



Amendment No. 2 to the Administration Guidelines 2012

Higher Education Support Act 2003

I, KIM CARR, Minister for Higher Education, make the attached amendments to the Administration Guidelines 2012, dated 28 November 2011, under section 238-10 of the *Higher Education Support Act 2003*.

Dated this 03.08.2013

KIM CARR

KIM CARR
Minister for Higher Education

Higher Education Support Act 2003

Amendment No. 2 to the Administration Guidelines 2012

(i) Citation

This legislative instrument may be cited as *Amendment No. 2 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) Purpose

This legislative instrument aims to simplify and streamline requirements relating to the publication and submission of census dates and equivalent full-time student load values for units of study in order to reduce administrative burden placed on higher education providers.

Schedule 1 Amendments

Detailed explanation of the amendments

Item 1

In paragraph 1.5.5, after the definition of 'course', insert the following:

Department means the department that administers these guidelines.

Item 2

In paragraph 1.5.5, after the definition of 'notice', insert the following:

published census date(s) has the meaning given in paragraph 6.10.5 of these guidelines, and may be a specific date, or as referenced by the higher education provider

published EFTSL value(s) has the meaning given in paragraph 6.10.5 of these guidelines

Item 3

Repeal and substitute subparagraph 2.20.1(b) with:

- (b) the higher education provider has advised the Department, in writing to ssaf@innovation.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.

Item 4

Repeal and substitute paragraph 6.5.5 with:

- 6.5.5 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.

Item 5

Repeal and substitute subchapter 6.10 with:

- 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 In accordance with subsection 169-25(3) of the Act, the higher education provider must publish census dates ("**published census date(s)**") and EFTSL values ("**published EFTSL value(s)**") for units of study on the higher education provider's website on or before the earliest enrolment date for the units of study as determined by the higher education provider.

Item 6

Repeal subchapter 6.15.

Item 7

Repeal and substitute subchapter 6.20 with:

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

- 6.20.1 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, 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 census date or EFTSL value due to administrative error or circumstances that did not apply at the time the census date or EFTSL value was determined.
- 6.20.5 Without limiting the generality of paragraph 6.20.1(a) of these guidelines, a student or person will be disadvantaged by a variation that:
- (a) reduces the published EFTSL value for a unit of study; or
 - (b) brings the published census date for a unit of study forward in time.

Item 8

Repeal and substitute subchapter 6.25 with:

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 subsection 6.20.1 of these Guidelines applies.
- 6.25.5 For the purposes of subsection 169-25(5) of the Act, a higher education provider that varies a published census date or published EFTSL value must publish the varied census date or EFTSL value on the higher education provider's website as soon as practicable after making that decision.

Item 9

Repeal and substitute paragraph 6.30.1 with:

- 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 per cent of the way between the unit commencement and completion dates.