169-25(1)(a) or (1A)(a) must not be a date that falls less than 20 per cent of the time between the commencement and completion dates for the unit of study or accelerator program course.

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## Part 7 – Determining the EFTSL value of a unit of study

### 26 EFTSL value for a unit of study

- (1) For the purposes of subsection 169-28(4) of the Act, a higher education provider determining the EFTSL value for a unit of study under section 169-28 of the Act, must determine the EFTSL value by reference to the study load of that unit.
- (2) For the purposes of subsection (1), the study load of a unit is the 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.
- (3) A standard study load for one year of a course of study is determined in accordance with subsections (5) to (7).

Note: 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 typically add to 1.0.

- (4) Students studying:
  - (a) more than the standard study load must generate EFTSL values adding to more than 1.0 for the relevant year of study;
  - (b) less than the standard study load must 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*

- (5) 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 this instrument.

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

- (6) 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 this instrument.
- (7) 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

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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.

## 27 Method of calculation of EFTSL values

- (1) Subject to the situation identified for domestic students studying with overseas higher education institutions in section 28, for the purposes of subsection 169-28(4) of the Act, the calculation of EFTSL values for units of study is to be undertaken in the manner described in this section.

### *Calculating the proportion of standard study load*

- (2) 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.
- (3) 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.

Note: 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*

- (4) 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.

E.g.

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

### *Example of calculation using credit points*

- (5) 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 example, 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

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Unit E	Annual unit	4 Credit points
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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 EFTSL

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.

## 28 Method of calculation of EFTSL values – special cases

### *EFTSL values for domestic students studying with overseas higher education institutions*

- (1) For the purposes of subsection 169-28(4) of the Act, 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 set out in subsection (2).
- (2) 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.

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## **Part 7A – Determining the EFTSL value of an accelerator program course**

### **28A EFTSL value for an accelerator program course**

For the purposes of subsection 169-28(4) of the Act, a higher education provider determining the EFTSL value of an accelerator program course under subsection 169-28(3A) of the Act, must determine the EFTSL value by reference to the amount of time taken to complete the accelerator program course on a full-time basis.

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## Part 8 – Electronic communication

### 29 Information technology requirements

- (1) For the purposes of subsections 174-5(1) and 238-10(1) of the Act, 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;
  - (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.
- (2) For the purposes of paragraph (1)(a), an information system is accessible by students if the higher education provider has:
  - (a) informed students, through a direct communication to students or through the higher education provider's publications, that the communication in question will occur by electronic means using the information system; and
  - (b) given the students the authority to use the information system.
- (3) 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, through a direct communication to students or through 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.

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### **30 Requirements relating to methods to be used by students to identify themselves and indicate their approval of documents**

- (1) For the purposes of subsection 174-5(2) of the Act, 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 subsection 30(1), the student is taken to meet that requirement.

- (2) A method that a student can use to uniquely identify himself or herself may involve the student quoting a unique, personal identifier, issued to the student by the provider or by the Student Identifiers Registrar.
- (3) 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.

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.



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## Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

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### Endnote 3—Legislation history

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>Higher Education Support (Administration) Guidelines 2022</i>	21 March 2022 (F2022L00344)	22 March 2022	
<i>Higher Education Support Amendment (Startup Year) Guidelines 2023</i>	19 January 2024 (F2024L00090)	20 January 2024	

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 2	rep LA s 48D
s 5	rep LA s 48C
s 12	am F2024L00090
s 13	am F2024L00090
s 14	am F2024L00090
s 16	rs F2024L00090
s 17	am F2024L00090
s 18	am F2024L00090
s 21	rs F2024L00090
s 22	rs F2024L00090
s 23	rs F2024L00090
s 24	rs F2024L00090
s 25	rs F2024L00090
s 28A	ad F2024L00090
Schedule 1	rep LA s 48C

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