



**Australian Government**

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**Department of Education,  
Science and Training**

**BODIES SEEKING APPROVAL AS HIGHER EDUCATION PROVIDERS UNDER THE  
*HIGHER EDUCATION SUPPORT ACT 2003***

**APPLICATION PACK**

**May 2004**

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## Introduction

The *Application Pack* for bodies seeking approval as higher education providers (HEPs) under the *Higher Education Support Act 2003* (HESA) contains forms and requests for information. All forms and requested information that make up the *Application Pack* should be returned to the Department of Education, Science and Training.

For higher education providers wishing to apply for National Priority Places in 2005, applications for priority places **and** for approval as HEPs will be required to be received by the Department by close of business on **18 June 2004**. Late applications for the allocation of 2005 places will not be considered. **Note that there is a separate application form for National Priority Places, which needs to be returned to the address listed in the *National Priority Places Application Pack*. Applications for approval as HEPs need to be returned by the same date to the address which appears below.**

For higher education providers wishing to access FEE-HELP loans in 2005 and to inform students of this fact by the end of October 2004, applications for approval as HEPs should be provided to the address listed below by close of business on **9 July 2004** to allow adequate time for assessment and notification to HEPs and students. There is no separate application form to access FEE-HELP loans.

For higher education providers **not** applying for NPPs in 2005, approval as a HEP in 2005 or access to FEE-HELP in 2005, the completed *Application Pack* may be forwarded at any time.

Please note the timeframes for assessment outlined in the *Information Pack* and take them into account in your planning. In 2004, while we are aiming to process all applications as quickly as possible, timelines may be affected by a large number of applications being made at the same time.

Providers seeking approval as HEPs for 2005 should note that there are requirements in the HESA and Guidelines made pursuant to the HESA that **must** be met by **1 September 2004**. These include the requirement to determine fees and student contribution amounts for 2005 in a manner consistent with the HESA, provide them to the Minister and publish them to students, set census dates for each unit of study the provider proposes to offer to students during 2005, and determine the EFTSL values for these units of study. The *Information Pack* explains these requirements in detail in Chapters 8 and 9.

**Completed *Application Packs* for bodies seeking approval as higher education providers should be returned in hard copy in triplicate to the following address:**

Quality Unit [Attention Sian Lewis]  
Location code: 136  
Quality, Equity and Collaboration Branch  
Higher Education Group  
Department of Education, Science and Training  
GPO Box 9880  
CANBERRA ACT 2601

Please note that with the exception of the Excel workbook required as part of the *Financial Viability Questionnaire – HEP Eligibility* (Form 2) emailed applications cannot be accepted and will be returned to sender.

## Download application forms

Electronic copies of the *Application Pack* as a whole and/or individual application forms can be downloaded from the Higher Education Provider webpage at <http://www.dest.gov.au/highered/hep/>.

## Summary of key dates

18 June 2004	Applications for approval as HEPs and National Priority Places due to DEST, for bodies competing for 2005 NPPs.
9 July 2004	Applications for approval as HEPs due to DEST, for bodies seeking access to FEE-HELP from 1 January 2005.
1 Sept 2004	Information due to DEST on tuition fees and student contribution amounts, if applicable. Census dates and EFTSL values must be published.

## Contact

Sian Lewis  
Director  
Quality Unit  
Phone: 02 6240 5857  
Email: [sian.lewis@dest.gov.au](mailto:sian.lewis@dest.gov.au)

## Section 1: Senior Authorised Officers' Declaration

The *Senior Authorised Officers' Declaration* form (Form 1 of this *Application Pack*) is an overarching declaration to be signed by two Directors, or the Director and Secretary, of the company making the application to become a Higher Education Provider (HEP). In the case of other types of applicant legal entities, the signatories should be whoever is duly authorised to bind the entity.

The declaration includes the statement that the applicant's senior authorised officers have read and understood the requirements of the *Higher Education Support Act 2003* (HESA) and the associated Guidelines, and that the application includes all the relevant information required for the consideration of approval as a HEP. The declaration also confirms the applicant's agreement to comply with the requirements set out in the HESA and its Guidelines.

The *Senior Authorised Officers' Declaration* form will need to be signed and returned to DEST, together with all of the other information specified in this *Application Pack*.

### Contact

Sian Lewis  
Director  
Quality Unit  
Phone: 02 6240 5857  
Email: [sian.lewis@dest.gov.au](mailto:sian.lewis@dest.gov.au)

# Senior Authorised Officers' Declaration Form (Form 1)



Australian Government  
Department of Education,  
Science and Training

## DECLARATION OF ADHERENCE TO THE HIGHER EDUCATION SUPPORT ACT 2003 (HESA)

<b>SENIOR AUTHORISED OFFICERS' DECLARATION</b>
--

.....  
**(Name of body seeking HEP status under HESA)**

I, ....., and ....., declare that we are the Senior Authorised Officers of the above mentioned body.

We enclose an application for the above mentioned body as a Higher Education Provider (HEP) under the HESA.

We have read and fully understood the requirements of the HESA and the Guidelines set out in the Information Pack.

We have provided all the information required under HESA and the Guidelines and the Application Pack for the above mentioned body to be considered for approval as a HEP.

All the information we have provided is correct.

The above mentioned body is able to and agrees to comply with the requirements for HEPs as set out in the HESA and the Guidelines, and as amended from time to time. This includes a capability in relation to the provision of statistical information and development of the required information technology infrastructure to interface with HEIMS and with DEST.

Signed: ..... Position: .....

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Daytime telephone contact number \_\_\_\_\_

Email address: \_\_\_\_\_

Signed: ..... Position: .....

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Daytime telephone contact number \_\_\_\_\_

Email address: \_\_\_\_\_

## Section 2: Financial Viability and Legal Status

The *Financial Viability Questionnaire – HEP Eligibility* (Form 2 of this *Application Pack*) assists with an assessment of the financial viability and legal status of bodies applying for approval as a higher education provider under the *Higher Education Support Act 2003*.

The *Financial Viability Questionnaire – HEP Eligibility* will need to be completed, signed and returned to DEST as part of the application for approval as HEP.

The following documentation should be returned:

- The completed *Financial Viability Questionnaire – HEP Eligibility* (Form 2 attached), accompanied by:
  - Evidence of legal status (see question 6, Form 2)
  - Audited Financial Statements (see question 16, Form 2)
  - Approval as a Higher Education Provider – Finance Data Collection Excel workbook (see question 16, Form 2. The workbook is available electronically at <http://www.dest.gov.au/highered/hep>)

### Contact

Indhi Emmanuel  
Director  
Institutional Reporting and Analysis Unit  
Phone: 02 6240 9626  
Email: [indhi.emmanuel@dest.gov.au](mailto:indhi.emmanuel@dest.gov.au)

## Financial Viability Questionnaire – HEP Eligibility (Form 2)

# Financial Viability Questionnaire – HEP Eligibility



### General

The purpose of this Questionnaire is to obtain information in order to assess, in the opinion of the Department, your organisation's financial health and its current and ongoing financial viability in order to become an eligible higher education provider (HEP). This Questionnaire forms part of the application for approval as a higher education provider under the *Higher Education Support Act 2003 (HESA)*. All organisations applying for approval as a higher education provider under s.16-40 of the *HESA* are required to complete this questionnaire.

**PLEASE ENSURE YOU READ AND COMPLETE EACH QUESTION. INCOMPLETE, INACCURATE OR ILLEGIBLE DETAILS MAY DELAY ASSESSMENT OF YOUR APPLICATION.**

### PART A – Organisational details

Q1. Legal name of organisation

Q2. Name of ultimate holding entity (if applicable)

Q3. Registered business or trading name (if applicable)

Q4. Registered business address (not PO Box)

Q5. How would you describe your organisation? (Tick one or more boxes, if applicable)

- |  |                          |   |                          |
|--|--------------------------|---|--------------------------|
| Proprietary company                                  | <input type="checkbox"/> | Commonwealth or State Government Body Corporate | <input type="checkbox"/> |
| Company Limited by Guarantee                         | <input type="checkbox"/> | Trust/Unit Trust                                | <input type="checkbox"/> |
| Unlisted Public company                              | <input type="checkbox"/> | Incorporated Association                        | <input type="checkbox"/> |
| Listed Public Company                                | <input type="checkbox"/> | Registered Charity                              | <input type="checkbox"/> |
| Other (including Chartered Entities), please specify | <input type="checkbox"/> |   |                          |

Q6. All companies, registered associations, chartered entities and any entity using a trade name, must attach a copy of:

- Certificate of Incorporation OR Charter, AND/OR
- Registration of Business Name (if applicable), AND
- A certified copy of the Constitution (such as Memorandum and Articles of Association or their equivalent).

Entities incorporated directly under State or Federal Legislation are exempt from this requirement but must supply legislation reference details in question 7(c).



Copy of Certificate(s) enclosed

Yes

No

**Q7. Provide the following identifying details of the organisation named at Q1 (as applicable):**

(a) ACN<sup>1</sup>:

(b) ABN<sup>2</sup>:

(c) Registration Number under legislation other than the *Corporations Act 1991*:

State/Territory of Registration:

Legislation under which the above Registration Number has been issued (for example: *Queensland Associations Incorporation Act 1981* OR *South Australian Co-Operatives Act 1997*):

**Q8. Please provide details of ALL RELEVANT people directly involved with the organisation. Relevant people are people with the potential to exert significant influence over the management and operation of the organisation and the use and recording of funds. Examples of relevant people would be KEY members of the governing body (directors, presidents, senate/council members), the chief executive officer and the chief financial officer.**

**Important Note:** All of the requested information is required to ensure that the Department obtains accurate information about the correct individual from the databases that it accesses. One individual listed here will need to complete the Statutory Declaration (see Q21).

1. Full Name (No abbreviations or initials): <input type="text"/>	Date of Birth: <input type="text"/>
Residential address (must have Street Name): <input type="text"/>	Position in Organisation: <input type="text"/>
Number of years in position of influence in Organisation: <input type="text"/>	<input type="text"/>

2. Full Name (No abbreviations or initials): <input type="text"/>	Date of Birth: <input type="text"/>
Residential address (must have Street Name): <input type="text"/>	Position in Organisation: <input type="text"/>
Number of years in position of influence in Organisation: <input type="text"/>	<input type="text"/>

3. Full Name (No abbreviations or initials): <input type="text"/>	Date of Birth: <input type="text"/>
Residential address (must have Street Name): <input type="text"/>	Position in Organisation: <input type="text"/>

<sup>1</sup> Australian Companies Number.

<sup>2</sup> Australian Business Number.

Number of years in position of influence in Organisation:

4. Full Name (No abbreviations or initials):

Date of Birth:

Residential address (must have Street Name):

Position in Organisation:

Number of years in position of influence in Organisation:

Tick this box if you have attached details on a separate page.

Q9. How many full time employees does the organisation have?

Q10. How many students does your organisation currently have?

Q11. How many students are currently funded by DEST?

Q12. How many years the named organisation been in operation?

Q13. Does your organisation have any overdue acquittals for funding received from DEST?

No  → Go to 14

Yes  ↓ List all overdue acquittals in the table below

Name of programme or scheme under which funding was provided	Funding received to date	Unacquitted funds	Date overdue acquittal was due

Tick this box if you have attached details on a separate page

## PART B – Financial Details

Q14. What is the total amount of funding expected to be sought from the Australian Government under FEE-HELP.  
Please complete for the appropriate year(s).

For the financial year ending in 2005

FEE-HELP

For the financial year ending in 2006

For the financial year ending in 2007

**Q15. Strategic Plan Information**

Provide information on the strategic plan of your organisation. This would include information relating to your organisation's mission, goals and a statement regarding the future direction of your organisation.

Tick if strategic plan is attached

Explanation if not attached:

<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

**Q16. Financial Details**

**The onus is on you to provide DEST with satisfactory evidence of the organisation's financial health. However we require a hard copy of your Audited General Purpose Financial Statements for the most recent complete financial year and the three previous years to be attached. If the most recent of these statements is more than six months old, then an interim financial statement for the current year should be attached.** The statements should be accrual and based on Australian Accounting Standards and other mandatory reporting requirements, and include a Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and notes to the accounts. The Auditor's Statement and the name, qualifications and address of the Auditor should also be attached.

You are also required to provide a summary of financial information electronically via an Excel workbook which can be accessed at the following website <http://www.dest.gov.au/highered/hep>. **NOTE: You MUST print a hard copy of the completed Excel workbook and attach it to this questionnaire. The information that you provide in the workbook will be covered by the Privacy and Confidentiality Notices in Part C and the Statutory Declaration in Part D of this questionnaire.**

**Please note:** If the organisation is a trust, please provide the above financial information for both the trust and trustee. If the entity is a wholly owned subsidiary reliant upon a parent entity for financial support please provide the above financial information for the parent company.

State the number of financial years for which the statements are attached

Explanation if not attached:

<p>.....</p>
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**Additional Financial Details (OPTIONAL)**

*This list is indicative of the types of information you can supply in support of your organisation's financial viability. Tick the boxes for those items which you have attached.*

If your organisation is newly created you may include financial details for previous entities which have formed the new organisation but you must explain what resources mentioned in these financial reports the organisation can call on.

Letter from a financial institution (eg. Bank or credit union) certifying an existing or proposed line of credit.

Copy of guarantee or cross deed of indemnity provided by an entity such as a holding company or Director. (Provide financial statements proving the financial viability of the guarantor)

Other, describe below.

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**Q17. Supplementary Information**

For the purposes of determining your financial viability, please respond to each of the following questions by placing a tick (✓) in the appropriate box and, if applicable, provide details of all such events relevant to your organisation over the past 5 years. Where appropriate, please attach details on a separate page, containing the name of your organisation.

- |  |   |
|--|---|
| Has any Office Bearer, or relevant person (listed at Question 8) been involved with a business failure (e.g. liquidation, voluntary administration or receivership)? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|--|---|
  
- |   |   |
|---|---|
| Has any Office Bearer or relevant person (listed at Question 8) been declared Bankrupt? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|---|---|
  
- |  |   |
|--|---|
| Has the organisation, related entities, office bearers or relevant persons (listed at Question 8) been involved in a Government investigation? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|--|---|
  
- |   |   |
|---|---|
| Has any Contract been terminated for cause? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|---|---|
  
- |  |   |
|--|---|
| Any past, current, pending or finalised litigation against your organisation, officer bearers or relevant persons (listed at Question 8), during the last 5 years? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|--|---|
  
- |   |   |
|---|---|
| Any collections by debt collection agency on behalf of creditors of the organisation, office bearers or relevant people (listed at Question 8)? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|---|---|

**Q18. Contingency Funding**

**a.** Do you have any **other** contingent liabilities, not reported in the financial statements, that are likely to impact on the financial position of your organisation? (This would include recent legal cases against your organisation and the likely outcome). If so, please provide details below and attach supporting documents/evidence:

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**b.** If you were to have an unexpected shortfall in funds please indicate what resources or contingency funding not disclosed in your financial statements might be available to meet this problem. Please attach supporting documents/evidence.

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**Q19.** Incorporated associations must attach a copy of their latest Annual Meeting Minutes

If these are attached, tick this box

**Q20.** Does the organisation authorise DEST to contact its auditor for clarification of any queries regarding its financial statements?

Yes

No

If yes, please provide accountant's name and contact number.

Name:

Contact Number:

## PART C – Privacy and Confidentiality Notices

### PRIVACY NOTICE

The Department of Education, Science and Training (DEST) collects any personal information sought in this Questionnaire so that it can check the organisation's suitability to be a higher education provider (HEP) under the *Higher Education Support Act 2003*. DEST may use this information provided to obtain further information about the organisation and/or any named individuals from DEST's own records and databases, publicly available records of the Australian Securities and Investment Commission and/or a credit rating agency. This information will be used by DEST to verify information provided and to identify any adverse information that has not been disclosed, or that may adversely affect the eligibility of the organisation as a higher education provider (HEP). DEST is obliged to protect any personal information about individuals in accordance with the provisions of the *Privacy Act 1988*. In the course of assessing financial viability some personal information may be disclosed to the bodies described in paragraph 23(4) under the heading Authorisation. In other instances personal information can be disclosed without consent where authorised or required by law.

### CONFIDENTIALITY OF INFORMATION

The Department operates within a public accountability framework, which requires it to ensure openness and transparency of its activities. This requires the Department to minimise the amount of information that is subject to confidentiality requirements. The overriding principle applied by the Department is that information should not be protected as confidential unless there is good reason to do so. Organisations completing this questionnaire are asked to identify in writing any information that they consider should be protected as confidential information in considering their application for approval as a higher education provider, including reasons for the request. The Department may request further information from an organisation about its claim for confidentiality and that information must be provided within three (3) working days of the request.

If the organisation does not identify any information as confidential the Department will consider that the organisation has no information which should be protected as confidential in processing its application for approval as a higher education provider. The Department reserves the right, at its sole discretion, to accept or refuse a request to treat information as confidential. If the organisation is approved as a higher education provider, the information which is to be protected as confidential will be listed in the letter of approval to the organisation.

If the Department and the organisation enter into negotiations and the Department does not accept that organisation's request to treat information as confidential, the Department will notify the organisation in writing of the decision. Unless the Department and the organisation reach agreement within five (5) working days of the notification, the Department reserves the right to cease processing the organisation's application for approval as a higher education provider.

The Department will treat as confidential information which is provided in response to this questionnaire and is:

- provided by organisations which ultimately do not receive public money or do not receive the Department's support for their activity; and
- which is not otherwise in the public domain.

#### Exceptions to Confidentiality

The Department's obligation to keep an organisation's information confidential will not be breached if the information:

- is disclosed by the Department to the responsible Minister;
- is disclosed by the Department in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia;
- is authorised or required by law to be disclosed; and
- is in the public domain otherwise than due to a breach of the conditions of an RFT, RFQ or contract.

Organisations should note that there are provisions for access to records in the *Freedom of Information Act 1982*, the *Auditor-General Act 1997* and the *Ombudsman Act 1976*. Parliament and the courts also have legal rights to access to a wide range of information.

## PART D – Statutory Declaration

This Statutory Declaration must be completed by a person listed at **Question 8** (List of Relevant Persons)

### Q21. STATUTORY DECLARATION

(1) insert name and address of person making the declaration

I, (1)

Do solemnly and sincerely declare as follows:

(2) Insert position/title (eg. Rector, Director)

#### AUTHORITY

1. that I am currently a (2)

of

(3) Insert name of organisation

(3)

And am authorised to make this declaration on its behalf

(4) Insert name of organisation

#### OFFER AND STATEMENT OF COMPLIANCE

(4) on behalf of

I confirm that:

- \* the information provided in this form and all appended documents is complete and correct;
- \* my organisation understands that this application is not an offer on the part of the Commonwealth nor does it create any obligation on the part of the Commonwealth to enter into a commercial or other relationship with any organisation;
- \* my organisation understands that DEST will have the right (but not be obliged) to act in reliance upon the contents of my response to the application, including its attachments, any statutory declarations and associated material;
- \* my organisation will regard all communication with DEST as confidential and not disclose their contents without DEST's prior written consent; and
- \* to the best of my knowledge, the Privacy Notice appearing in PART C of this Questionnaire has been drawn to the attention of all those individuals whose personal details have been provided in the Questionnaire.

#### AUTHORISATION

DEST is authorised to undertake the necessary steps to assess the financial viability of the organisation by checking information contained within this application with, or obtaining additional information from:

- Other Commonwealth agencies such as the Australian Taxation Office, Australian Securities and Investments Commission;
- State or Territory agencies;
- Law enforcement agencies;
- Credit reference agencies;
- Courts or Tribunals; or
- Any other appropriate organisation or person reasonably required as part of these checks.

#### NO ILLEGAL ACTIVITIES

I confirm that:

- (a) through its officers, employees and agents, my organisation has not attempted and will not attempt, to influence improperly, any officer of the Commonwealth in connection with the assessment of applications;
- (b) I understand that giving false or misleading information is a serious offence; and
- (c) I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* and subject to the penalties provided by that Act for the making of a false statement in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(5) Signature of person making the declaration. The Statutory Declaration must be signed by a person listed at **Question 8** (List of Relevant Persons)

Declared at

On

(6) Signature of person before whom the declaration is made

(7) Printed name, qualifications and address of person before whom the declaration is made

**NOTE 1: A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is imprisonment for a term of up to four years.**

**NOTE 2: A Statutory declaration under the *Statutory Declarations Act 1959* as amended may be made before -**

**Part 1 – Member of Certain Professions**

Chiropractor Dentist Legal practitioner Medical practitioner	Nurse Patent attorney Pharmacist Veterinary surgeon
---	--

**Part 2 – Other persons**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Agent of the Australia Postal Corporation who is in charge of an office supplying postal services to the public.</li> <li>• Australian Consular Officer, or</li> <li>• Australian Diplomatic Officer, (within the meaning of the <i>Consular Fees Act 1985</i>).</li> <li>• Bailiff.</li> <li>• Bank officer with five or more years of continuous service.</li> <li>• Chief executive officer of a Commonwealth court.</li> <li>• Member of the Australian Defence Force who is: <ul style="list-style-type: none"> <li>(a) an officer, or</li> <li>(b) a non-commissioned officer within the meaning of the <i>Defence Force Discipline Act 1982</i> with five or more years of continuous service; or</li> <li>(c) warrant officer within the meaning of that Act.</li> </ul> </li> <li>• Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants.</li> <li>• Member of the Institute of Corporate Managers, Secretaries and Administrators.</li> <li>• Members of the Institution of Engineers, Australia, other than at the grade of student.</li> <li>• Member of: <ul style="list-style-type: none"> <li>(a) the Parliament of the Commonwealth; or</li> <li>(b) a Parliament of a State; or</li> <li>(c) a Territory legislature; or</li> <li>(d) a local government authority of a State or Territory</li> <li>(e) Minister of religion registered under Division 1 of Part IV of the <i>Marriage Act 1961</i></li> </ul> </li> <li>• Notary public Permanent employee of: <ul style="list-style-type: none"> <li>(a) the Commonwealth or of a Commonwealth authority; or</li> <li>(b) a State or Territory or of a State or Territory authority; or</li> <li>(c) A local government authority; with five or more years of continuous service who is not specified in another item in this Part.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Civil marriage celebrant.</li> <li>• Clerk of a court.</li> <li>• Commissioner for Affidavits.</li> <li>• Commissioner for Declarations.</li> <li>• Credit union officer with five or more years to continuous service.</li> <li>• Holder of a statutory office not specified in another item in this Part.</li> <li>• Judge of a court.</li> <li>• Justice of the Peace.</li> <li>• Magistrate.</li> <li>• Master of a court.</li> <li>• Permanent employee of the Australian Postal Corporation with five or more years of continuous service who is employed in an office supplying postal services to the public.</li> <li>• Person before who a statutory declaration may be made under the law of the State or Territory in which the declaration is made.</li> <li>• Police Officer registrar, or Deputy Registrar, of a court.</li> <li>• Senior Executive Service officer of the Commonwealth or of State or Territory, or of a Commonwealth, State or Territory authority.</li> <li>• Sheriff.</li> <li>• Sheriff's officer.</li> <li>• Teacher employed on a full-time basis at a school or tertiary education institution.</li> </ul> |
|--|--|



## Financial Viability Questionnaire – HEP Eligibility (Q 16 workbook)

Please note the following is a printout of the workbook.

### Application for Approval as a Higher Education Provider Finance Data Collection Important Information and Instructions

**This workbook is an extension of the Financial Viability Questionnaire (question 16) and is to be used by organisations applying for approval as a higher education provider.**

The electronic copy can be downloaded from  
<http://www.dest.gov.au/highered/hep/>

**This workbook contains two worksheets:**

- 1) Financial Performance**
- 2) Financial Position**

**The information provided MUST accurately reflect your organisation's latest set of Audited Annual Financial Statements.**

#### **Instructions**

1. Please complete details for your organisation at the top of each financial statement (cells E2 to E4).
2. Enter your organisation's annual financial statement data into each financial statement worksheet. Input the information requested in unshaded cells only. Shaded cells will calculate automatically.
3. A hard copy of the completed workbook must be returned with your Financial Viability Questionnaire. Note that the information that you provide in this workbook will be covered by the Privacy and Confidentiality Notices in Part C and the Statutory Declaration in Part D of the Financial Viability Questionnaire.
4. A completed electronic copy must also be returned to [sian.lewis@dest.gov.au](mailto:sian.lewis@dest.gov.au).
5. Some rows and columns in the workbook have been locked. Please do not attempt to format the workbook. Only this version of the workbook will be accepted. If you require any assistance with the spreadsheets please contact Phil Tunney on 02 6240 8530 or Sue Chong on 02 6240 9641.

ONLY ENTER NUMBERS AGAINST 'N' ELEMENTS (UNSHADED CELLS)

Name of  
organisation:  
Contact name:  
Contact number:

## Statement of Financial Performance

	2002	2003
	\$'000	\$'000
<b>Total Revenue from Ordinary Activities</b>	<b>0</b>	<b>0</b>
<b>Fees and Charges</b>	<b>0</b>	<b>0</b>
<i>Fee Paying Students</i>	0	0
<i>Other Fees and Charges</i>	0	0
<b>Consultancy and Contract Income</b>	0	0
<b>Investment Income</b>	0	0
<b>Donations and Bequests</b>	0	0
<b>Other Revenue</b>	0	0
<b>Total Expenses from Ordinary Activities</b>	<b>0</b>	<b>0</b>
<b>Employee Benefits</b>	0	0
<b>Depreciation and Amortisation</b>	0	0
<b>Buildings and Grounds</b>	0	0
<b>Bad and Doubtful Debts</b>	0	0
<b>Borrowing Cost Expense</b>	0	0
<b>Other Expenses</b>	0	0
<b>Operating Result Before Income Tax</b>	<b>0</b>	<b>0</b>
<i>Income Tax Relating to Ordinary Activities</i>	0	0
<b>Operating Result after Income Tax</b>	<b>0</b>	<b>0</b>
<i>Extraordinary Items</i>	0	0
<b>Net Operating Result</b>	<b>0</b>	<b>0</b>
<b>Share of Net Result</b>	<b>0</b>	<b>0</b>
<i>Share of Net Result of Associates Accounted for using the Equity Method</i>	0	0
<i>Share of Net Result of Joint Venture Accounted for using the Equity Method</i>	0	0

<b>Net Profit or Loss</b>	0	0
<b>Net Profit or Loss/Result Attributable to Outside Equity Interest</b>	0	0
<b>Net Profit or Loss Attributable to the Parent Entity</b>	0	0
<b>Comments</b>		

ONLY ENTER NUMBERS AGAINST 'N' ELEMENTS (UNSHADED CELLS)

Name of  
organisation:  
Contact name:  
Contact number:

## Statement of Financial Position

	2002	2003
	\$'000	\$'000
<b>Assets</b>	<b>0</b>	<b>0</b>
<b>Current Assets</b>	<b>0</b>	<b>0</b>
<i>Cash</i>	0	0
<i>Current Receivables</i>	0	0
<i>Current Inventory</i>	0	0
<i>Other Current Financial Assets</i>	0	0
<i>Other Current Assets</i>	0	0
<b>Non-Current Assets</b>	<b>0</b>	<b>0</b>
<i>Property, Plant and Equipment</i>	0	0
<i>Non-Current Receivables</i>	0	0
<i>Non-Current Inventory</i>	0	0
<i>Non-Current Intangibles</i>	0	0
<i>Other Non-Current Financial Assets</i>	0	0
<i>Other Non-Current Assets</i>	0	0
<b>Liabilities</b>	<b>0</b>	<b>0</b>
<b>Current Liabilities</b>	<b>0</b>	<b>0</b>
<i>Current Payables</i>	0	0
<i>Current Interest-Bearing Liabilities (Borrowings)</i>	0	0
<i>Current Provisions</i>	0	0
<i>Other Current Liabilities</i>	0	0
<b>Non-Current Liabilities</b>	<b>0</b>	<b>0</b>
<i>Non-Current Payables</i>	0	0
<i>Non-Current Interest-Bearing Liabilities (Borrowings)</i>	0	0
<i>Non-Current Provisions</i>	0	0
<i>Other Non-Current Liabilities</i>	0	0
<b>Net Assets</b>	<b>0</b>	<b>0</b>

<b>Equity</b>	<b>0</b>	<b>0</b>
<b>Reserves</b>	<b>0</b>	<b>0</b>
<i>Revaluation Reserve</i>	0	0
<i>Other Reserves</i>	0	0
<i>Outside Equity Interest</i>	0	0
<i>Accumulated Funds</i>	0	0
<i>Other Equity</i>	0	0
<b>Balance Sheet Validation</b>	<b>0</b>	<b>0</b>
<b>Comments</b>		

## Section 3: Quality requirements

The *Agreement to Quality Requirements* form (Form 3 of this *Application Pack*) is a declaration to meet the quality requirements set out in subdivision 19-C of the *Higher Education Support Act 2003*.

The form will need to be completed, signed and returned to DEST as part of the application for approval as a HEP.

The following documentation should be returned:

- The completed *Agreement to Quality Requirements* form (Form 3 attached), accompanied by:
  - for self-accrediting providers, a copy of the legislative instrument that authorises you to be a self-accrediting provider; or
  - for non self-accrediting providers, the name or names of your authorised accreditation authority (ies), the courses for which you are accredited and seeking Commonwealth assistance, and the date on which accreditation expires for each course.

### Contact

Sian Lewis  
Director  
Quality Unit  
Phone: 02 6240 5857  
Email: [sian.lewis@dest.gov.au](mailto:sian.lewis@dest.gov.au)

# Agreement to Quality Requirements Form (Form 3)



Australian Government  
Department of Education,  
Science and Training

## ***Higher Education Support Act 2003***

### **Agreement to Quality Requirements**

I, ----- (name of person), -----

----- (position) of ----- (title of body  
corporate), agree that the body will:

1. comply with any requirement imposed on it by an authorised accreditation authority listed in the Australian Qualifications Framework Register;
2. comply with any requirement imposed on it in writing by the Commonwealth Minister for Education, Science and Training in order to implement a specified recommendation of a quality auditing body listed in the Higher Education Provider Guidelines; and
3. undergo quality auditing as set out in the *Higher Education Support Act 2003* (the Act) by a quality auditing body named in the Higher Education Provider Guidelines.

Dated this.....day of..... 2004

-----  
(Name)\*

-----  
(Position)

-----  
(Name)\*

-----  
(Position)

\*Note that this form should be signed by two Directors or one Director and the Company Secretary in the case of companies, or in other cases, by whoever is duly authorised to bind the entity.

## Section 4: Fairness requirements

This section deals with the fairness requirements specified in subdivision 19-D of the *Higher Education Support Act 2003*. This includes the following requirements:

- that a higher education provider must treat fairly all of its students and all persons seeking to enrol with the provider
- all opportunities and benefits of assistance to higher education providers provided must be made equally available to all students. This includes having fair and transparent procedures that are based on merit for making decisions about the selection of students who are to benefit from a grant, allocation or payment under this subdivision. Educational disadvantage may be taken into account when making these decisions.

Compliance with the fairness requirements is taken to be agreed to in signing the *Senior Authorised Officers' Declaration* form at Section 1.

The following documentation should be returned:

- a copy of the procedures for making decisions about the selection of students.

### Review Procedures

Higher education providers must have review procedures in place for dealing with certain decisions made under the HESA in relation to FEE-HELP and Commonwealth supported National Priority Places. These decisions are described in further detail in Chapters 8 and 9 of the *Information Pack*. Review procedures must comply with the requirements of the *Higher Education Provider Guidelines*. HEPs must comply with their review procedures and must publish and make publicly available up to date information setting out the procedures. The higher education provider must also appoint a review officer of the provider for the purposes of reviewing decisions made by the provider relating to assistance under Chapter 3 of the HESA.

In completing this *Application Pack*, the *Review Procedures* form (Form 4 of this *Application Pack*), must be completed. The form will need to be completed and returned to DEST as part of the application for approval as HEP.

The following documentation should be returned:

- The completed *Review Procedures* form (Form 4), accompanied by:
  - a copy of the review procedures.

### Grievance Procedures

Higher education providers must provide the Minister with a copy of their grievance procedure for both academic and non-academic matters. The grievance procedure for non-academic matters must comply with the requirements set out in the *Higher Education Provider Guidelines*.

The following documentation should be returned:



- A copy of the grievance procedures for academic matters; and
- A copy of the grievance procedures for non academic matters.

## **Tuition Assurance**

### **Agreements to provide course assurance**

#### ***Institutions using a TAS for course assurance***

If a body corporate wishes to meet the course assurance requirement for some or all of the courses by providing proof of membership of a Tuition Assurance Scheme (TAS), it must supply:

- a list of all courses of study for which the TAS is the method of course assurance, and the alternative suitable course which would be available through the TAS for each of them;
- a copy of the TAS agreement;
- evidence that the body corporate is a member of the TAS; and
- evidence in writing that the Minister has approved the TAS, or has been requested in writing to consider it for approval.

#### ***Institutions using an agreement to provide course assurance***

If a body corporate wishes to meet the course assurance requirement for some or all of the courses by providing proof that it has entered a course assurance agreement, it must supply the following:

- a list of all courses of study for which a course agreement is the method of course assurance, and the alternative suitable course which would be available through the agreement for each of them;
- a copy of the course assurance agreement; and
- evidence that the second party to the agreement is either an approved higher education provider or is applying for approval as a higher education provider.

#### ***Institutions using a guarantee for course assurance***

If a body corporate wishes to meet the course assurance requirement for some or all of the courses by providing proof that it has a legally-binding guarantee to purchase places in a similar course of study provided by a separate legal entity (not necessarily a higher education provider) with financial resources to fulfil such a guarantee, it must supply the following:

- a list of all courses of study for which a guarantee provided by a separate legal entity is the method of course assurance, and the alternative suitable course in which places may be purchased through the agreement for each of them;
- a copy of the guarantee; and

- c) a copy of the *Financial Viability Questionnaire – Tuition Assurance Guarantee* (Form 5) completed and signed by the body which is providing the guarantee. This will enable the Minister to determine whether or not the separate legal entity has the financial resources to fulfil such a guarantee.

### **The statement of course assurance**

A body corporate which is applying for approval as a HEP should include in its application:

- a draft Statement of Course Assurance for the higher education courses which it offers; and
- its chosen method of publishing the statement of course assurance.

The following information should be taken into account in preparing the course assurance statement. The Statement should:

- explain the obligation of the higher education provider to provide a course assurance arrangement;
- specify the alternative course which would be available to students if this became necessary and the qualification to which it would lead;
- explain in respect of the alternative course of study how much credit a student would receive for the units of study they have completed;
- explain to students that in the event that the provider was unable to continue to offer the course of study in which they are enrolling they would either receive a refund of the student contribution or tuition fee for any incomplete units of study or that the funds paid for such incomplete units of study would be transferred (with their agreement) to the second provider with which they enrol;
- explain to students that in the event that the course assurance arrangements were needed, the second provider might have a different student contribution or tuition fee for the course of study, so that the amount students may be required to pay may vary; and
- make clear to students that they are not obliged to enrol in the course in which they are offered enrolment under the course assurance arrangement, but if they enrolled with a third provider there is no obligation to offer full credit transfer for the units of study completed.

### **Student Contribution or Tuition Fee Repayment Assurance**

#### ***Membership of a TAS***

If a body corporate wishes to meet this requirement for some or all of its courses by providing proof of membership of a Tuition Assurance Scheme (TAS), it must supply:

- a) a list of all courses of study for which the TAS is the method of student contribution or tuition fee repayment assurance;
- b) a copy of the TAS agreement, with evidence that it specifically addresses this requirement;
- c) evidence that the body corporate is a member of the TAS; and
- d) evidence in writing that the Minister has approved the TAS, or has been requested in writing to consider it for approval.

#### ***A 'student contribution or tuition fees in arrears' agreement***

If a body corporate wishes to meet this requirement for some or all of its courses by providing proof that a 'student contribution or tuition fees in arrears' agreement is offered to all students enrolling in a course of study, it must supply:

- a) a list of all courses of study for which a 'contribution or tuition fees in arrears' agreement is the method of student contribution or tuition fee repayment assurance; and
- b) a copy of the student contribution or tuition fees in arrears' agreement to be offered to students which must:
  - i. be made before the agreed starting day of the course; and
  - ii. set out the duration and title of the course, and the cost of the course;
  - iii. set out the date or dates by which the student must pay any tuition fees payable for the course; and
  - iv. state that the provider may require payment of course money for items other than tuition fees before the student completes the course.

To meet this requirement, it is not sufficient for students to pay tuition fees into a trust fund set up by the HEP pending completion of each unit of their course of study.

### ***A guarantee for contribution or tuition fee repayment assurance***

If a body corporate wishes to meet this requirement for some or all of its courses by providing proof that it has a legally-binding guarantee to provide contribution or tuition fee payment assurance provided by a separate legal entity (not necessarily a higher education provider) with financial resources to fulfil such a guarantee, it must supply the following:

- a) a list of all courses of study for which a guarantee provided by a separate legal entity is the method of contribution or tuition fee repayment assurance;
- b) a copy of the guarantee; and
- c) a copy of the *Financial Viability Questionnaire – Tuition Assurance Guarantee* (Form 5 of this *Application Pack*) completed and signed by the body which is providing the guarantee. This will enable the Minister to determine whether or not the separate legal entity has the financial resources to fulfil such a guarantee.

## **Contact**

### **Fairness, grievance & tuition assurance matters**

Sian Lewis  
 Director  
 Quality Unit  
 Phone: 02 6240 5857  
 Email: [sian.lewis@dest.gov.au](mailto:sian.lewis@dest.gov.au)

### **Review procedures**

Mark Warburton  
 Director  
 Fees Unit  
 Phone: 02 6240 7735  
 Email: [mark.warburton@dest.gov.au](mailto:mark.warburton@dest.gov.au)

# Review Procedures Form (Form 4)



## Review Procedures Form

### HELP Review arrangements

Please attach a copy of your proposed review procedures and complete the following questions.

Which person, or class of persons, in your organisation will be responsible for making initial decisions about the re-crediting of a student's SLE or student contribution amount and the re-crediting of their FEE-HELP balance and removal of FEE-HELP debts?

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Which person, or class of persons, in your organisation do you propose to make responsible for reviewing decisions about the re-crediting of a student's SLE or student contribution amount or the re-crediting of their FEE-HELP balance and removal of FEE-HELP debts?

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Please explain the relationship between the person/s who will be responsible for making decisions about the re-crediting of a student's SLE or FEE-HELP balance and the person/s that you propose to make responsible for reviewing these decisions?

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How do you propose to publish the procedures and make them publicly available (for example, your website, student handbook and/or some other form of publication)? If you intend publishing your procedures electronically, please advise us of your website address.

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## Financial Viability Questionnaire – Tuition Assurance Guarantee (Form 5)

# Financial Viability Questionnaire – Tuition Assurance Guarantee



### General

The purpose of this Questionnaire is to obtain information in order to assess, in the opinion of the Department, an organisation's financial viability and its financial ability to meet the obligations of providing a Tuition Assurance Guarantee for a body corporate applying for approval as a higher education provider. Both public sector agencies and private enterprises are required to complete this questionnaire to ensure all organisations are treated consistently.

**PLEASE ENSURE YOU READ AND COMPLETE EACH QUESTION. INCOMPLETE, INACCURATE OR ILLEGIBLE DETAILS MAY DELAY ASSESSMENT OF YOUR APPLICATION.**

### PART A – Organisational details

Q1. Legal name of organisation

Q2. Name of ultimate holding entity (if applicable)

Q3. Registered business or trading name (if applicable)

Q4. Registered business address (not PO Box)

Q5. How would you describe your organisation? Tick one or more boxes, if applicable:

- |   |                          |  |                          |
|---|--------------------------|--|--------------------------|
| Proprietary company                             | <input type="checkbox"/> | Trust/Unit Trust   | <input type="checkbox"/> |
| Company Limited by Guarantee                    | <input type="checkbox"/> | Incorporated Association                                   | <input type="checkbox"/> |
| Unlisted Public company                         | <input type="checkbox"/> | Registered Charity   | <input type="checkbox"/> |
| Listed Public Company                           | <input type="checkbox"/> | Other (including Chartered Entities), please specify below | <input type="checkbox"/> |
| Commonwealth or State Government Body Corporate | <input type="checkbox"/> |  |                          |

- Q6. All companies, registered associations, chartered entities and any entity using a trade name, must attach a copy of:**
- Certificate of Incorporation, OR Charter, AND/OR
  - Registration of Business Name (if applicable), AND
  - A certified copy of the Constitution (such as Memorandum and Articles of Association or their equivalent).

Entities incorporated directly under State or Federal Legislation are exempt from this requirement but must supply legislation reference details in question 7(c).

Copy of Certificate(s) enclosed                      Yes                       No

**Q7. Provide the following identifying details of the organisation named at Q1 (as applicable):**

(a) ACN<sup>3</sup>:

(b) ABN<sup>4</sup>:

(c) Registration Number under legislation other than the *Corporations Act 1991*:

State/Territory of Registration:

Legislation under which the above Registration Number has been issued (for example: *Queensland Associations Incorporation Act 1981* OR *South Australian Co-Operatives Act 1997*):

**Q8. Provide details of ALL RELEVANT people directly involved with the organisation. Relevant people are people with the potential to exert significant influence over the management/operation of the organisation and the use and recording of funds. Examples of relevant people would be KEY member of the governing body (directors, executive directors, presidents, senate/council members), the chief executive officer and the chief financial officer.**

**Important Note:** All of the requested information is required to ensure that the Department obtains accurate information about the correct individual from the databases that it accesses. One individual listed here will need to complete the Statutory Declaration (see Q16).

Full Name (No abbreviations or initials)

Date of Birth

Residential address

Position in Organisation

Number of years in position of influence in Organisation



<sup>3</sup> Australian Companies Number.  
<sup>4</sup> Australian Business Number.

Full Name (No abbreviations or initials)

Residential address

Number of years in position of influence in Organisation

Date of Birth

Position in Organisation

Full Name (No abbreviations or initials)

Residential address

Number of years in position of influence in Organisation

Date of Birth

Position in Organisation

Full Name (No abbreviations or initials)

Residential address

Number of years in position of influence in Organisation

Date of Birth

Position in Organisation

Tick this box if you have attached details on a separate page

**Q9** How many years has your business been in operation?

**Q10** Does your organisation have any overdue acquittals for funding received from DEST?

**No**  → Go to 14

**Yes**  ↓ List all overdue acquittals in the table below

Name of organisation that provided the funding	Name of programme or scheme under which funding was provided	Funding received to date	Unacquitted funds	Date overdue Acquittal was due




Tick this box if you have attached details on a separate page

## PART B – Financial Details

### Q11 Financial Statements

**The onus is on you to provide DEST with satisfactory evidence of your financial viability.** However we require financial statements, preferably audited, for the most recent complete financial year to be attached. If the most recent of these statements are more than six months old, interim financial statements should also be attached. The statements should be accrual based accounts and include profit and loss, balance sheet, statement of cash flows and notes to the accounts. Where statements are audited, include the auditor's statement and the name, qualifications and address of the Auditor.

**Please note:** If the organisation is a trust, please provide the above financial information for both the trust and trustee. If the entity is a wholly owned subsidiary reliant upon a parent entity for financial support please provide the above financial information for the parent company.

State the number of financial years for which the statements are attached \_\_\_\_

Explanation if not attached:

#### Additional Financial Details (OPTIONAL)

*This list is indicative of the types of information you can supply in support of your organisation's financial viability. Tick the boxes for those items which you have attached.*

If your organisation is newly created you may include financial details for previous entities which have formed the new organisation but you must explain what resources mentioned in these financial reports the organisation can call on.

Letter from a financial institution (eg. Bank or credit union) certifying an existing or proposed line of credit.

Copy of guarantee or cross deed of indemnity provided by an entity such as a holding company or Director. (Provide financial statements proving the financial viability of the guarantor.)

Other, describe below.

### Q 11A. Details of potential liability or additional cost for the tuition assurance guarantee

\$.....

**Q12. Supplementary Information**

For the purposes of determining your financial viability, please respond to each of the following questions by placing a tick in the appropriate box and, if applicable, provide details of all such events relevant to your organisation over the past 5 years. Where appropriate, please attach details on a separate page, containing the name of your organisation.

Has any Office Bearer, or relevant person (listed at Question 8) been involved with a business failure (e.g. liquidation, voluntary administration or receivership)?  Yes  
 No

Has any Office Bearer or relevant person (listed at Question 8) been declared Bankrupt?  Yes  
 No

Has the organisation, related entities, office bearers or relevant persons (listed at Question 8) been involved in a Government investigation?  Yes  
 No

Has any Contract been terminated for cause?  Yes  
 No

Any past, current, pending or finalised litigation against your organisation, officer bearers or relevant persons (listed at Question 8), during the last 5 years?  Yes  
 No

Any collections by debt collection agency on behalf of creditors of the organisation, office bearers or relevant people (listed at Question 8)?  Yes  
 No

**Q13. Contingency Funding**

**a.** Do you have any **other** contingent liabilities, not reported in the financial statements or in Questions 12, that are likely to impact on the financial position of your organisation? (This would include recent legal cases against your organisation and the likely outcome). If so, please provide details below and attach supporting documents/evidence.

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**b.** If you were to have an unexpected shortfall in funds please indicate what resources or contingency funding not disclosed in your financial statements might be available to meet this problem. Attach supporting documents/evidence.

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**Q14.** Incorporated associations must attach a copy of their latest Annual Meeting Minutes

If these are attached, tick this box

**Q15.** Does the organisation authorise DEST to contact its auditor and/or accountant for clarification of any queries regarding its financial statements?

Yes

No

If yes please provide accountants name and contact number

Name:

Contact Number:

## PART C – Privacy and Confidentiality Notices

### PRIVACY NOTICE

The Department of Education, Science and Training (DEST) collects any personal information sought in this Questionnaire so that it can check the organisation's financial viability and its financial ability to meet the obligations of providing a Tuition Assurance Guarantee for a body corporate applying for approval as a higher education provider. DEST may use this information provided to obtain further information about the organisation and/or any named individuals from DEST's own records and databases, publicly available records of the Australian Securities and Investment Commission and/or a credit rating agency. This information will be used by DEST to verify information provided and to identify any adverse information that has not been disclosed, or that may adversely affect the the organisation's financial viability and its financial ability to meet the obligations of providing a Tuition Assurance Guarantee for a body corporate applying for approval as a higher education provider. DEST is obliged to protect any personal information about individuals in accordance with the provisions of the *Privacy Act 1988*. In the course of assessing financial viability some personal information may be disclosed to the bodies described in paragraph 16(4) under the heading Authorisation. In other instances personal information can be disclosed without consent where authorised or required by law.

### CONFIDENTIALITY OF INFORMATION

The Department operates within a public accountability framework, which requires it to ensure openness and transparency of its activities. This requires the Department to minimise the amount of information that is subject to confidentiality requirements. The overriding principle applied by the Department is that information should not be protected as confidential unless there is good reason to do so. Organisations completing this questionnaire are asked to identify in writing any information that they consider should be protected as confidential information in considering their application for approval as a higher education provider, including reasons for the request. The Department may request further information from an organisation about its claim for confidentiality and that information must be provided within three (3) working days of the request.

If the organisation does not identify any information as confidential the Department will consider that the organisation has no information which should be protected as confidential in processing its application for approval as a higher education provider. The Department reserves the right, at its sole discretion, to accept or refuse a request to treat information as confidential. If the organisation is approved as a higher education provider, the information which is to be protected as confidential will be listed in the letter of approval to the organisation

If the Department and the organisation enter into negotiations and the Department does not accept that organisation's request to treat information as confidential, the Department will notify the organisation in writing of the decision. Unless the Department and the organisation reach agreement within five (5) working days of the notification, the Department reserves the right to cease processing the organisation's application for approval as a higher education provider.

The Department will treat as confidential information which is provided in response to this questionnaire and is:

- provided by organisations which ultimately do not receive public money or do not receive the Department's support for their activity; and
- which is not otherwise in the public domain.

#### Exceptions to Confidentiality

The Department's obligation to keep an organisation's information confidential will not be breached if the information:

- is disclosed by the Department to the responsible Minister;
- is disclosed by the Department in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia;
- is authorised or required by law to be disclosed; and
- is in the public domain otherwise than due to a breach of the conditions of an RFT, RFQ or contract.

Organisations should note that there are provisions for access to records in the *Freedom of Information Act 1982*, the *Auditor-General Act 1997* and the *Ombudsman Act 1976*. Parliament and the courts also have access to a wide range of information.

## PART D – Statutory Declaration

This Statutory Declaration must be completed by a person listed at **Question 8** (List of Relevant Persons)

**Q16 STATUTORY DECLARATION**

(1) insert name and address of person making the declaration

I, (1)

Do solemnly and sincerely declare as follows:

(2) Insert position/title (eg. Rector, Director)

**AUTHORITY**

1. that I am currently a (2)

of

(3) Insert name of organisation

(3)

And am authorised to make this declaration on its behalf

(4) Insert name of organisation

(4) on behalf of

I confirm that:

- \* the information provided in this form and all appended documents is complete and correct;
- \* my organisation understands that this application is not an offer on the part of the Commonwealth nor does it create any obligation on the part of the Commonwealth to enter into a commercial or other relationship with any organisation;
- \* my organisation understands that DEST will have the right (but not be obliged) to act in reliance upon the contents of my response to the application, including its attachments, any statutory declarations and associated material;
- \* my organisation will regard all communication with DEST as confidential and not disclose their contents without DEST's prior written consent; and
- \* to the best of my knowledge, the Privacy Notice appearing in PART C of this Questionnaire has been drawn to the attention of all those individuals whose personal details have been provided in the Questionnaire.

### AUTHORISATION

DEST is authorised to undertake the necessary steps to assess the financial viability of the organisation by checking information contained within this application with, or obtaining additional information from:

- Other Commonwealth agencies such as the Australian Taxation Office, Australian Securities and Investments Commission;
- State or Territory agencies;
- Law enforcement agencies;
- Credit reference agencies;
- Courts or Tribunals; or
- Any other appropriate organisation or person reasonably required as part of these checks.

### NO ILLEGAL ACTIVITIES

I confirm that:

- (d) through its officers, employees and agents, my organisation has not attempted and will not attempt, to influence improperly, any officer of the Commonwealth in connection with the assessment of applications;
- (e) I understand that giving false or misleading information is a serious offence; and
- (f) I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* and subject to the penalties provided by that Act for the making of a false statement in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(5) Signature of person making the declaration. The Statutory Declaration must be signed by a person listed at **Question 8** (List of Relevant Persons)

Declared at

On

(6) Signature of person before whom the declaration is made

(7) Printed name, qualifications and address of person before whom the declaration is made

**NOTE 1: A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is imprisonment for a term of up to four years.**

**NOTE 2: A Statutory declaration under the *Statutory Declarations Act 1959* as amended may be made before -**

**Part 1 – Member of Certain Professions**

Chiropractor Dentist Legal practitioner Medical practitioner	Nurse Patent attorney Pharmacist Veterinary surgeon
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**Part 2 – Other persons**

<ul style="list-style-type: none"> <li>• Agent of the Australia Postal Corporation who is in charge of an office supplying postal services to the public.</li> <li>• Australian Consular Officer, or</li> <li>• Australian Diplomatic Officer, (within the meaning of the <i>Consular Fees Act 1985</i>).</li> <li>• Bailiff.</li> <li>• Bank officer with five or more years of continuous service.</li> <li>• Chief executive officer of a Commonwealth court.</li> <li>• Member of the Australian Defence Force who is:             <ul style="list-style-type: none"> <li>(d) an officer, or</li> <li>(e) a non-commissioned officer within the meaning of the <i>Defence Force Discipline Act 1982</i> with five or more years of continuous service; or</li> <li>(f) warrant officer within the meaning of that Act.</li> </ul> </li> <li>• Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants.</li> <li>• Member of the Institute of Corporate Managers, Secretaries and Administrators.</li> <li>• Members of the Institution of Engineers, Australia, other than at the grade of student.</li> <li>• Member of:             <ul style="list-style-type: none"> <li>(f) the Parliament of the Commonwealth; or</li> <li>(g) a Parliament of a State; or</li> <li>(h) a Territory legislature; or</li> <li>(i) a local government authority of a State or Territory</li> <li>(j) Minister of religion registered under Division 1 of Part IV of the <i>Marriage Act 1961</i></li> </ul> </li> <li>• Notary public Permanent employee of:             <ul style="list-style-type: none"> <li>(d) the Commonwealth or of a Commonwealth authority; or</li> <li>(e) a State or Territory or of a State or Territory authority; or</li> <li>(f) A local government authority; with five or more years of continuous service who is not specified in another item in this Part.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Civil marriage celebrant.</li> <li>• Clerk of a court.</li> <li>• Commissioner for Affidavits.</li> <li>• Commissioner for Declarations.</li> <li>• Credit union officer with five or more years to continuous service.</li> <li>• Holder of a statutory office not specified in another item in this Part.</li> <li>• Judge of a court.</li> <li>• Justice of the Peace.</li> <li>• Magistrate.</li> <li>• Master of a court.</li> <li>• Permanent employee of the Australia Postal Corporation with five or more years of continuous service who is employed in an office supplying postal services to the public.</li> <li>• Person before who a statutory declaration may be made under the law of the State or Territory in which the declaration is made.</li> <li>• Police Officer registrar, or Deputy Registrar, of a court.</li> <li>• Senior Executive Service officer of the Commonwealth or of State or Territory, or of a Commonwealth, State or Territory authority.</li> <li>• Sheriff.</li> <li>• Sheriff's officer.</li> <li>• Teacher employed on a full-time basis at a school or tertiary education institution.</li> </ul>
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## **Section 5: Statistical Information, Compliance and Other Requirements**

Subdivision 19-E of the *Higher Education Support Act 2003* sets out the compliance requirements with which a higher education provider must comply. These requirements are explained in Chapter 6 of the *Information Pack*.

HEPs must have in place appropriate administrative processes which will allow:

- provision of statistical information to DEST in the manner required by DEST;
- appropriate interface with the Higher Education Information Management System (HEIMS); and
- allocation of the Commonwealth Higher Education Student Support Number (CHESSN) to students.

Compliance with the requirements is taken to be agreed to in signing the *Senior Authorised Officers' Declaration* form at Section 1.

## Section 6: Fee requirements

Under the *Higher Education Support Act 2003* (Section 19F), a Higher Education Provider must charge, in accordance with the requirements of the Act, tuition fees for each unit of study in which it enrolls students.

A higher education provider must give the Minister a schedule of the tuition fees for all the units of study it provides or proposes to provide during the year. You give the final version of your schedule of tuition fees to the Minister by emailing it to [fees@dest.gov.au](mailto:fees@dest.gov.au) and posting it on your website by 1 September 2004. The provider must ensure that the schedule provides sufficient information to enable a person to work out the tuition fee for each unit of study that the provider provides or is to provide.

A provider must set a census date and determine the Equivalent Full-Time Student Load (EFTSL) value for each unit of study it provides or proposes to provide during a year. Providers must publish the census date and the EFTSL value for each unit of study by 1 September of the year preceding the year in which that unit of study will be offered.

Compliance with the contribution and fee requirements is taken to be agreed to in signing the *Senior Authorised Officers' Declaration* form at Section 1 of this Pack.

DEST requests advance notice of your eligible courses and the tuition fees, census dates and EFTSL values for units of study that may be undertaken as part of those courses to assist it with:

- assessing whether you are able to comply with the *HESA* requirements concerning the setting of tuition fees; and
- estimating the amount of FEE-HELP that may be payable in a year, if your application to be a HEP is approved.

*You should note that any estimate of the amount of FEE-HELP that may be payable is not taken into account in assessing your application, but will need to be finalised with DEST for any approved body shortly after approval is granted.*

The *Fee Requirements* form (Form 6) should be completed and returned as part of this Application Pack.

### Contact

Mark Warburton  
Director  
Fees Unit  
Phone: 02 6240 7735  
Email: [mark.warburton@dest.gov.au](mailto:mark.warburton@dest.gov.au)









## Section 7: Privacy

### Privacy Principles

Higher education providers must comply with the Information Privacy Principles of Section 14 of the *Privacy Act 1988* when dealing with personal information obtained for the purposes of Chapter 3 or 4. Higher education providers must also have a procedure to allow enrolled students to access their own personal information (section 19-60 of the *Higher Education Support Act 2003*).

Compliance with this requirement is taken to be agreed to in signing the *Senior Authorised Officers' Declaration* form at Section 1.

### Contact

Rob Mason  
Principal Government Lawyer  
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Email: [rob.mason@dest.gov.au](mailto:rob.mason@dest.gov.au)

## Section 8: National Priority Places in 2005

As indicated in the *Information Pack*, the Minister will allocate National Priority Places to approved higher education providers annually following a competitive selection process.

Applications for NPPs in 2005 are a separate process to the application for approval as a HEP. The *National Priority Places Application Pack* must be returned to the Department by **18 June 2004**. Late applications for the allocation of 2005 priority places will not be considered.

Details on the application process and mailing address are in the *National Priority Places Application Pack*.

For copies of the *National Priority Places Application Pack* please contact the Director of the Institution Financing Unit (see below).

### Contact

Susan Bennett  
Director  
Institution Financing Unit  
Phone: 02 6240 5027  
Email: [susan.bennett@dest.gov.au](mailto:susan.bennett@dest.gov.au)