

THE AUSTRALIAN NATIONAL UNIVERSITY

Fees Rule 2017

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 11 December 2017

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor

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Part 1—Preliminary

1 Name

This is the *Fees Rule 2017*.

2 Commencement

This instrument commences on 1 January 2018.

3 Authority

This instrument is made under section 9.5 of the *Vice-Chancellorship Statute 2013*.

4 Definitions

In this instrument:

Commonwealth supported place means a place in a course in which a Commonwealth supported student may enrol.

Commonwealth supported student: see the HES Act, section 36-5 (Meaning of *Commonwealth supported student*).

contributing student means a Commonwealth supported student who receives HECS-HELP or FEE-HELP assistance.

contribution amounts and fees schedule, in relation to a period, means:

- (a) the schedule of student contribution amounts, and tuition fees, determined by the University in relation to the period, and published on its website; or
- (b) if that schedule is withdrawn by the University and a replacement schedule incorporating variations is published by the University on its website in relation to the period—the replacement schedule (or latest replacement schedule) published by the University on its website.

[Note: The HES Act, section 19-85 (Basic requirement) requires the University to charge, in accordance with the requirements of that Act, student contribution amounts and tuition fees for each unit of study in which it enrolls students. The contribution amounts and fees are determined and published by the University in accordance with that Act and guidelines made under that Act.]

course means a unit of study within the meaning of the HES Act.

[Note: ***Unit of study*** is defined in the HES Act, Schedule 1 (Dictionary).]

coursework program means a program consisting:

- (a) entirely of coursework; or
- (b) of a combination of coursework and research if the research component is less than two-thirds of the total program requirements.

cross-institutional student means:

- (a) a person who is enrolled in a program offered by the University and is, for the purposes of that program, enrolled at another tertiary education institution in a course or other work requirement that forms part of a program offered by that institution; or

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- (b) a person who is enrolled in a program offered by another tertiary education institution and is, for the purposes of that program, enrolled at the University in a course or other work requirement that forms part of a program offered by the University.

domestic student: see the HES Act, Schedule 1 (Dictionary).

[Note: A **domestic student** is defined as a student who is not an overseas student.]

enrolled, in relation to a student in a program, means a student who has registered an enrolment in a course of the program.

FEE-HELP is a loan scheme that assists eligible undergraduate or graduate students to pay their tuition fees.

graduate program means a program the completion of which leads to the award of a graduate degree, graduate diploma or graduate certificate.

HECS-HELP means Higher Education Contribution Scheme - Higher Education Loan Program.

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

late fee includes a fine or penalty levied as a disincentive for late payment of fees under this instrument or late enrolment in, or withdrawal from, a course.

nominee means a person who is appointed as a nominee under section 19 (Appointment of nominees etc.).

non-award program means a program that does not lead to the award of a degree, diploma or certificate, but consists of a course or work requirement that forms part of an undergraduate or graduate program.

[Note: A **non-award program** does not include studies undertaken on a 'non-award basis' within the meaning of the HES Act. (The term 'non-award basis' is defined in Schedule 1 of that Act).]

overseas student: see the HES Act, Schedule 1 (Dictionary).

program means a course of study within the meaning of the HES Act, and includes a program of study offered by the University or any course or work requirement forming part of such a program.

[Note: **Course of study** is defined in Schedule 1 to that Act.]

relevant authority, for a matter in relation to student who is or was enrolled in a program offered by the University, means the Associate Dean, Registrar or other authority of the University with responsibility for the matter in relation to the student.

research program means a program for which the research component is not less than two-thirds of the total program requirements.

semester means first semester or second semester.

session includes:

- (a) in relation to a coursework program—summer session, autumn session, winter session and spring session; and

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- (b) in relation to a research program—research quarter 1, research quarter 2, research quarter 3 and research quarter 4.

student:

- (a) in relation to a Commonwealth supported student—has the meaning given by the HES Act; and
- (b) in any other case—a person who is, or is to be, enrolled in a program.

[Note: ***Student*** is defined in Schedule 1 to the HES Act.]

student contribution means a contribution payable under Division 2.3 (Commonwealth supported student contributions).

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

5 Words and expressions used in HES Act

Unless the contrary intention appears, a word or expression used in this instrument and the HES Act has the same meaning in this instrument as it has in the HES Act.

[Note: For example, ***census date*** is defined in Schedule 1 to the HES Act. The definition applies in relation to references to ‘census date’ in this instrument.]

6 Arrangements with other tertiary education institutions etc.

- (1) If the Vice-Chancellor or a Deputy Vice-Chancellor arranges for a program to be offered in conjunction with another tertiary education institution or educational provider, a provision of this instrument has no effect in relation to a person undertaking the program to the extent to which it is inconsistent with a provision of the arrangement.
- (2) If the Vice-Chancellor or a Deputy Vice-Chancellor enters into a contract with a private or government organisation for a program to be offered, a provision of this instrument has no effect in relation to a person undertaking the program to the extent to which it is inconsistent with a provision of the contract.
- (3) For this section, a provision of this instrument is not inconsistent with a provision of an arrangement or contract mentioned in this section to the extent to which both provisions can operate concurrently.

Part 2—Payment of student contribution amounts and fees

Division 2.1—Domestic student tuition fees

7 Domestic students: fees for award programs

- (1) This section applies to a domestic student if the student is enrolled in a program for an award for any semester, session or trimester.
- (2) The student must pay the University the tuition fees payable, under the contribution amounts and fees schedule, for the courses to be undertaken in the program for the semester, session or trimester.
- (3) However, the student is not required to pay tuition fees if:
 - (a) the student:
 - (i) is eligible for FEE-HELP or HECS-HELP assistance from the Commonwealth and has taken out a FEE-HELP or HECS-HELP loan before the relevant census date; or
 - (ii) holds an Australian Government Research Training Program Domestic Fee Offset Scholarship; or
 - (iii) holds a full tuition fee scholarship funded by the University; or
 - (iv) holds a place fully funded by an employer; and
 - (b) the student's obligation to pay the fees is met under the arrangement or scholarship mentioned in paragraph (a).
- (4) To remove any doubt, a student mentioned in subsection (3)(a) remains personally liable to pay tuition fees if the student's obligation to pay the fees is not met under the arrangement or scholarship.
- (5) Also, if the Vice-Chancellor, Deputy Vice-Chancellor or relevant Associate Dean sponsors all or part of the student's tuition fees in accordance with the HES Act, the student is not required to pay the sponsored fees.

8 Domestic students: fees for non-award programs etc.

- (1) If a student is enrolled in a non-award program for any semester, session or trimester, the student must pay the University the tuition fees payable, under the contribution amounts and fees schedule, for the courses to be undertaken in the program for the semester, session or trimester.
- (2) The student must pay the tuition fees whether or not the student's performance is to be examined.
- (3) If a contributing student is enrolled in a course for any semester, session or trimester and the course does not have a Commonwealth supported place for that semester, session or trimester, the student must pay the University the tuition fees payable, under the contribution amounts and fees schedule, for that course.
- (4) If a cross-institutional student of another tertiary institution is enrolled in a course or other work requirement for any semester, session or trimester and the course or other work requirement forms part of a coursework program offered by the University, the student

must pay the University the tuition fees payable, under the contribution amounts and fees schedule, for that course or other work requirement.

- (5) However, the cross-institutional student is not required to pay the tuition fees if:
 - (a) the student discharges the student's liability by taking out a FEE-HELP loan before the relevant census date; or
 - (b) the student is awarded a Commonwealth supported place by the University and either pays the student contribution amount or defers the student contribution using HECS-HELP.
- (6) If a cross-institutional student of another tertiary education institution holds a scholarship or other award that exempts the student from a requirement to pay tuition fees, the student is taken to be enrolled at the other institution on a fee-paying basis.

Division 2.2—Overseas student fees

9 Overseas students: fees

- (1) This section applies to an overseas student if the student is (or is to be) enrolled in a program for any semester, session or trimester.
- (2) The student must pay the University the fees payable, under the contribution amounts and fees schedule, for the courses to be undertaken in the program for the semester, session or trimester.
- (3) However, the student is not required to pay fees if the student holds a scholarship, approved by the University, that meets the student's obligation to pay the fees and the student's obligation to pay the fees is met under the scholarship.
- (4) To remove any doubt, the student mentioned in subsection (3) remains personally liable to pay fees if the student's obligation to pay the fees is not met under the scholarship.
- (5) Also, if the Vice-Chancellor, Deputy Vice-Chancellor or relevant Associate Dean sponsors all or part of the student's tuition fees in accordance with the HES Act, the student is not required to pay the sponsored fees.

10 Overseas students becoming permanent visa holders

- (1) If an overseas student becomes a permanent visa holder after arriving in Australia, the person ceases to be an overseas student, and is to be treated as a domestic student, if the HES Act, or a legislative instrument under the HES Act, so requires.
- (2) However, the person must, before the census date of the first course in the semester, session or trimester in which the person is enrolled, provide proof to the University that the person has become a permanent visa holder to be eligible to be treated as a domestic student for that semester, session or trimester.
- (3) Also, if the continued entitlement of an overseas student to stay in Australia, or to enter and stay in Australia, is subject to any limitation as to time imposed by law on the census date for a semester, session or trimester, the person remains an overseas student for that semester, session or trimester.

Division 2.3—Commonwealth supported student contributions

11 General note for Division 2.3

[Commonwealth supported students are eligible domestic students who are offered a Commonwealth supported place by the University. Commonwealth supported students pay a contribution to the cost of their program and the Commonwealth pays the remainder of their tuition.]

12 Student contribution amounts

- (1) If a contributing student is, in any semester, session or trimester, undertaking a program at the University on the relevant census date, the contributing student must pay the University for that semester, session or trimester the student contribution amount payable, under the contributions amount and fees schedule, towards the cost of the provision of that program.
- (2) A contributing student must discharge the student's liability to make any HECS-HELP contribution on or before the relevant census date by:
 - (a) paying the University the student's student contribution amount in full; or
 - (b) if the student meets the citizenship or residency requirements under the HES Act, section 90-5—either:
 - (i) making a partial payment and deferring payment of the unpaid amount; or
 - (ii) deferring payment of the entire amount.
- (3) If a contributing student intends to defer payment of the student contribution amount payable for a semester, session or trimester in whole or part, the student must give the Registrar the student's Tax File Number, or a Certificate of Application for a Tax File Number from the Australian Taxation Office, before the relevant census date.
- (4) If the contributing student gives the Registrar a Certificate of Application for a Tax File Number from the Australian Taxation Office under subsection (3), the student must give the Registrar the student's Tax File Number not later than 15 working days after the day the student receives it from the Australian Taxation Office.

13 Appropriate officer

The Vice-Chancellor must, in writing, appoint a person as the appropriate officer of the University for the HES Act.

[Note 1: The appropriate officer is appointed under the HES Act, s 187-2 (Who is an appropriate officer?)]

[Note 2: The Registrar was the appropriate officer at the commencement of this instrument.]

14 Particular duties of Registrar in relation to HES Act

The Registrar must ensure that the University complies with the following provisions of the HES Act:

- (a) section 19-70 (Provider to provide statement of general information);
- (b) section 169-5 (Notices);
- (c) section 169-10 (Correction of notices);
- (d) section 154-55 (Higher education providers etc. to provide information to Commissioner).

Division 2.4—Student services and amenities fees

15 Student services and amenities fees

- (1) This section applies to a student if the student is enrolled at the University for any semester, session or trimester.
- (2) The student must pay the University the student services and amenities fee payable, under the contribution amounts and fees schedule, for the semester, session or trimester.

[Note: *Student services and amenities fee* is defined in the HES Act, s 19-37(5) (Requiring membership of certain organisations or payment of certain amounts). The fee is to support the provision of amenities and services not of an academic nature, regardless of whether a student chooses to use any of those amenities and services.]

- (3) However, the student is not required to pay the student services and amenities fee if the person is exempt from the fee under the contribution amounts and fees schedule.

Division 2.5—Non-award studies fees

16 Fees for non-award studies

- (1) This section applies to a person if the person undertakes studies offered by the University (other than a program of instruction to enable the person to undertake a program) that are not required or permitted to be undertaken for the purpose of obtaining a degree, diploma, certificate or other award of the University.
- (2) The person must pay the University the fees payable, under the contribution amounts and fees schedule, for the studies.

Division 2.6—Incidental goods and services fees

17 Fees for incidental services etc.

- (1) This section applies to a person if the person uses any goods or service offered by the University and a fee that is incidental to studies that may be undertaken with the University has been determined by the University as the charge for the goods or service.
- (2) The person must pay the University the fee determined for the goods or service.

[Note: Under the HES Act, a *fee* does not include a fee determined, in accordance with the Higher Education Provider Guidelines made under that Act, to be a fee that is incidental to studies that may be undertaken with a higher education provider (see s 19-102(3)(f) (Meaning of *fee*)). For the criteria to decide whether a fee is of a kind that is incidental to studies that may be undertaken with a higher education provider, see the Higher Education Provider Guidelines, Chapter 7 (Fees for goods and services incidental to studies).]

Division 2.7—Residential accommodation fees

18 Fees for residential accommodation services

- (1) This section applies to a person if the person uses residential accommodation services offered by the University.
- (2) The student must pay the University the fee determined by the University as the charge for the services.

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- (3) However, the University may alternatively enter into a commercial arrangement with the person under which the person is required to pay fees for the use of the residential accommodation services.
 - (4) A fee payable by the person under an arrangement mentioned in subsection (3) is taken to be a fee payable by the person under this instrument.

Part 3—Collection of fees

19 Appointment of nominees etc.

- (1) The Vice-Chancellor may, in writing, appoint a person as a nominee to collect fees payable under this instrument.
- (2) A nominee has, for this instrument, the functions that the Vice-Chancellor determines in writing.

20 Responsibility for collection of fees etc.

- (1) The Registrar must collect:
 - (a) the fees and student contribution amounts payable under the following provisions:
 - (i) Division 2.1 (Domestic student tuition fees);
 - (ii) Division 2.2 (Overseas student fees);
 - (iii) Division 2.3 (Commonwealth supported student contributions); and
 - (b) the types of fees payable under the following provisions that the Vice-Chancellor directs in writing:
 - (i) Division 2.4 (Student services and amenities fees);
 - (ii) Division 2.6 (Incidental goods and services fees).
- (2) A nominee must collect:
 - (a) the fees payable under the following provisions:
 - (i) Division 2.5 (Non-award studies fees);
 - (ii) Division 2.7 (Residential accommodation fees); and
 - (b) the types of fees payable under the following provisions that the Vice-Chancellor directs in writing:
 - (i) Division 2.4 (Student services and amenities fees);
 - (ii) Division 2.6 (Incidental goods and services fees).

21 Registrar's general powers

- (1) The Registrar may, by written notice, determine the following:
 - (a) the date or dates for the payment of fees and student contribution amounts to the University;
 - (b) how fees and student contribution amounts are to be paid;
 - (c) the circumstances in which late fees may be imposed;
 - (d) the circumstances (if any) in which fees and student contribution amounts may be paid by instalments and the conditions applying to payment by instalments;
 - (e) the circumstances in which a person may be entitled to:
 - (i) a refund of all or part of an amount paid under this instrument; or
 - (ii) remission of a debt under this instrument;
 - (f) the notice that a person is required to give the University of a change in the person's address, including, for example, a semester, work, permanent home or email address.

[Note: A notice may be varied or revoked (see *Acts Interpretation Act 1901*, s 33 (3) (Power to make instrument includes power to vary or revoke etc. instrument).]

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- (2) A notice under this section may relate to all relevant students or to students of a particular class (including students to whom circumstances set out in the notice apply).
 - (3) The Registrar must publish a notice under this section on the University's website.

22 Extensions and exemptions

- (1) The Registrar may:
 - (a) extend the time for the payment of fees or student contribution amounts payable this instrument; or
 - (b) exempt a person from:
 - (i) a late fee; or
 - (ii) an additional fee for the revival of a cancelled enrolment or withdrawn rights and entitlements.
- (2) However, the Registrar may not extend the payment date for a Commonwealth supported student beyond the relevant census date.

23 Cancellation of enrolment for nonpayment of fees etc.

- (1) The Registrar may cancel the enrolment of a person as a student, or withdraw rights and privileges to which a person would otherwise have been entitled, (or both) if a fee or student contribution amount payable by a person under this instrument is not paid:
 - (a) before the relevant census date or the other date by which payment is required to be made; or
 - (b) if the Registrar has extended the time for payment under section 22 (Extensions and exemptions)—within the extended time allowed by the Registrar.
- (2) The cancellation of a person's enrolment as a student, or the withdrawal of rights or privileges to which a person would otherwise have been entitled, does not extinguish any undischarged liability of the person to pay a fee or student contribution amount.
- (3) In making a decision under subsection (1), the Registrar must act in accordance with the HES Act and the *Education Services for Overseas Students Act 2000*.

24 Revival of cancelled enrolments etc.

- (1) This section applies if a person's enrolment as a student has been cancelled, or rights or privileges to which a person would otherwise have been entitled have been withdrawn, under section 23 (Cancellation of enrolment for nonpayment of fees etc.).
- (2) The Registrar may, on the person's application, revive the person's enrolment or the person's entitlement to the rights or privileges.
- (3) However, the Registrar may revive the enrolment or entitlement only if:
 - (a) the relevant authority recommends that the enrolment or entitlement be revived, subject to any conditions that the relevant authority may impose; and
 - (b) the person pays, in addition to all other fees (including late fees) and student contribution amounts that the person owes to the University, any additional fee that the applicant is required to pay under this instrument.

25 Liability of persons financially supported by third party

- (1) The Vice-Chancellor may accept an undertaking by a third party (including a party within the University), or a representative of the third party, to pay, on behalf of a person, fees and student contribution amounts payable to the University by the person under this instrument.
- (2) However, the person remains personally liable for the payment of any fees or student contribution amounts payable to the University by the person that are not paid by the third party.

26 Other sanctions for nonpayment of fees etc.

- (1) If a person fails to pay a fee or student contribution amount that the person is required to pay under this instrument, the Registrar may, in writing, direct that, while the fee or amount remains unpaid:
 - (a) the person may not enrol or re-enrol in a program or course at the University; or
 - (b) the person may not be given a transcript of the person's academic record; or
 - (c) the person may not be given the results of any assessment in a course or program; or
 - (d) the person may not receive a degree, diploma, certificate or other award of the University.

- (2) This section is additional to section 23 (Cancellation of enrolment for nonpayment of fees etc.).

- (3) In this section:

fee, in relation to a person, means any fee or other amount payable by the person to the University under this instrument, and includes any of the following:

- (a) a late fee or additional fee;
- (b) an accommodation debt;
- (c) a fee payable in relation to a financial assistance program or field trip;
- (d) any other financial liability for a service rendered, or goods supplied, by the University in relation to the person.

Part 4—Miscellaneous

27 Approved forms

- (1) The Registrar may, in writing, approve forms for this instrument.
- (2) If the Registrar approves a form for a particular purpose, the form must be used for that purpose.
- (3) The Registrar must ensure that approved forms are available on the University's website or any other way that the Registrar considers appropriate.

28 Service of notices etc.

- (1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).
- (2) The document may be served on an individual:
 - (a) by giving it to the individual; or
 - (b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as the individual's semester address, work address or permanent home address; or
 - (c) by emailing it to:
 - (i) if the individual has an email address provided by the University—that email address; or
 - (ii) in any case—an email address otherwise recorded by the University as the individual's email address.
- (3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day it would have been delivered in the ordinary course of post.
- (4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would have been received in the ordinary course of email transmission.

29 Delegation by Vice-Chancellor etc.

- (1) The Vice-Chancellor may, in writing, delegate the Vice-Chancellor's functions under this instrument to a member of the staff of the University or to a nominee.
- (2) A delegation under subsection (1) may authorise the delegate to subdelegate, in accordance with the delegation, all or part of a delegated function to a member of the staff of the University or to a nominee or agent of a nominee.

30 Agents of nominee

A nominee may, in writing, appoint a person as the nominee's agent for the exercise of the nominee's functions under this instrument.

Part 5—Repeal and transitional

31 Repeal etc.

- (1) The *Fees Rule 2016* is repealed.
- (2) To remove any doubt, a reference in a rule, order or other document of the University to the ***Fees Rules*** (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.

32 Transitional

- (1) To remove any doubt, any amount payable and unpaid under the *Fees Rule 2016*, and anything done under the rule and in effect immediately before the repeal of the rule, continues to be payable, or to have effect, as if the amount were payable, or the thing had been done, under this instrument.
 - (2) This section is additional to, and does not limit, the following provisions:
 - (a) the *Acts Interpretation Act 1901*, section 7 (Effect of repeal or amendment of Act), as applied by the *Legislation Act 2003*, section 13(1)(a) (Construction of legislative instruments);
 - (b) the *Australian National University (Interpretation) Statute 2017*, section 9 (Amendment of statutes).
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