

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment, Workforce, Skills, Small and Family
Business

Higher Education Support Act 2003

Higher Education Support (Administration) Guidelines 2022

AUTHORITY

The *Higher Education Support (Administration) Guidelines 2022* ('the Guidelines') are made by the Minister for Employment, Workforce, Skills, Small and Family Business under section 238-10 of the *Higher Education Support Act 2003* ('the Act').

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument. The repeal of the *Administration Guidelines 2012* ('the Former Guidelines') by Schedule 1 to the Guidelines relies on that provision.

PURPOSE AND OPERATION

The Guidelines are made for the purposes of setting out:

- requirements for higher education providers when determining and publishing student services and amenities fees
- circumstances in which a higher education provider will be satisfied that special circumstances apply (including in relation to re-crediting a student's HELP balance where they withdraw from a unit of study after the census date)
- requirements for notices that higher education provider needs to provide for a range of administrative purposes (under section 169-5 of the Act)
- requirements that must be met to satisfy the definition of "work experience in industry" under Schedule 1 of the Act and when a student undertaking a unit of study that wholly consists of work experience in industry is an exempt student under subsection 169-20 of the Act
- publication requirements for census dates and Equivalent Full-Time Student Load (EFTSL) values
- requirements for higher education providers when determining the EFTSL value of a unit of study
- requirements that apply to higher education providers in relation to electronic communication.

The Guidelines are largely a remake of the Former Guidelines. The Former Guidelines will sunset on 1 April 2022 and these Guidelines are made to ensure that the above requirements placed on higher education providers will continue to be in place.

Minor differences between the remade Guidelines and the Former Guidelines reflect legislative changes that have commenced following the last update of the Guidelines.

REGULATORY IMPACT

The Office of Best Practice Regulation (OBPR) has been consulted and advised that the Guidelines are unlikely to have a more than minor regulatory impact and therefore the preparation of a Regulation Impact Statement is not required (OBPR ID: 22-01754).

COMMENCEMENT

The Guidelines commence on the day after it is registered on the Federal Register of Legislation.

CONSULTATION

No formal consultation was undertaken in the remaking of the Guidelines. However, the Department of Education, Skills and Employment (the department) undertakes regular communication activities with the higher education sector throughout the year. In these informal consultative forums higher education providers raise issues or request clarification about their legislative requirements under the Act and its subordinate legislation.

Based on this informal consultation and following legislative amendments to the Act, changes have been made to the Guidelines to require a student's student identifier to be included in their Commonwealth Assistance Notice, and to ensure that the circumstances in which a higher education provider will be satisfied that special circumstances apply to a person apply to special circumstances under subsection 36-13(3) of the Act (which is part of a new provision that introduces a 50% completion rate requirement for Commonwealth supported students).

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Higher Education Support (Administration) Guidelines 2022

The *Higher Education Support (Administration) Guidelines 2022* ('the Guidelines') are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Guidelines are made for the purposes of setting out:

- requirements for higher education providers when determining and publishing student services and amenities fees
- circumstances in which a higher education provider will be satisfied that special circumstances apply (including in relation to re-crediting a student's HELP balance where they withdraw from a unit of study after the census date)
- requirements for notices that higher education provider needs to provide for a range of administrative purposes (under section 169-5 of the Act)
- requirements that must be met to satisfy the definition of "work experience in industry" under Schedule 1 of the Act and when a student undertaking a unit of study that wholly consists of work experience in industry is an exempt student under subsection 169-20 of the Act
- publication requirements for census dates and Equivalent Full-Time Student Load (EFTSL) values
- requirements for higher education providers when determining the EFTSL value of a unit of study
- requirements that apply to higher education providers in relation to electronic communication.

The Guidelines remake the *Administration Guidelines 2012* ('the Former Guidelines') which will sunset on 1 April 2022. These Guidelines, as remade, will ensure that the above requirements placed on higher education providers will continue to be in place.

The remade Guidelines and the Former Guidelines reflect legislative changes that have commenced following the last update of the Guidelines.

Human rights implications

The Guidelines engage the right to education contained in Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Right to education

The Guidelines engage the right to education contained in Article 13 of the ICESCR. Article 13(2)(c) of the ICESCR provides that 'higher education shall be made equally

accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education’.

The Guidelines will provide for requirements that must be met by Australian higher education providers. These requirements support the right to education as they provide further clarity on matters that affect a student’s education, such as how higher education providers determine fees, the circumstances where special circumstances will be found to apply to a student and other matters that affect a student’s study (such as how notices are communicated and the value of a unit of study).

Therefore, the Guidelines promote the right to education.

Conclusion

This Legislative Instrument is compatible with human rights because it promotes the right to education.

Minister for Employment, Workforce, Skills, Small and Family Business

Higher Education Support (Administration) Guidelines 2022

EXPLANATION OF PROVISIONS

Part 1 – Introduction

Section 1: Name

1. This section specifies the name of the instrument as the *Higher Education Support (Administration) Guidelines 2022* ('the Guidelines').

Section 2: Commencement

2. This section provides that the Guidelines commence the day after they are registered on the Federal Register of Legislation.

Section 3: Authority

3. This section provides that the Guidelines are made under section 238-10 of the *Higher Education Support Act 2003* ('the Act').

Section 4: Definitions

4. This section provides definitions for certain expressions used in the Guidelines, and notes that a number of expressions used in the Guidelines are defined in Schedule 1 of the Act.

Section 5: Schedule

5. This section clarifies that the instrument specified in the Schedule to the Guidelines is repealed.

Part 2 – Determining and publishing student services and amenities fees

Section 6: Determining a student services and amenities fee

6. This section sets out the requirements placed on a higher education provider in determining a student services and amenities fee.
7. Subsection 6(1) provides the details of what constitutes “enough information”, published by a provider, to enable a person liable to pay the student services and amenities fee to work out the amount of the fee as set out in subparagraph 19-37(6)(a)(i) of the Act. Subsection 6(1) provides that “enough information” would be the provider publishing at the time the provider determines the fee:
 - the amount of the fee (as a GST inclusive amount);
 - the period to which the fee relates; and
 - the persons or categories of persons to whom the fee relates.
8. Subsection 6(2) provides that when determining an amount of a student services and amenities fee, a higher education provider must not have any regard to any matter related to the manner or timing of:
 - any person’s payment of the student services and amenities fee to the provider; or
 - the Commonwealth’s payment to the higher education provider of any amount lent to any person in discharge of the person’s liability to pay the student services and amenities fee.
9. Subsection 6(3) provides that 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.
10. A note to subsection 6(3) provides that categories of persons can be determined on any reasonable or relevant basis, including mode of attendance, type of course or equity status.

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

11. Subsection 7(1) provides that a student services and amenities fee determined by a higher education provider for a person enrolled or seeking to enrol 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 on a full-time basis.
12. Subsection 7(2) provides that, for the purposes of this section, the term “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.

Section 8: Determining a day on which a student services and amenities fee is payable

13. Section 8 provides that the day on which a student services and amenities 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 a bridging course for overseas-trained professionals in the period to which the fee relates.
14. Subsection 8(2) clarifies that, for the purposes of subsection 8(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.

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

15. Subsection 9(1) provides that, subject to subsection 9(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:
 - the variation is 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 the variation is to correct an administrative error; and
 - the higher education provider has advised the department in writing of its intention to vary the determination of a student services and amenities fee, or the day on which the fee is payable, or both, at least 5 working days before making the variation.
16. Subsection 9(2) provides that a higher education 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 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.
17. Subsection 9(3) provides that, without limiting the generality of subsection (2), a person will be disadvantaged by a variation that increases the student services and amenities fee, or a variation that changes the day on which the fee is payable to an earlier day.

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

18. Subsection 10(1) provides that, in accordance with subparagraph 19-37(6)(a)(i) of the Act, where a higher education provider determines a student services and amenities fee, the higher education provider must publish:
 - the amount of the fee;
 - the period to which the fee relates; and
 - 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.

19. Subsection 10(2) provides that a higher education provider must publish the information under subparagraph 19-37(6)(a)(i) of the Act and subsection 10(1) of the Guidelines, and the notice pursuant to subparagraph 19-37(6)(a)(ii) of the Act by:
- the 1st of October of a year for a student services and amenities fee that is payable in the First Half Year (as defined in section 4 of the Guidelines) of the following year; and
 - the 1st of April of a year for a student services and amenities fee that is payable in the Second Half Year (as defined in section 4 of the Guidelines) of that year.
20. Subsection 10(3) provides that where a higher education provider is making this 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 (as defined in the Act) through which the student can access the information.

Section 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

21. Subsection 11(1) provides that 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 of the Guidelines.
22. Subsection 11(2) provides that 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.
23. Subsection 11(3) provides that where a higher education provider is making this 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 (as defined in the Act) through which the student can access the information.

Part 3 – Special circumstances

This Part deals with the special circumstances test that can apply to enable a student's HECS-HELP debt to be remitted where they withdraw from a unit of study after the census date, or where they are affected by the new 50 per cent completion rate requirements. The statutory special circumstances test consists of three elements:

That the circumstances that apply to the person:

- (a) are beyond the person's control;
- (b) do not make their full impact on the person until on or after the census date for the unit of study in question; and
- (c) make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit.

The test is cumulative and each limb or element must be satisfied for a provider to find that special circumstances apply to the person.

Section 12: Circumstances beyond a person's control

24. The first element of the special circumstances test requires that a higher education provider must be satisfied that the circumstances that apply to the person are beyond their control.
25. Subsection 12(1) provides that 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, for which the person is not responsible.
26. Subsection 12(2) further provides that the situation referred to in subsection 12(1) must be unusual, uncommon or abnormal.

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

27. This section deals with the second element of the special circumstances test which requires that a higher education provider is satisfied that the circumstances that apply to the person did not make their full impact on the person until on or after the census date for the unit of study in question.
28. Subsection 13(1) provides that a higher education provider will be satisfied that a person's circumstance 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:
 - before the census date, but worsen after that day;
 - before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
 - on or after the census date.

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

29. This provision deals with the third element of the special circumstances test which requires that a higher education provider is satisfied that the circumstances that apply to the person make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit.
30. Subsection 14(1) provides that 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:
 - 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;

- 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;
 - 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
 - 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 courses.
31. Subsection 14(2) provides that the requirements for a unit of study referred to in subsection 14(1) are that a person:
- 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
 - completes the required assessable work
 - sits the required examinations, or
 - completes any other course requirements.

Section 15: Method of publication

32. Section 15 provides that the method of publication of the higher education provider’s decision under this Part is to be determined by the higher education provider.
33. Note 1 to this section provides that persons whose interests are affected by the decision must be notified of the decision and of their right to have it reviewed on merits (both on internal review under Part 5-7 of HESA and, following internal review, by the Administrative Appeals Tribunal).
34. Note 2 to this section provides that 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.

Part 4 – Notices to students

Section 16: People who must receive a Commonwealth Assistance Notice

35. Section 16 provides that a higher education provider must give a Commonwealth Assistance Notice to any person who meets the requirements under subsection 169-5(1) of the Act.

Section 17: Information that a Commonwealth Assistance Notice must contain

36. Subsection 17(1) provides that a Commonwealth Assistance Notice must include the words 'Commonwealth Assistance Notice' as a title.

37. Subsection 17(2) provides that the notice must contain the following information, as applicable, to the person's enrolment at the census date for the unit(s) of study to which the notice applies:

- the person's name
- the name of the higher education provider
- the person's student identification number as issued by the higher education provider
- the person's Commonwealth Higher Education Student Support Number (CHESSN) or Unique Student Identifier (USI)
- the higher education course(s) in which the person is enrolled at the higher education provider for which EFTSL is recorded at the census date(s) contained in the notice
- the student cohort (as defined in section 4 of the Guidelines) to which the student belongs if the student was part of a student cohort established before 4 November 2006
- the total EFTSL in which the person is enrolled
- the total amount of any up-front payments
- the total amount of any applicable HECS-HELP discount
- the total amount of HECS-HELP debt
- the total amount of FEE-HELP assistance
- the total amount of the FEE-HELP loan fee
- the total amount of FEE-HELP debt
- whether the person is a grandfathered student

38. Subsection 17(3) provides that for each unit of study, the notice must include the following information, as applicable, to each person's enrolment:

- the identification code for the unit
- the census date
- 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')
- the EFTSL value

- the student contribution amount
 - the tuition fee amount
 - the amount of up-front payment
 - the amount of HECS-HELP discount
 - the amount of HECS-HELP debt
 - the amount of FEE-HELP assistance
 - the amount of the FEE-HELP loan fee, and
 - the amount of FEE-HELP debt.
39. Subsection 17(3) provides for information at the unit level rather than as an aggregate of all relevant units, which complements the aggregate information required to be included under subsection 17(2).
40. Subsection 17(4) provides that where information about the census date and the person's status in relation to a person's enrolment for each unit of study 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.
41. Subsection 17(5) provides that where a higher education provider has selected a person to receive OS-HELP assistance, the notice must include the following information:
- the six month period to which the OS-HELP assistance relates, and
 - the amount of OS-HELP assistance for the relevant six month period.
42. Subsection 17(6) provides that 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:
- the amount of the student services and amenities fee
 - the day on which that student services and amenities fee was payable ,and
 - the amount of SA-HELP debt in respect of that student services and amenities fee.
43. Subsection 17(7) provides that a notice that contains information in respect of FEE-HELP or HECS-HELP assistance must prominently display the following statement, to ensure that students are aware of their responsibility as stated:
- “It is your responsibility to ensure that you have a sufficient HELP balance to cover the FEE-HELP and/or HECS-HELP amounts indicated in this notice. You are eligible for the amounts of FEE-HELP and/or HECS-HELP assistance contained in this notice only if you have sufficient HELP balance to cover those amounts.”
44. Subsection 17(8) provides that a notice that contains information in respect of Commonwealth assistance must prominently display the following statement:
- “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*.”

45. Subsection 17(9) provides that a notice must include information about the person's right to request the correction of information contained in the notice.
46. The note to this section provides that nothing in this section is intended to limit a provider including other information in a notice.

Section 18: Period within which a notice must be given

47. Subsection 18(1) provides that a notice that contains information in respect of unit(s) 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 the Guidelines.
48. Subsection 18(2) provides that a notice that contains information in respect of SA-HELP assistance must be given to a person by the later of:
 - 28 days after the date on which the SA-HELP debt was incurred, and
 - the date on which the higher education provider must give the person a notice, if any, in accordance with subsection (1), provided that 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 the Guidelines.
49. The note to subsection 18(2) provides that 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).
50. Subsection 18(3) provides that a notice that contains information with respect of OS-HELP assistance must be given within 28 days of the date on which the OS-HELP debt was incurred.

Part 5 – Work experience in industry

Section 19: Other requirements that must be met to determine that work is work experience in industry

51. This section provides that 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 of the following are performed by staff of the higher education provider or by persons engaged by the higher education provider:

- ongoing and regular input and contact with the student
- oversight and direction of work occurring during its performance
- definition and management of the implementation of educational content and objectives of the unit
- definition and management of the implementation of student learning and performance during the student placement, and
- definition and management of the standard of learning and performance to be achieved by the student during the student placement.

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

52. This section provides that 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:

- interaction with the student (including site visits)
- organisation of student placement
- ongoing monitoring of student work and progress, and
- assessment of student learning and performance during the student placement.

Part 6 – Publication requirements for census dates and EFTSL values

Section 21: Period for the purpose of determining census dates and EFTSL values

53. Subsection 21(1) provides that, in relation to the period referred to in subsection 169-25(1) of the Act, which is relevant to the obligation on providers to determine a census date and EFTSL values for units provided or proposed to be provided during that period, 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.
54. Subsection 21(2) provides that a period ascertained in accordance with subsection (1) is relevant only for the purposes of subsection 169-25(1) of the Act and section 22 of the Guidelines.

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

55. This section provides that the higher education provide must publish census dates and EFTSL values 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.

Section 23: Date by which, and circumstances in which a published census date or published EFTSL value may be varied

56. Subsection 23(1) provides that a higher education provide may only vary a published census date or published EFTSL value if the variation occurs prior to the published census date for the unit, the higher education provider has written approval of the Minister, and:
- the variation does not disadvantage a student enrolled, or a person seeking to enrol, and
 - 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.
57. Subsection 23(2) provides that a student will be disadvantaged by a variation that reduces the EFTSL value for a unit of study, or brings the census date for a unit of study forward in time.

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

58. Subsection 24(1) provides that this section applies only if subsection 23(1) applies.
59. Subsection 24(2) provides that 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.

Section 25: Requirements for determining a census date

60. This section provides that the date determined to be the census date under paragraph 169-25(1)(a) of the Act must not be a date that falls less than 20 per cent of the time between the unit commencement and completion dates.

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

Section 26: EFTSL value for a unit of study

61. Subsection 26(1) provides that 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.
62. Subsection 26(2) provides that the study load of a unit is the proportion of the standard study load for one full-time year of the course of the study of which the unit forms part, as determined by the higher education provider.
63. Subsection 26(3) provides that a standard study load for one year of a course of study is determined in accordance with subsections 26(5) to 26(7).
64. The note to subsection 26(3) provides that 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.
65. Subsection 26(4) provides that students doing more than the standard study load must generate EFTSL values adding to more than 1.0 for the relevant year of study and students doing less than the standard study load must generate EFTSL values adding to less than 1.0 for the relevant year of study.
66. Subsection 26(5) provides for the determination of a standard study load where the higher education provider specifies a standard study load. This subsection provides that 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:
 - undertake study for that year in the course on a full-time basis, and
 - 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 and determined by the higher education provider, taking into account the requirements of this instrument.
67. Subsections 26(6) and 26(7) provide for the determination of a standard study load where the higher education provider does not specify a standard study load.
68. Subsection 26(6) provides that 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.
69. Subsection 26(7) provides 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 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.

Section 27: Method of calculation of EFTSL values

70. Subsection 27(1) provides that subject to the situation identified for domestic students studying with overseas higher education institutions in section 28 of the Guidelines, 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 way described in this section.
71. Subsection 27(2) provides that 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.
72. Subsection 27(3) provides that 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.
73. The note to this subsection provides that in reporting data to the Commonwealth for its statistics collections, it may be necessary to round or truncate the results of some calculations.
74. Subsection 27(4) provides that in calculating EFTSL values 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.
75. Subsection 27(5) provides an example 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.

Section 28: Method of calculation of EFTSL values – special cases

76. This section provides for the method of calculation of 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.
77. 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.

Part 8 – Electronic communication

Section 29: Information technology requirements

78. Subsection 29(1) provides that 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:
- accessible by students
 - secure
 - 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
 - accessible in respect of requests for Commonwealth assistance where, in the case of a student submitting an electronic request for Commonwealth assistance:
 - 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
 - the system must automatically generate a date field on the request, and
 - able to generate a printable receipt for the student.
79. Subsection 29(2) provides that an information system is accessible by students if the higher education provider has:
- 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
 - given the students the authority to use the information system.
80. Subsection 29(3) provides that 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:
- 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
 - the students are given authority to use an information system for generating, sending, receiving, storing or otherwise processing the electronic communication, and

- 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.

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

81. Subsection 174-5(2) of the Act provides for the guidelines to make certain provision for and in relation to electronic communication from a student to a higher education provider. Subsection 30(1) provides that, 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.
82. The note to subsection 30(1) provides that where a student is required by the Act to provide a signature and the student acts in accordance with the method allowed for in subsection 30(1), the student is taken to meet that requirement.
83. Subsection 30(2) provides that a method that a student can use to uniquely identify himself or herself may involve the student using a unique, personal identifier, issued to the student by the provider or by the Student Identifiers Registrar.
84. Subsection 30(3) provides that in relation to issuing an identifier to a student, a higher education must:
 - verify the identity of the person to whom the identifier is to be issued
 - take all reasonable precautions to ensure there is no unauthorised access to, or use of, the identifier, and
 - ensure that the student is advised that, apart from the higher education provider's obligations under this subsection, the student is personally responsible for protecting the identifier.

Schedule 1 – Repeals

85. This Schedule repeals the *Administration Guidelines 2012*.