



# **Amendment No.1 to the Higher Education Provider Guidelines 2012**

*Higher Education Support Act 2003*

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I, KIM CARR, Minister for Higher Education, make the attached amendments to the Higher Education Provider Guidelines 2012, dated 16 October 2012, under section 238-10 of the *Higher Education Support Act 2003*.

Dated 03.08.13

KIM CARR

KIM CARR  
Minister for Higher Education

***Higher Education Support Act 2003***

**Amendment No.1 to the  
Higher Education Provider Guidelines 2012**

**(i) Citation**

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

**(ii) Authority**

This legislative instrument is made pursuant to Item 6 of the table in section 238-10 the *Higher Education Support Act 2003* (the Act) to provide for matters set out in Part 2-1 of the Act.

**(iii) Commencement**

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

**(iv) Purpose**

This legislative instrument aims to simplify and streamline requirements relating to the publication and submission of tuition fees and student contribution amounts for units of study in order to reduce administrative burden placed on higher education providers.

## **Schedule 1 Amendments**

### **Item 1**

In subchapter 1.5, repeal and substitute the definition of Department with:

**Department** means the department that administers these Guidelines.

### **Item 2**

After subparagraph 5.1.1(h) insert:

- (i) the form in which a higher education provider must give the Minister a schedule of student contribution amounts for places and tuition fees under paragraph 19-95(1)(a) to the Act

### **Item 3**

Repeal and substitute the title of subchapter 5.5 with:

#### **5.5 PERIOD**

### **Item 4**

Repeal and substitute paragraph 5.5.1 with:

- 5.5.1 For the purposes of subsections 19-87(1), 19-90(1) and 19-95(1) of the Act, the period commences on the earliest enrolment date for the unit of study as determined by the higher education provider and ends on the completion date for the unit of study as determined by the higher education provider.

### **Item 5**

Repeal and substitute subchapter 5.10 with:

#### **5.10 DATE BY WHICH, AND MANNER IN WHICH, A HIGHER EDUCATION PROVIDER MUST PUBLISH THE SCHEDULE OF STUDENT CONTRIBUTION AMOUNTS FOR PLACES AND TUITION FEES FOR A PARTICULAR PERIOD**

- 5.10.1 In accordance with paragraph 19-95(2)(b), a higher education provider must publish a schedule of student contribution amounts for places and tuition fees on the higher education provider's website on or before the earliest enrolment date for the unit of study as determined by the higher education provider.

### **Item 6**

Repeal subchapter 5.20.

### **Item 7**

Repeal and substitute subchapter 5.25 with:

**5.25 VARYING A STUDENT CONTRIBUTION AMOUNT OR TUITION FEE**

5.25.1 For the purposes of paragraph 19-87(3)(a) and paragraph 19-90(4)(a) of the Act, a higher education provider may only vary a published student contribution amount or tuition fee if the variation occurs prior to the published census date for the unit of study, and:

- (a) the variation does not disadvantage a student enrolled, or a person seeking to enrol; and
- (b) the variation is necessary to correct the published student contribution amount or tuition fee due to administrative error or circumstances that did not apply at the time the student contribution amount or tuition fee was determined.

5.25.5 Without limiting the generality of paragraph 5.25.1(a) of these Guidelines, a student will be disadvantaged by a variation that increases the student contribution amount or tuition fee.

5.25.10 In relation to replacement schedules under subsection 19-95(3) to the Act, the method by which a higher education provider must withdraw the previous schedule, inform the Minister of the variation and give the Minister a replacement schedule incorporating the variation is by publishing the replacement schedule on the higher education provider's website as soon as practicable after making that decision.

**Item 8**

At the end of subchapter 5.35, insert:

**5.40 THE FORM IN WHICH A HIGHER EDUCATION PROVIDER MUST GIVE THE MINISTER A SCHEDULE OF STUDENT CONTRIBUTION AMOUNTS FOR PLACES AND TUITION FEES**

5.40.1 For the purposes of paragraph 19-95(1)(a) and paragraph 19-95(1)(b) to the Act, a higher education provider gives the Minister a schedule of student contribution amounts for places and tuition fees by publishing the schedule on the higher education provider's website.