

Amendment No. 1 to the Administration Guidelines 2012

*Higher Education Support Act 2003*

I, CHRIS EVANS, Minister for Tertiary Education, Skills, Science and Research, make the attached amendments to the Administration Guidelines 2012 under section 238-10 of the *Higher Education Support Act 2003*.

Dated this 29th day of Janurary 2013

CHRIS EVANS

Minister for Tertiary Education, Skills, Science and Research

***Higher Education Support Act 2003***

**Amendment No.1 to the Administration Guidelines 2012**

**(i) Citation**

This legislative instrument may be cited as *Amendment No. 1 to the Administration Guidelines 2012*.

**(ii) Authority**

This legislative instrument is made pursuant to Item 1 of the table in section 238-10 the *Higher Education Support Act 2003* (the Act) to provide for matters set out in sections 19-37, 36-21 and Chapter 5 of the Act.

**(iii) Commencement**

This legislative instrument commences on the day after registration on the Federal Register of Legislative Instruments.

**(iv) Amendment**

Schedule 1 of this legislative instrument amends the Administration Guidelines 2012 made on 28 November 2011 and registered on 8 December 2011 (see F2011L02604).

**(v) Purpose**

The purpose of this legislative instrument is to amend the Administration Guidelines 2012 to set out the requirements for determining a census date under subsection 169-25(2) of the Act.

**Schedule 1 Amendments**

**Item 1 – Table of Contents**

1. Repeal Chapter 6 in the Table of Contents and replace with the following:

[**CHAPTER 6 PUBLICATION REQUIREMENTS FOR CENSUS DATES AND EFTSL VALUES**](#_Toc308531871) **16**

[6.1 PURPOSE 16](#_Toc308531872)

[6.5 PERIODS 16](#_Toc308531873)

[6.10 DATE BY WHICH, AND MANNER IN WHICH, CENSUS DATES AND EFTSL VALUES MUST BE PUBLISHED BY A HIGHER EDUCATION PROVIDER 16](#_Toc308531874)

6.15 DATES BEFORE WHICH A VARIATION TO A PUBLISHED CENSUS DATE OR EFTSL VALUE MUST BE MADE 17

6.20 CIRCUMSTANCES IN WHICH A PUBLISHED CENSUS DATE OR EFTSL VALUE MAY BE VARIED 17

6.25 DATE BY WHICH, AND MANNER IN WHICH, A VARIED CENSUS DATE OR EFTSL VALUE MUST BE PUBLISHED 17

6.30 REQUIREMENTS FOR DETERMINING A CENSUS DATE 17

**Item 2 – Chapter 6**

1. Repeal paragraph 6.1.1 and substitute:

The purpose of this chapter is to specify the:

* 1. Periods under subsection 169-25(1) of the Act*;*
  2. 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;
  3. Date before which a variation to a published census date or EFTSL value may be made under subparagraph 169-25(4)(a)(i) of the Act;
  4. Circumstances in which a published census date or EFTSL value may be varied under subparagraph 169-25(4)(a)(ii) of the Act; and
  5. 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. Requirements for determining a census date under subsection 169-25(2) of theAct*.*

1. Insert new section:

**6.30 REQUIREMENTS FOR DETERMINING A CENSUS DATE**

6.30.1 For the purposes of subsection 169-25(2) of the Act, the date determined to be the census date under paragraph 169-25(1)(a) must not occur less than 20% of the way through the period during which the unit is undertaken.