



Australian Government

**Department of Education,
Science and Training**

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

INFORMATION PACK

May 2004

Table of Contents

Chapter 1 Introduction	3
Forms of Commonwealth Assistance	3
Legislative and Operational Context.....	3
Eligibility Requirements to become a Higher Education Provider.....	5
Revocation of HEP status.....	5
Chapter 2 Assessment Process	6
Minister's Role in Approving Applications	6
Role of the Department of Education, Science and Training.....	6
Applicant Responsibility.....	6
How to use the Information and Application Packs	6
Chapter 3 Financial Viability and Legal Status	9
Financial Viability Questionnaire – Higher Education Provider (HEP) Eligibility.....	9
Chapter 4 Quality Requirements	10
What are the quality requirements?.....	10
Chapter 5 Fairness Requirements	12
What are the fairness requirements?.....	12
Review procedures	12
Grievance procedures	13
Tuition assurance	14
Chapter 6 Statistical Information, Compliance and Other Requirements	18
Statistical Information – Student collection reporting arrangements for new HEPs in 2005 ...	18
Higher Education Information Management System (HEIMS)	21
Commonwealth Higher Education Student Support Number (CHESSN).....	22
Chapter 7 Information Privacy Principles and Access to Personal Information	26
Information Privacy Principles (IPPs) (s14 Privacy Act 1988)	26
Chapter 8 FEE-HELP	32
Summary	32
Entitlement to FEE-HELP	33
Tuition Fees	34
Administration of FEE-HELP	35
Re-crediting of FEE-HELP balance	38
FEE-HELP payment arrangements	40
Chapter 9 National Priority Places, including Commonwealth Learning Scholarships	41
National Priorities.....	41
National Priority Places.....	41
Commonwealth supported places	43
Commonwealth Learning Scholarships	51
Appendix A: Timing Matrix for the Provision of Data Files	53
Appendix B: Student collection files	54
Appendix C: Proposed CHESSN allocation data elements for commencing students	61
Appendix D: Abbreviations	64

Chapter 1 Introduction

As part of the May 2003 Budget, the Australian Government announced a package of initiatives to reform higher education, *Our Universities: Backing Australia's Future*. The reforms establish a partially deregulated system of higher education, underpinned by key principles of sustainability, quality, equity and diversity.

Forms of Commonwealth Assistance

Under the reforms, students enrolled with bodies approved as a higher education provider (HEP) may have an entitlement to access Fee Paying Higher Education Loan Programme (FEE-HELP) assistance. Higher education providers may also access grants that relate to National Priority Places.

- **FEE-HELP** is a loan scheme which assists eligible students to pay their tuition fees. FEE-HELP can cover all or part of the student's tuition fees, up to a lifetime limit of \$50,000. The Australian Government pays the student's tuition fee to the HEP on behalf of the student, and students begin to repay their FEE-HELP debt to the Australian Government once their income reaches a prescribed threshold (\$35,000 in 2004-05). (See Chapter 8 of this *Information Pack* for further information).
- **National Priority Places** (NPPs) involve the payment of Commonwealth grants to higher education providers for places in areas of national priority. In 2005, the National Priorities will be nursing and teaching. There will be 1400 NPPs in private institutions by 2008, with 272 places available in 2005. NPPs will be allocated by the Minister for Education, Science and Training annually, following a competitive selection process. Students accessing an NPP place may be entitled to HECS-HELP assistance. These students may also be eligible for Commonwealth Learning Scholarships, which were introduced in 2004. The scholarships are designed to assist students from low socio-economic backgrounds with the educational and accommodation costs associated with higher education. (See Chapter 9 of this *Information Pack* for further information.)

Legislative and Operational Context

Legislation

The policy initiatives announced as part of *Our Universities: Backing Australia's Future* have been given effect in the *Higher Education Support Act 2003* (HESA), passed by Parliament in December 2003. There is provision for Guidelines to be made pursuant to the HESA. Both the HESA and Guidelines need to be read together to fully understand the legislative context.

The purpose of this document is to provide information about the legislative requirements to bodies seeking to achieve HEP status. The HESA is the source of the requirements explained in this *Information Pack* and all bodies intending to apply for HEP status are responsible for ensuring that they are familiar with the legislative requirements.

Please note that the terms used in this *Information Pack* have the same meaning as in the HESA. The HESA contains a dictionary for definition of terms.

The HESA is available through the Attorney General's SCALEplus website at <http://scaleplus.law.gov.au/html/pasteact/3/3633/top.htm>.

It is the responsibility of bodies seeking and achieving HEP status to become familiar with the following HESA Guidelines:

- *Administration Guidelines*
- *Commonwealth Grant Scheme Guidelines* (relevant for those seeking NPPs only)
- *Commonwealth Scholarships Guidelines* (relevant for those seeking NPPs only)
- *FEE-HELP Guidelines*
- *Higher Education Provider Guidelines*
- *Student Learning Entitlement Guidelines* (relevant for those seeking NPPs only)

The HESA Guidelines are delegated legislation authorised by the HESA and must be presented to both Houses of the Parliament. They can be disallowed by a motion agreed to by either House of Parliament within 15 sitting days of tabling. The Guidelines are currently being developed by the Department and are being tabled in Parliament throughout 2004. The Guidelines will be made available through the *Our Universities: Backing Australia's Future* website at <http://www.backingaustraliasfuture.gov.au/guidelines.htm> as they are released.

Operational Documentation

DEST is producing an administrative manual, *Administrative Information for Providers 2005*, to assist higher education providers in the operation of Commonwealth programmes. The manual will be available on the web towards the end of May 2004. Information on accessing the manual will be published on the Higher Education Provider webpage at <http://www.dest.gov.au/highered/hep/> when it becomes available.

Further details on statistical information requirements is available through the *Student Help File* which can be downloaded from the DEST website (address below). The DEST publication, *Full Specifications for the Data Requirements for Continuing and Commencing Students*, provides further information on the Higher Education Information Management System (HEIMS) requirements. This document is also available on the web (address below).

The Department also produces information booklets and application forms for students applying for Commonwealth assistance. These publications will be available electronically on the web and/or in hard copy in September 2004. Information on accessing the publications on the web or ordering hard copies will be posted on the Higher Education Provider webpage at <http://www.dest.gov.au/highered/hep/> when it becomes available.

DEST Publications

- *Administrative Information for Providers 2005*
- *FEE-HELP Information*
- *Full Specifications for the Data Requirements for Continuing and Commencing Students* (manual available electronically only at <http://www.dest.gov.au/highered/heims/>)
- *Student Help File* (available electronically only on the DEST webpage, *Higher Education Statistics Collections Specifications*, at <http://www.dest.gov.au/highered/statspec.htm>)
- *Information for Commonwealth Supported Students*

DEST Forms

- *Request for Commonwealth Support and HECS- HELP*
- *Request for FEE-HELP Assistance*

Eligibility Requirements to become a Higher Education Provider

In order to be approved as a higher education provider (HEP) under the HESA, a body must:

- be a body corporate established under Commonwealth or State/Territory law which carries on business in Australia and has its central management and control in Australia;
- be a university, self-accrediting higher education provider or non self-accrediting higher education provider;
- be listed in the Australian Qualifications Framework Register as a higher education institution empowered to issue its own qualifications, or be approved by an authorised accreditation authority on the Register to issue one or more higher education awards;
- in the case of non self-accrediting providers, be in a State/Territory which has legislation which complies with the *National Protocols for Higher Education Approval Processes* and have its higher education courses accredited under National Protocol 3;
- satisfy the Minister that it is willing and able to meet the quality and accountability requirements as set out in the HESA. These include requirements relating to:
 - financial viability;
 - quality;
 - fairness, including tuition assurance, student grievance and review procedures;
 - compliance, including provision of statistical data;
 - provision of information on the student contribution amount per place and tuition fee for each unit of study;
 - other requirements as specified by the HESA.

The requirements are set out in greater detail in Part 2-1 of the HESA and in later chapters of this *Information Pack*.

Revocation of HEP status

The HESA allows the Minister to revoke a body's approval as a HEP and also to suspend approval as a HEP while a decision to revoke HEP status is being made.

The circumstances in which a body's approval may be revoked are set out in the HESA and *Higher Education Provider Guidelines* and include:

- the Minister being satisfied that the body's original application for approval as a HEP contained material which was misleading or false;
- the HEP ceases to have status as a university, self-accrediting provider or non self-accrediting provider;
- the HEP breaches quality and accountability requirements or grant conditions;
- if the HEP requests that their approval be revoked.

All higher education providers are encouraged to familiarise themselves with Division 22 of the HESA, which further elaborates when and how a body may cease to be a HEP.

Further Information

The Australian Government's website <http://www.backingaustraliasfuture.gov.au/> is revised regularly to ensure it contains up-to-date information. Applicants are encouraged to familiarise themselves with the information made available through this site.

Chapter 2 Assessment Process

Minister's Role in Approving Applications

A body has to be approved as a higher education provider before it can receive grants, or its students can receive assistance, under the HESA. Providers that are listed in Table A and B of the HESA (universities and certain self-accrediting providers) have that approval upon commencement of the HESA. Other bodies have to apply for approval from the Minister for Education, Science and Training.

The application for approval as a HEP must be in the form set out in the *Information Pack* and the *Application Pack* and be accompanied by the information requested in the Packs. For the purpose of determining the application, further information can be requested in writing by the Minister.

Applications will be processed in as timely a fashion as possible. They must be decided within 90 days after receiving the application, unless further information is requested, in which case a decision must be made within 60 days after the deadline for provision of any additional information which was required has passed. It is a matter for the Minister as to whether he will seek further information about one or more components of an application or simply make a decision about the application on the basis of the information provided. Applicants will be notified of the outcome of their application in writing.

A notice of approval of HEP status is a disallowable instrument of the Parliament. This means that the Minister must table the document setting out his decision to grant a body HEP status, and that the Parliament has 15 'sitting' days (days on which the Parliament is actually in session) to disallow the Minister's decision. HEP status only takes effect after the period of disallowance has passed and the Minister's decision has not been disallowed.

Role of the Department of Education, Science and Training

The Department of Education, Science and Training (DEST) assists the Minister in processing applications and holds delegated authority to make certain decisions about aspects of eligibility for HEP status, on the Minister's behalf. The Department will assess applications and provide recommendations for approval or rejection of an application.

Applicant Responsibility

This document provides details of the major requirements in the HESA and associated Guidelines for bodies seeking to achieve HEP status. However, it is the responsibility of bodies seeking and achieving HEP status to become familiar with the provisions of the HESA and all relevant Guidelines, and to satisfy themselves that their application complies with legislative requirements.

How to use the Information and Application Packs

The application information is in two parts:

- *Bodies Seeking Approval as Higher Education Providers under the HESA 2003 Information Pack (Information Pack);* and
- *Bodies Seeking Approval as Higher Education Providers under the HESA 2003 Application Pack (Application Pack).*

Included in the *Information Pack* are details about each requirement which must be addressed in seeking approval for HEP status. Included in the *Application Pack* are the forms that will assist bodies applying for approval as a HEP to complete their application.

The information for each requirement should be read carefully and the corresponding part in the *Application Pack* completed. Only the *Application Pack* needs to be returned to DEST – the *Information Pack* should be kept by applicants for future reference. At the front of the *Application Pack* is an overarching Declaration for signature by the applicant body. This Declaration identifies that the application contains all necessary information and that the body applying for approval as a HEP is able to comply with the requirements of the HESA. It will need to be signed and returned with the completed *Application Pack*.

Completed Applications

Completed applications may be forwarded at any time. Please note the timeframes for assessment outlined above and take them into account in planning. In 2004, while the intent is to process all applications as quickly as possible, timelines may be affected by the total number of applications being made at the same time.

Application for National Priority Places by bodies seeking approval as a HEP

As noted above, 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 and, given time constraints, must be received by the Department by **18 June 2004**. Those bodies which are seeking approval as a HEP and who wish to apply for NPPs in 2005 must undergo two separate application processes.

1. The application for approval as a HEP (see the *Bodies Seeking Approval as Higher Education Providers under the HESA 2003 Application Pack*) must be returned to the Quality Unit of the Department (mailing address below) by **18 June 2004**.
2. The application for NPPs (see the *National Priority Places Application Pack*) must be returned to the Funding Branch by **18 June 2004**. Late applications for the allocation of 2005 priority places will not be considered.

Application for approval as a HEP by bodies wishing to access FEE-HELP loans in 2005

Bodies wishing to access FEE-HELP loans in 2005 and to inform students of this fact by the end of October 2004 should submit their application for approval as HEPS (see the *Bodies Seeking Approval as Higher Education Providers under the HESA 2003 Application Pack*) to the Department by no later than **9 July 2004**. This will allow adequate time for assessment and notification to HEPs and students.

Requirements in the HESA and Guidelines that must be met by 1 September 2004

Bodies 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* 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 workbooks required as part of the *Financial Viability Questionnaire – HEP Eligibility* (Form 2), emailed applications cannot be accepted and will be returned to sender.

Contact

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Quality Unit
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Email: sian.lewis@dest.gov.au

Chapter 3 Financial Viability and Legal Status

Financial Viability Questionnaire – Higher Education Provider (HEP) Eligibility

The Australian Government recognises that accountability is a fundamental aspect of public administration and that there is an obligation to ensure that the funds distributed are appropriately managed and not placed at significant risk. In order to make this assurance and to comply with legislative requirements an assessment needs to be made of the financial viability and legal status of potential recipients of Commonwealth funds. The information applicants provide in the *Financial Viability Questionnaire – Higher Education Provider (HEP) Eligibility* (Form 2 in the *Application Pack*) will assist the Minister to determine an applicant's eligibility as a higher education provider under S16-40 of the *Higher Education Support Act 2003* (HESA).

Legal status

Part A of the *Financial Viability Questionnaire – Higher Education Provider (HEP) Eligibility* deals with legal status.

Section 16-1 of the HESA requires that a higher education provider is a body corporate. This means that institutions applying to become a higher education provider will need to be legal entities recognised under Australian law.

Financial Viability

Part B of the *Financial Viability Questionnaire – Higher Education Provider (HEP) Eligibility* deals with financial viability.

Section 19-5 of the HESA requires that a higher education provider be, and be likely to remain, financially viable. The financial viability will be determined by DEST using the information you provided in the questionnaire and audited financial statements (hard copy and the summary electronic copy).

Future Requirements for Financial Information

If an organisation achieves higher education provider status it will be required to forward audited annual financial statements to DEST each year in the 'approved form' (section 19-10 HESA) along with other information requested by the Minister (section 19-70 HESA).

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Chapter 4 Quality Requirements

What are the quality requirements?

Subdivision 19-C of the *Higher Education Support Act 2003* (HESA) sets out the quality requirements for higher education providers, which differ for the various categories of institutions.

A higher education provider which is not listed on Table A of HESA must:

- Operate, and continue to operate, at an appropriate level of quality for an Australian higher education provider;
- be assessed by an authorised accreditation authority listed on the AQF Register as meeting the relevant protocols in the National Protocols for Higher Education Approval Processes;
- comply with any requirements imposed on it by an authorised accreditation authority listed on the AQF Register; and
- comply with any requirements imposed on it by the Minister in writing to implement a recommendation of a quality auditing body listed in the *Higher Education Provider Guidelines*.

All higher education providers must agree to be audited by a quality auditing body listed in the *Higher Education Provider Guidelines*.

Who is the quality auditing body named in the *Higher Education Provider Guidelines*?

At present the *Higher Education Provider Guidelines* name the Australian Universities Quality Agency (AUQA) as the quality auditing body for all providers.

Will the *Higher Education Provider Guidelines* be changed in the future to name additional quality auditing bodies, and what will be the arrangements for the audit?

Audits of self-accrediting institutions are already carried out by the AUQA, and the existing arrangements for these institutions will apply under the HESA.

Deciding on the arrangements for the quality auditing of non self-accrediting providers is a more complex task, as higher education providers vary greatly in size and circumstances, and no auditing arrangements currently exist for this group. In addition, accreditation and re-accreditation is carried out by the States and Territories, and the need to avoid duplication and overlap in audit and accreditation processes has been identified by stakeholders and DEST as a key issue. There is still significant work to do in deciding on the audit procedure.

A working group to progress audit issues for non self-accrediting higher education providers is currently being formed, and consultation with HEPs will continue on this issue.

When will quality audits of non-Table A HEPs begin?

The HESA does not specify when these quality audits will begin. DEST's expectation is that the first full audits of non self-accrediting providers will take place in 2006. DEST also anticipates that audits for this group will be undertaken once every five years, as for other providers. It is

anticipated that, once a process has been agreed, trial audits of a sample of higher education providers which elect to participate will take place in 2005.

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Chapter 5 Fairness Requirements

What are the fairness requirements?

Subdivision 19-D of the *Higher Education Support Act 2003* (HESA) sets out the fairness requirements for higher education providers. The basic fairness requirements are that a higher education provider must treat fairly:

- all of its students; and
- all persons seeking to enrol with the provider.

Treatment based on merit

A higher education provider that receives assistance under Chapter 2 of the HESA must ensure that the opportunities and benefits provided by that assistance are made equally available to all students, or classes of students, that are eligible to be paid the assistance. The provider must have open, 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 made under Chapter 2. When making such decisions, a provider may take into account any educational disadvantage which a student may have experienced.

General undertaking includes fairness requirements

The general undertaking which a body corporate applying for approval as a higher education provider must sign includes as one of its clauses agreement to abide by the fairness requirements.

Review procedures

A higher education provider must have a review procedure for dealing with certain decisions made by the provider relating to FEE-HELP and, if the provider receives a grant for National Priority Places, HECS-HELP. These decisions relate to requests by students to re-credit their FEE-HELP balance or Student Learning Entitlement (SLE). These requests are made by students who have not successfully completed part of their studies because of special circumstances. Further details on review procedures are contained in Chapter 8 of this *Information Pack* which contains details on the Fee Paying Higher Education Loan Programme (FEE-HELP).

HEPs must comply with their review procedures and must publish, and make publicly available, up to date information setting out their procedures. HEPs must also appoint a review officer. A form relevant to this requirement can be found in the *Application Pack* (Form 4, Review Procedures Form).

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Grievance procedures

Under the HESA, all higher education providers must have:

- (a) a grievance procedure for dealing with complaints by the provider's students, and persons who seek to enrol in courses of study with the provider, relating to non-academic matters; and
- (b) a grievance procedure for dealing with complaints by the provider's students relating to academic matters.

The grievance procedure of non-Table A HEPs must comply with the requirements relating to non-academic matters set out in the *Higher Education Provider Guidelines*. There are currently no requirements in the *Higher Education Provider Guidelines* about the form of a grievance procedure for dealing with complaints by the provider's students relating to academic matters.

HEPs must comply with their grievance procedures and must publish, and make publicly available, up to date information setting out their grievance procedure. The provider can decide on a method (or methods) of publication they wish to use, including as part of printed handbooks, on the higher education provider's web site, or any other method determined by the higher education provider which will bring the information to the attention of students and prospective students.

Students or persons seeking to enrol in a course of study with a provider are entitled to access the grievance procedure, regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

HEPs must provide the Minister with a copy of their grievance procedure, for both academic and non academic matters, as part of their application for HEP status. The non academic grievance procedure must comply with the requirements set out in the *Higher Education Provider Guidelines*.

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Tuition assurance

Section 16-30 of the HESA states that in order to be approved as a HEP, a body corporate must meet the requirements for tuition assurance set out in the *Higher Education Provider Guidelines*. Section 19-40 requires higher education providers (other than a provider listed in Table A of the HESA or a provider exempted in writing by the Minister from this requirement) must comply with the tuition assurance requirements.

The objective of the tuition assurance requirements is to afford protection to students by ensuring that if a non-Table A higher education provider (other than an exempt provider) ceases to be able to provide a course of study, all students enrolled in the course are able to:

- enrol in a similar course of study with another higher education provider and receive full credit towards the same or a comparable qualification from the second provider for any successfully completed units of study undertaken as part of that course of study; and
- if necessary, receive a payment equivalent to any student contribution amount or tuition fee paid for any undelivered unit of study. (A refund need not be paid to a student where the higher education provider, with the agreement of the student, transfers to another provider the student's student contribution amount or tuition fee for any uncompleted units of study in order for the student to complete study with that provider.)

A body-corporate seeking approval from the Minister as a higher education provider must demonstrate that it meets the two parts of the tuition assurance requirements:

- the course assurance requirement for successfully completed units of study; and
- the contribution or tuition fee repayment requirement.

The only body-corporates seeking approval as a higher education provider which do not have to comply are any which have been exempted in writing by the Minister from meeting the requirements.

Students' choice with respect to tuition assurance

It is the obligation of the body corporate seeking approval as a higher education provider (the First Provider) to provide evidence that it has a course assurance arrangement in place through which, if it ceases to be able to provide a course, students enrolled in that course would be offered admission to a similar course of study offered by a second higher education provider (the Second Provider), with full credit for any units of study completed. If a student elects not to accept admission to the course of study with the Second Provider as offered under the tuition assurance arrangement, there is no obligation on the First Provider to guarantee admission or credit to any course offered by other providers.

The First Provider must also demonstrate, if it ceases to be able to provide a course, that students would either receive a refund of the student contribution or tuition fee paid for any uncompleted units of study, or that such a payment would be transferred (with the agreement of the student) to the Second Provider with which they decide to undertake a similar course of study.

How a body corporate meets the course assurance requirement

In the description which follows, it is stated that the First Provider may enter into agreement with the Second Provider to obtain course assurance. The Second Provider does not need to be an approved higher education provider (HEP) at the time that the First Provider enters into such an agreement with it, so long as it obtains such approval within six calendar months of the First Provider obtaining approval as a HEP.

A body corporate meets the course assurance requirement by providing documentary evidence (which demonstrates to the satisfaction of the Minister) that **for each course of study it offers**, it has one or more of the following methods of course assurance in place:

- a) membership of a tuition assurance scheme (TAS) approved by the Minister for this purpose, where the TAS undertakes that should the First Provider cease to be able to provide a course of study, it will arrange for students currently enrolled in that course of study to be offered admission to a similar course of study offered by a Second Provider, with full credit for the units of study completed and leading to the same or a comparable qualification.
- b) an agreement between the First Provider and one or more Second Providers which is legally binding, that should the First Provider cease to be able to provide the course of study, the Second Provider will offer to enrol students currently enrolled in that course of study in a similar course of study, with full credit for the units of study completed and leading to the same or a comparable qualification.
- c) a legally binding guarantee given by a separate legal entity (not necessarily a higher education provider) with financial resources to fulfil such a guarantee, where the separate legal entity guarantees that should the First Provider cease to be able to provide a course of study the separate legal entity will, if requested by a student or students in that course of study, purchase places in a similar course of study, where the students will receive full credit for the units of study completed and the course of study leads to the same or a comparable qualification. The guarantee must provide that each student who is entitled to the purchase of a place in a similar course of study may make a claim directly on the guarantor for the purchase of that place. Examples of bodies which could provide the guarantee include:
 - a 'parent' body;
 - a government department or statutory body; or
 - another higher education institution.

If the body corporate seeking approval as a higher education provider is a Registered Provider within the meaning of the *Education Services for Overseas Students Act 2000*, the course assurance requirements outlined above do not apply to overseas students enrolled in a course of study with the provider.

The statement of course assurance

Higher education providers other than exempt providers are required to publish to all enrolling students a 'statement of course assurance' explaining the course assurance requirements and the method by which the requirements have been met in the course concerned. The higher education provider must ensure that on enrolment each student is provided with clear information about this statement and where a copy of it may be obtained.

The institution can decide on a method (or methods) of publication they wish to use. These may include:

- as part of printed handbooks;
- on the higher education provider's web site; or
- any other method determined by the higher education provider which will bring the information to the attention of students and prospective students.

Specialised courses precluding full credit transfer

If a body corporate considers that a course or courses of study that it offers is of such a specialised nature, or contains components of such a specialised nature, that full credit transfer cannot be arranged, the body corporate may, as part of their application for approval as a HEP,

seek the Minister's agreement that the full credit transfer requirement not apply to such a course or courses.

As part of its application, the body corporate must provide documentary evidence (which is judged to be adequate by the Minister) for each course of study for which this claim is made, to demonstrate that it has been unable to arrange course assurance for that course of study with full credit transfer. Such evidence might consist (for example) of copies of correspondence with other HEPs or Tuition Assurance Schemes, stating their inability to provide a course assurance arrangement with full credit transfer for the course in question because of its specialised nature.

In such cases, the body corporate is still required to arrange a course assurance arrangement except that the arrangement shall be for an alternative course of study with as much credit as possible for the units of study completed.

How a body corporate meets the contribution or tuition fee repayment requirement

A body corporate meets the contribution or tuition fee repayment requirement by providing documentary evidence which demonstrates to the satisfaction of the Minister that **for each course of study which it offers**, it has one of the following arrangements:

- a) membership of a *tuition assurance scheme* (TAS) which has been approved by the Minister for this purpose, under which the TAS guarantees to refund to a student enrolled in a course of study with the Provider any student contribution amount or tuition fee received by the Provider for any units of study which were uncompleted when the provider ceased to be able to provide the course of study, unless the Provider has transferred the student contribution amount or tuition fee to another provider with whom the student has subsequently enrolled;
- b) a 'tuition fees in arrears' agreement is offered by the Provider to students, under which students enrol on the basis that the tuition fees for each unit of their course of study is paid in arrears; or
- c) a legally binding guarantee has been provided by a separate legal entity (not necessarily a higher education provider) with financial resources to fulfil such a guarantee, under which the separate legal entity guarantees to refund to a student enrolled in a course of study with the Provider any student contribution amount or tuition fee received by the Provider for any uncompleted units of study if the Provider ceases to be able to provide the course of study, and if the Provider has not transferred the student contribution amount or tuition fee to another provider with whom the student has subsequently enrolled. The guarantee must provide that each student who is entitled to a refund from the provider may make a claim directly upon the guarantor for any student contribution amount or tuition fee received by the provider for any uncompleted units of study.

If the body corporate seeking approval as a higher education provider is a Registered Provider within the meaning of the *Education Services for Overseas Students Act 2000*, the contribution or tuition fee repayment requirements outlined above do not apply to overseas students enrolled in a course of study with the provider.

Institutions seeking exemption from the tuition assurance requirements

If a body corporate considers that it has adequate grounds to be exempted from the requirements for either the course assurance requirement or the contribution or tuition fee repayment requirement, or both parts of the tuition assurance requirements, it may apply to the Minister in writing setting out those grounds.

Without limiting the matters which the Minister may consider in deciding whether it is appropriate to exempt a body corporate or higher education provider from the requirements for either or both parts of the tuition assurance requirements, the Minister may consider any or all of the following matters:

- a) the period of time over which a higher education provider has successfully delivered higher education courses;
- b) the financial resources available to the provider, including whether the provider is in receipt of public funding, and the duration of that funding;
- c) the grounds for exemption put by the higher education provider; and
- d) the potential impact that an exemption might have on students enrolled in higher education courses offered by the provider.

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Chapter 6 Statistical Information, Compliance and Other Requirements

There are a range of requirements specified in Subdivision 19-E of the HESA. Under Section 19-70 of the HESA a higher education provider must provide information to the Minister in relation to its delivery of higher education. In particular, it must give the Minister statistical and other information on its provision of higher education and on its compliance with the requirements of the HESA. It must have appropriate administrative arrangements in place to enable this to be done.

The HEP must also comply with two specific requirements:

- provide prescribed statistical information to DEST; and
- engage as prescribed with DEST's Higher Education Information Management System (HEIMS).

Under Section 19-75, a HEP must also inform the Minister in writing of any event affecting the provider or a related body corporate of the provider that may affect the provider's capacity to meet either the conditions of grants under the HESA or the quality and accountability requirements.

Statistical Information – Student collection reporting arrangements for new HEPs in 2005

Data to be provided by new HEPs from 2005

All HEPs in receipt of grants from the Commonwealth are required under the HESA to provide statistical information in respect of the provision of higher education. Data files required for the provision of data and the data element structure for each of these data files are listed below and at Appendix B.

The data provided on these files by new HEPs (eg providers that are not already listed under Table A or Table B in the HESA) from 2005, will be only in relation to students who are in receipt of FEE-HELP and/or students enrolled in National Priority Places (NPP). All data elements, in respect of these students, are to be reported as per the attached data specifications.

Reporting methodology and data integrity

In 2005, data are to be provided to DEST in the form of unit record files, submitted to DEST via a File Transfer Protocol (FTP) server. DEST will provide software (DESTPAC) to assist with the validation process in 2005. DESTPAC is a DEST software package that is provided to higher education providers to use in preparing, validating and checking the accuracy of data in files required by DEST for its higher education statistics collection. It is the responsibility of each provider to ensure the integrity of data provided to DEST. Providers are required to undertake all data validations within DESTPAC and to rectify all errors prior to sending their files to DEST. All conditions which have generated FATAL validation error messages must be rectified prior to submission of files to DEST. All conditions which have generated WARNING error messages must be reviewed before the files are provided to DEST.

From 2006, the FTP server will be decommissioned and data will be submitted using XML Web services. Draft XML data/file specifications will be available in December 2004. DESTPAC will be decommissioned at the end of 2005 and the new Higher Education Information Management

System (HEIMS) will be used to validate data. Validation reports will be returned to providers for action.

Privacy and Confidentiality

DEST recognises that unit record data which relate to individual students are provided to it on a confidential basis and will contain personal information. This personal information is required by DEST for the purpose of the administration of Commonwealth higher education entitlements. The authority to collect this personal information is contained in Section 19-70 of the HESA and protected through Division 179 of the HESA. DEST may provide unit record data to State and Territory higher education authorities for the purposes of state related analysis. When handling personal information obtained by it under the HESA, DEST will comply with the provisions of the *Privacy Act 1988*.

Data files to be provided

1. Course of Study File

The data in the Course of Study File comprises detailed information about the courses in which eligible students are enrolled.

2. Student Load/Liability File

The data in the Student Load/Liability file comprise detailed information about the units of study undertaken by students. This information includes Commonwealth Higher Education Student Support Number (CHESSN), unit of study commencement date, student load (EFTSL), total amount charged and loan fee.

3. Student Enrolment File

The data reported in records in the Student Enrolment File provide a “profile” of the student (e.g. date of birth, gender, home location, ethnicity, educational background).

4. HELP Due File

The data reported in the HELP Due file reports details about students with a HELP debt (HECS-HELP or FEE-HELP) which are to be recovered through the taxation system, and personal details for the students who have the HELP debt.

5. SLE/HELP Revisions File

The data reported in the HELP Variations file reports details about any revised EFTSL or debt amounts for students who have a HELP debt (HECS-HELP or FEE-HELP).

6. Scholarships File

The data reported in the scholarships file reports students in receipt of Commonwealth Education Costs Scholarship (CECS) or a Commonwealth Accommodation Scholarship (CAS).

7. Student Past Course Completions File (For new HEPs, this file is first required in 2006)

The Past Course Completions File reports details about each student who completed the academic requirements of an award course in the year prior to the Collection Year.

8. Unit of Study Completions Status File (first required in 2006)

The Unit of Study Completions Status File reports details about the completion status of all units of study undertaken in the year prior to the Collection Year.

More information

The schedule for the provision of data files is at Appendix A of the *Information Pack*. Appendix B lists the student collection files that are required.

More detailed information is available in the Student Help File on the DEST webpage, *Higher Education Statistics Collections Specifications* at <http://www.dest.gov.au/highered/statspec.htm>

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Higher Education Information Management System (HEIMS)

Information Technology (IT) requirements for new Higher Education Providers

The Department of Education, Science and Training (DEST) cannot be prescriptive in outlining what a suitable IT environment is for a Higher Education Provider (HEP). DEST can outline the type of services that it provides to HEPs. This information may aid potential HEPs in their decision making processes. There are three main areas that any potential HEP must consider in relation to IT:

1. student administration desktop;
2. network settings; and
3. format of information exchange.

Student Administration Desktop

All HEPs must have at least one desktop running a Windows Operating System. This desktop must have Microsoft Internet Explorer 6 or above installed. This desktop will be required by student administration staff within the HEP to interact with DEST.

Network Settings

DEST provides services using HTTP and HTTPS (secure), protocols most often used to transfer information from World Wide Web servers to browsers. The HEP must have the ability to open ports 80 and 443 on their network. For security reasons the HEP may choose to limit acceptable domains that can access their network on these ports. In this scenario DEST would ask that the 165.12.253.* subnet is accessible via port 80 and 443.

Format of Information Exchange

DEST provides HEPs with information via XML. HEPs that interact with DEST will need to translate this data format into their environment. There are a variety of software development tools that can aid in this process.

Summary

With one exception, DEST does not prescribe any particular IT environment for HEPs. This exception is the desktop for the student administration system. The reason that a Windows Operating System and Internet Explorer have been selected is based solely on development and testing time. In relation to network settings HTTP and HTTPS are accepted worldwide. XML is considered an international standard. Many software products that are entering the market are XML compatible.

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Commonwealth Higher Education Student Support Number (CHESSN)

Background

A new student number (Commonwealth Higher Education Student Support Number or CHESSN) will be provided by the Australian Government to students from 2005. The CHESSN will stay with the student throughout their academic life and will allow eligibility for Commonwealth support to be facilitated and monitored.

Under section 169-30 of the *Higher Education Support Act 2003* (HESA) HEPs will use the CHESSN to communicate with the Commonwealth concerning a person who:

- is enrolled, or seeking to enrol, in a unit of study with a HEP; and
- has indicated that the person is seeking Commonwealth assistance under HESA for the unit, or is a Commonwealth supported student for the unit. The CHESSN will be used to manage:
 - student learning entitlement (SLE);
 - Higher Education Loan Programme (HELP) including:
 - HECS-HELP for eligible Commonwealth supported students; and
 - FEE-HELP for eligible full fee paying students at public and eligible private HEPs.
 - Commonwealth Education Costs Scholarships (CECS); and
 - Commonwealth Accommodation Scholarships (CAS).

The CHESSN will be limited in its use to monitoring Commonwealth higher education assistance to eligible students (including providing data to the Australian Taxation Office regarding HECS-HELP and FEE-HELP liabilities).

Prospective students must give informed consent to their personal information being provided to the Commonwealth and State and Territory higher education authorities at the time they provide their personal data on application to a higher education provider or Tertiary Admission Centre (TAC) and when completing *the Request for Commonwealth Assistance* form provided by DEST.

Business processes and timeframe

Table 1 steps through the high level processes involved in allocating a CHESSN to a student, either applying for admission through Tertiary Admission Centres (TACs) or applying directly to a HEP.

Table 1: Business process and timeframe for allocation of a CHESSN to a student

BUSINESS PROCESSES	TIMEFRAME
<p>Student completes application for admission through TAC or HEP and provides informed consent for personal information to be submitted to the Commonwealth</p> <p>Commencing student's personal details are uploaded from HEP or TAC to HEIMS</p> <p>HEIMS allocates provisional CHESSN and returns the CHESSN and ordinary SLE usage within 24 hours for eligible students:</p> <ul style="list-style-type: none"> • TAC applicants <p style="margin-left: 40px;">Provisional CHESSN and ordinary SLE usage is stored in TAC system and successful applicant data is transferred electronically to HEP for storage</p> • Direct applicants <p style="margin-left: 40px;">Provisional CHESSN and ordinary SLE usage is stored in HEP system</p> 	<p>HEP/TAC admissions periods</p>
<p>Student completes enrolment processes, including a Request for Commonwealth Assistance Form</p>	<p>Over enrolment period</p>
<p>HEP issues Commonwealth Assistance Notice to students after census that includes student's CHESSN</p>	<p>At census date CHESSN becomes active and student is notified within 21 days of the census date</p>
<p>Student will use CHESSN and other personal identifying data to access private portal</p>	<p>When student chooses from June 2005</p>
<p>DEST will be responsible for resolving duplicate CHESSNs</p>	<p>Continuously</p>
<p>DEST to resolve non-active CHESSNs (ie, for students who do not undertake study)</p>	<p>The timing of this is being investigated with the relevant Commonwealth Authorities.</p>

'Provisional' CHESSNs will be allocated to all eligible applicants whose details are submitted to HEIMS by TACs or HEPs.

A provisional CHESSN becomes activated when a student is confirmed by their HEP as being granted Commonwealth higher education assistance which happens on or after the census date applying to their unit(s) of study.

This CHESSN will remain linked to the student for the remainder of their life. The CHESSN will be notified to the student after all enrolment details are completed as part of the Commonwealth Assistance Notice issued by HEPs within 21 days of the census date.

The student will use their CHESSN and other unique information to access the student private portal of HEIMS which will contain details of the student's Commonwealth assistance.

DEST is currently giving consideration to the period of time for which personal information will be retained in HEIMS before its deletion for those applicants whose CHESSNs are not activated. Any decision will take account of privacy and archives legislation. A CHESSN cannot be allocated to another applicant even if it does not reach activated status at or after census date.

DEST will also be responsible for the identification and resolution of duplicate CHESSNs.

Allocation method

CHESSNs will need to be allocated using:

- batch uploads for TACs and those HEPs using a system to system connection with HEIMS; and
- real-time for those HEPs using a web browser method to seek a CHESSN for individual applicants.

HEPs will have the flexibility to allocate CHESSNs to their eligible continuing students at a time suitable to operational requirements between September 2004 and March 2005 as it is a one-off situation for an existing student group. CHESSN allocation for commencing students, however, will need to occur as data becomes available at each admissions period.

Data matching requirements

A subset of personal data on each CHESSN applicant (see Appendix C) will be supplied in files uploaded to HEIMS by TACs and HEPs in batch, except for HEPs using web browsers who will send one applicant record at a time, to enable the allocation or validation of CHESSNs.

HEIMS must undertake an identity search by comparing the personal applicant data supplied by TACs and HEPs against existing applicant data records to determine whether a CHESSN has already been allocated to that person.

The identity search must be able to cope with name variations that are detailed in the business requirements. Previous given and family names must be retained in HEIMS and used for data matching if required.

Key Dates

CHESSN allocation – system specifications to sector	April 2004
CHESSN allocation pilots/testing by DEST	July - August 2004
CHESSN allocation by HEP/TAC – continuing students	September 2004 – March 2005
CHESSN allocation by HEP/TAC – commencing students	September 2004 – onward
Student Private Portal launch	June 2005

More information

More detailed information is available in DEST publication, *Full Specifications for the Data Requirements for Continuing and Commencing Students*. The manual is available electronically only at <http://www.dest.gov.au/highered/heims/>.

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Chapter 7 Information Privacy Principles and Access to Personal Information

A higher education provider must comply with the Information Privacy Principles set out in section 14 of the *Privacy Act 1988* in respect of personal information obtained for the purposes of Chapters 3 and 4 of the *Higher Education Support Act 2003*.

A higher education provider must have a procedure under which a student enrolled with the provider may apply to the provider for, and receive, a copy of personal information that the provider holds in relation to that student (Section 19-60(2) of the HESA).

Information Privacy Principles (IPPs) (s14 Privacy Act 1988)

The eleven Information Privacy Principles (IPPs) that higher education providers must comply with are listed and summarised below.

IPP 1 – Manner and purpose of collection of personal information

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
 - b) the collection of the information is necessary for or directly related to that purpose.
2. Personal information shall not be collected by a collector by unlawful or unfair means

Summary

IPP 1 says that collectors can only collect personal information:

- for a lawful purpose that is directly related to their functions; and
- if collecting, the information is necessary for or directly related to that purpose.

Collectors must not collect personal information unlawfully or unfairly.

IPP 2 – Solicitation of personal information from individual concerned

Where:

- a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- b) the information is solicited by the collector from the individual concerned; the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:
- c) the purpose for which the information is being collected;
- d) if the collection of the information is authorised or required by or under law—the fact that the collection of the information is so authorised or required; and
- e) any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Summary

IPP 2 says that if a collector asks a person for personal information about himself or herself, it must normally tell the person:

- why it is collecting the information;
- whether it has legal authority to collect the information; and
- who it usually gives that sort of information to.

IPP 3 – Solicitation of personal information generally

Where:

- a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- b) the information is solicited by the collector; the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:
- c) the information collected is relevant to that purpose and is up to date and complete; and
- d) the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Summary

IPP 3 says that when a collector asks for personal information, the collector must do its best to make sure that the information is:

- relevant to the collector's reason for collecting it;
- up to date; and
- complete.

It also says that when a collector gets personal information from people, it must do its best not to intrude unreasonably on their personal affairs.

IPP 4 – Storage and security of personal information

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Summary

IPP 4 deals with the security of personal information and requires record-keepers to take all reasonable steps:

1. to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse; and
2. if the record-keeper has to give access to personal information to a person (usually a contractor), in connection with the provision of services to the record-keeper — to prevent unauthorised use or disclosure.

IPP 5 – Information relating to records kept by record-keeper

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- a) whether the record-keeper has possession or control of any records that contain personal information; and
 - b) if the record-keeper has possession or control of a record that contains such information:
 - i. the nature of that information;
 - ii. the main purposes for which that information is used; and
 - iii. the steps that the person should take if the person wishes to obtain access to the record.
2. A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.
3. A record-keeper shall maintain a record setting out:
- a) the nature of the records of personal information kept by or on behalf of the record-keeper;
 - b) the purpose for which each type of record is kept;
 - c) the classes of individuals about whom records are kept;
 - d) the period for which each type of record is kept;
 - e) the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
 - f) the steps that should be taken by persons wishing to obtain access to that information.
4. A record-keeper shall:
- a) make the record maintained under clause 3 of this Principle available for inspection by members of the public; and
 - b) give the Commissioner, in the month of June in each year, a copy of the record so maintained.

Summary

IPP 5 aims to make record-keepers' holdings of personal information open to the public. It requires each record-keeper to:

- make sure that people can find out the nature of the personal information that the record-keeper holds, why it is held and how people can access it; and
- maintain a statement of the types of personal information it holds, describing for each type why it is held, the classes of people it relates to, how long it is kept for, who can get access to it and how people should go about getting access to it; and
- make this statement publicly available and provide it annually to the Privacy Commissioner.

IPP 6 – Access to records containing personal information

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.

Summary

IPP 6 says that if a record-keeper holds personal information it must give the person the information is about access to it, subject to restrictions in other Commonwealth laws.

IPP 7 – Alteration of records containing personal information

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:
 - a) is accurate; and
 - b) is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.
2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the Commonwealth that provides a right to require the correction or amendment of documents.
3. Where:
 - a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned; and
 - b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provisions of a law of the Commonwealth; the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Summary

IPP 7 says that:

- a record-keeper must take reasonable steps to amend its records to make sure that the personal information it holds is accurate, relevant, up to date, complete and not misleading (subject to restrictions in other Commonwealth laws); and
- if a record-keeper holds personal information about a person, and the person asks for the information to be amended and the record-keeper is neither willing nor obliged to amend the information, the record-keeper must attach to the record any statement from the person requesting the amendment.

IPP 8 – Record-keeper to check accuracy etc. of personal information before use

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Summary

IPP 8 states that a record-keeper must take reasonable care to check that personal information is accurate, up to date, and complete, before using it.

IPP 9 – Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Summary

IPP 9 states that a record-keeper must only use personal information for a purpose to which it is relevant.

IPP 10 – Limits on use of personal information

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
 - a) the individual concerned has consented to use of the information for that other purpose;
 - b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - c) use of the information for that other purpose is required or authorised by or under law;
 - d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
 - e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.
2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Summary

IPP 10 states that a record-keeper must not use personal information for any purpose other than that for which it obtained the information, unless:

- the person the information is about consents; or
- the use is necessary to protect against a serious and imminent threat to a person's life or health; or
- the use is required or authorised by law; or
- the use is reasonably necessary to enforce the criminal law or a law imposing a pecuniary penalty, or to protect the public revenue; or
- the use is directly related to the purpose for which the record-keeper obtained the information.

A record-keeper that uses personal information under exception (d) must note that use on the record containing the information.

IPP 11 – Limits on disclosure of personal information

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:
 - (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
 - (b) the individual concerned has consented to the disclosure;
 - (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
 - (d) the disclosure is required or authorised by or under law; or

- (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.
 3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

Summary

IPP 11 states that a record-keeper must not disclose personal information unless:

- the person the information is about has been told in a valid IPP2 notice, or is otherwise likely to know, that that kind of disclosure is commonly made; or
- the person has consented; or
- the disclosure is necessary to protect against a serious and imminent threat to a person's life or health; or
- the disclosure is required or authorised by law; or
- the disclosure is reasonably necessary to enforce the criminal law or a law imposing a pecuniary penalty, or to protect public revenue.

A record-keeper that discloses personal information under exception (e) must note that disclosure on the record containing the information.

If a record-keeper discloses any personal information, the recipient must only use or disclose it for the purpose for which it was disclosed to them.

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Chapter 8 FEE-HELP

Summary

FEE-HELP is a loan scheme which assists eligible students to pay their tuition fees. FEE-HELP can cover all or part of the student's tuition fees, up to a lifetime limit of \$50,000, and the \$50,000 FEE-HELP limit is indexed under the HESA. A loan fee of 20 per cent applies to FEE-HELP loans for undergraduate courses of study. The \$50,000 FEE-HELP limit does not include the loan fee or any amount of increased HELP debt incurred by the student due to indexation.

The Australian Government pays the student's tuition fee to the higher education provider on behalf of the student, and students begin to repay their FEE-HELP debt to the Australian Government once their income reaches a prescribed threshold (\$35,000 in 2004-05).

Providers are responsible for assessing whether students are eligible for FEE-HELP and for undertaking specific administrative tasks in respect of FEE-HELP, including the following:

- Providers must make the *Request for FEE-HELP assistance* application form and the FEE-HELP information booklet readily available to their students. Students who wish to receive a FEE-HELP loan must apply through their provider.
- Providers are required to collect and securely store students' Tax File Numbers (TFNs) so that FEE-HELP debts can be properly notified to the Australian Taxation Office (ATO). Students must provide their (TFN) to their provider to be eligible for FEE-HELP. Further information on the responsibilities of providers to protect personal information is provided in Chapter 7.
- Providers must give to the Minister and publish a schedule of tuition fees for all units of study that may be undertaken as part of a course leading to a higher education award. This must be done by 1 September of the year prior to that in which the units of study will be offered.
- Similarly, providers must set census dates and determine EFTSL values for all units of study, and publish them by 1 September of the year prior to that in which the units of study will be offered. A student's entitlement to FEE-HELP is worked out at the end of the census date. At the end of the census date, the Commonwealth will lend to a student who is entitled to FEE-HELP, the amount of their outstanding fees. Following the census date, the provider is required to issue to the student a Commonwealth Assistance Notice providing details of their enrolment and the payment of tuition fees, including the amount of tuition fee discharged by a FEE-HELP loan.
- Providers are required to provide to DEST details of their students' liabilities to pay tuition fees, along with a range of other information on their students. The information is used to calculate actual student entitlements to FEE-HELP, to notify the amount of FEE-HELP debt to the ATO and to calculate the total amount owing to a provider for its students. Details on the information requirements are provided in Chapter 6.
- A student may also apply after the census date to have their FEE-HELP balance re-credited if the student has been unable to complete the requirements of the unit and the student believes that this was due to special circumstances. Providers must consider these applications and must agree to such requests if they are satisfied that there were special circumstances in the student's case. Providers are required to refund to the Commonwealth the amount of FEE-HELP paid to the provider on behalf of the student, if the student's request is successful. Further information is provided below.

Entitlement to FEE-HELP

Eligible Providers

A body approved as a higher education provider under the HESA is able to offer FEE-HELP to students who meet specified criteria (see below) including citizenship requirements and who are undertaking an eligible course from 1 January 2005.

Entitled students

A student is entitled to FEE-HELP for a unit of study that is being undertaken as part of an eligible course, if the student:

- meets the citizenship requirements set out below;
- will be resident in Australia for the duration of the unit, if the student is not an Australian citizen;
- is enrolled in the unit at the end of the census date for the unit;
- is not a Commonwealth supported student in relation to the unit;
- has completed and signed a request for Commonwealth assistance in relation to the unit or their course before the end of the census date;
- meets the Tax File Number requirements; and
- has a FEE-HELP balance greater than zero.

Students may also be entitled to FEE-HELP in similar circumstances for units of study made available by providers, access to which was provided by Open Learning Australia. A student and their provider will be able to obtain information from the Higher Education Information Management System (HEIMS) on the student's FEE-HELP balance.

Citizenship requirements

Australian citizens and holders of an Australian permanent humanitarian visa are eligible for FEE-HELP. Holders of other permanent visas are only eligible for FEE-HELP if they are undertaking a bridging course for overseas trained professionals and will be resident in Australia for the duration of the unit.

Eligible courses

The following courses are eligible for FEE-HELP:

- accredited undergraduate higher education award programmes;
- accredited postgraduate higher education award programmes, including higher degrees by research;
- bridging courses for overseas trained professionals to enable students to meet the requirements for entry into their profession in Australia; and
- enabling courses which allow students to meet the requirements for entry into an award programme.

The Minister may determine that FEE-HELP is unavailable for a course of study, provided the determination is made no later than six months before the course commences and is not disallowed by the Parliament.

Tuition Fees

The HESA requires that tuition fees must be determined and charged in accordance with the HESA. Tuition fees may only be charged for units of study. A student cannot be made to pay more than one tuition fee for a unit of study. While it is possible for a course of study to consist of a single unit of study, this is not normally the case. A fee set at the level of a course may be readily converted to fees for the units of study undertaken as part of that course, by using the Equivalent Full-time Student Load (EFTSL) value for the unit of study (see discussion on setting EFTSL values below).

Charges that are not defined as fees under HESA may be levied by providers, however students may not receive FEE-HELP assistance to pay these charges. All charges that are defined as fees must, if being levied by a provider, be included as part of the tuition fees for the various units of study undertaken by the provider's students. These tuition fees are either paid directly by the student, or by the Australian Government on behalf of the student for those students who take out a FEE-HELP loan.

What may be included in tuition fees

A fee includes any tuition, examination or other fee payable to a provider by a student enrolled with, or applying for enrolment with, a provider. It includes any fee payable to the provider in respect of the granting of a higher education award.

A fee does not include a charge that is payable in respect of:

- an organisation of students or of students and other persons; or
- the provision to students of amenities or services that are not of an academic nature; or
- residential accommodation; or
- studies (other than an enabling course) that are not permitted to be undertaken for the purpose of obtaining a higher education award.

A fee also does not include a charge that is:

- imposed on overseas students in accordance with the Commonwealth Grant Scheme Guidelines; or
- for goods or services that are incidental to studies undertaken with a provider and which meets one of the criteria specified in the Commonwealth Grant Scheme Guidelines; or
- a student contribution amount (which is the fee paid by a Commonwealth supported student).

Setting tuition fees

There are three ways in which providers may set fees for a unit of study and these are set out below. Providers may set fees under both (1) and (3), or (2) and (3), if they wish to do so.

- 1) A provider must determine the fee for each unit of study in which it proposes to enrol students during a year. The provider must determine the amount by 1 September of the previous year.
- 2) If a unit of study can form part of more than one course of study, the provider may determine a different fee for the unit for each such course of study. The provider must determine the amount by 1 September of the previous year.
- 3) A provider may determine a fee for a unit of study that is to apply to a particular cohort of students throughout their course. A cohort is a group of students who commence a particular course of study in a particular year with a particular provider. Only one fee for a unit of study may be determined for a cohort. The provider must determine the amount by

1 September in the year before the cohort commences its course of study. The provider may determine conditions that are to be met for that amount to be a student's tuition fee.

The fee which is to be paid by a particular student is their **tuition fee** for the unit. With one exception, providers must require a student to pay this tuition fee and an eligible student may receive a FEE-HELP loan to pay it. The only case in which providers may not require a student to pay a tuition fee is if the student has been awarded an exemption scholarship. Further information on Exemption Scholarships is available in the *Administrative Information for Providers*.

There are no requirements concerning the amount of tuition fee which may be charged, unless a provider has received a grant for National Priority Places under the Commonwealth Grant Scheme. Providers that receive such a grant cannot set a tuition fee for a unit which is less than the highest student contribution amount that the provider would charge any person who is a Commonwealth supported student for the same unit.

Making information on tuition fees available

A provider must give to the Minister and publish, by 1 September, a schedule of the tuition fees for all the units of study it provides or proposes to provide during the following year. The schedule is only required to include the tuition fees set under (1) and (2) above. It does not need to include the tuition fees set for a student cohort.

This schedule must be available to all students enrolled, and all persons seeking to enrol, with the provider, on request and at no charge. The schedule must provide sufficient information to enable a student to work out the tuition fee for each unit of study that may be undertaken with the provider.

If a provider has set fees that will apply only to a particular student cohort, a provider only needs to publish and make publicly available:

- sufficient information to enable a person in a student cohort to work out his or her tuition fee for each unit of study that may be undertaken as part of the cohort's course of study; and
- any conditions that are to be met for that amount to be a person's tuition fee

Administration of FEE-HELP

Request for FEE-HELP assistance

Providers must make available to students a *Request for FEE-HELP assistance* form and the FEE-HELP information booklet when they are enrolling in an eligible course of study for the first time. This form enables students to request a loan from the Commonwealth to pay up to the full amount of their tuition fees. Students also have the option to pay part of their tuition fees up front to their provider and obtain a FEE-HELP loan for the balance.

Providers must ensure students are given a copy of the FEE-HELP information booklet for the relevant year. When students sign their form they declare that they have read the booklet and are aware of their obligations under the programme.

A student only needs to complete a *Request for FEE-HELP assistance* once during their course of study. Otherwise request forms remain valid for the duration of a course. Students are required to complete a new *Request for FEE-HELP assistance* when they:

- commence a new course of study with the same or different provider; or
- transfer to a new course of study with the same or different provider.

Students must return their completed *Request for FEE-HELP assistance* to their provider on or before the census date for the unit of study.

- Students who have not completed and returned their form to their provider on or before the census date for unit of study are not entitled to FEE-HELP for that unit.
- Providers are responsible for assessing entitlement and must ensure that forms have been correctly completed. Copies or facsimiles of the form are not acceptable.

Note that a student may not authorise another person (by power of attorney or otherwise) to sign a *Request for FEE-HELP assistance* on their behalf.

Tax File Number requirements

A student meets the Tax File Number (TFN) requirements if the student:

- notifies his or her TFN to the appropriate officer of the provider and the provider is satisfied that the number is a valid TFN. The Commissioner of Taxation issues guidelines about the circumstances in which a provider is, and is not, to be satisfied that a number is a valid TFN; These guidelines are available on the DEST website, as part of the *Administrative Information for Providers 2005*; or
- gives to the officer a certificate from the Commissioner of Taxation stating that the student has applied to the Commissioner to be issued a TFN.

Where a student does not have a TFN at the time of enrolment, they can make an application for a TFN to the ATO. If a student is applying within one month of the census date, they can request a certificate of application for a TFN, as proof of their application. They must then quote their TFN once they receive this advice from the ATO.

Students who choose not to provide a Tax File Number (TFN) on their Request for FEE-HELP assistance and who do not provide a certificate of application for a TFN are not entitled to FEE-HELP and must pay their tuition fees up front to their provider.

Setting the census dates for units of study

A provider must set a census date for each unit of study it provides or proposes to provide during a year. Census dates are to be no earlier than 20% of the way through the period of time during which the unit is undertaken. For example, if the duration of the unit of study is 13 weeks, the census date must occur no less than 18 days after the commencement of the unit of study.

Providers must ensure that annual or full-year units of study have only one census date. This census date must observe the 20% rule outlined above. Providers may choose to establish common census dates for units that commence at around the same time in a particular period so long as the 20% rule is complied with for each of those units.

Chapter 5 of the *Administration Guidelines* states that the census date for a unit of study must be published by 1 September of the year prior to the commencement of that unit. Providers are free to publish the census date in any format(s) they choose but if only making this information available electronically, providers must ensure that they comply with the requirements for publication of the census date set out in the *Administration Guidelines*. Providers must ensure that students are able to access the information.

Setting the EFTSL values for units of study

An EFTSL is an equivalent full-time student load. It is a measure of the study load, for a year, of a student undertaking a course of study on a full-time basis.

Providers must determine, in writing, the EFTSL value for the units of study that they offer. The EFTSL value of a unit of study is the proportion of a full time student load for a year that would

be undertaken by a student enrolled in the unit of study. For example, if a full time student would generally be expected to undertake four units of study in a year and the amount of study associated with each unit was the same, each unit of study would be worth 0.25 EFTSL.

If a unit of study can form part of more than one course of study, the provider may determine different EFTSL values for the unit for each course of study. The Student Learning Entitlement Guidelines set out other requirements providers must meet when determining the EFTSL values for units of study.

Providers must publish the EFTSL value for all units of study by 1 September of the year prior to the commencement of that unit of study

Application of the Loan Fee

A loan fee of 20 per cent applies to FEE-HELP loans for undergraduate courses of study. No loan fee applies to a FEE-HELP loan for:

- fee paying postgraduate courses of study, including higher degrees by research;
- courses to enable students to meet the requirements for entry into a course leading to a higher education award ;
- bridging courses for overseas trained professionals; or
- units of study made available by providers, access to which is provided by Open Learning Australia (OLA).

The loan fee is applied at the end of the census date. This is the date on which the student incurs the debt for their FEE-HELP loan. Providers are required to advise the student of the amount of loan fee in the student's Commonwealth Assistance Notice.

Commonwealth Assistance Notice

Providers are required to issue a Commonwealth Assistance Notice to each student enrolled in a course of study and who has requested FEE-HELP assistance. The notice must be issued within 28 days of the census date, in accordance with the requirements of the Administration Guidelines. This notice sets out a range of information in respect of a students' enrolment for a census date, including the amount of the FEE-HELP debt incurred for units of study with that census date. Further information on the requirements for the notice is available in the *Administrative Information for Providers*.

Where a student believes their notice is incorrect, they have 14 days to provide written advice to their provider, asking for the notice to be corrected.

Providers are required to provide all students who have completed a *Request for FEE-HELP assistance* with a notice for each census date, even if those students subsequently pay their fees directly to their provider and do not incur a debt on that census date.

Withdrawal from a course - on or before the census date

If a student who has completed a *Request for FEE-HELP assistance* withdraws from a unit of study, including where the student withdraws from their course of study, on or before the census date, the student will not incur a FEE-HELP debt for that unit of study.

Withdrawal from a course – after the census date

If a student who has completed a *Request for FEE-HELP assistance* withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student will incur a FEE-HELP debt for that unit of study.

A debt is only removed after the census date if a provider has agreed to re-credit a student's FEE-HELP balance due to special circumstances (see the following section on *Re-crediting of FEE-HELP balance* for more detailed information).

Providers will be required to supply DEST with information on any re-crediting of FEE-HELP balance as a result of special circumstances. This information will be provided to DEST on a regular basis and will be used to update student's personal information in HEIMS and to advise the ATO of changes in HELP debts. Details on the information requirements are provided in Chapter 6.

Further information on the procedures for reporting to DEST will be available in the *Administrative Information for Providers*.

Re-crediting of FEE-HELP balance

A student may apply after the census date to have their FEE-HELP balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. Where a request to re-credit a person's FEE-HELP balance is granted, a student's FEE-HELP debt is removed.

Providers must consider these applications and must agree to such requests if they are satisfied that there were special circumstances in the student's case. Providers are required to refund to the Commonwealth the amount of FEE-HELP paid to the provider on behalf of the student, if the student's request is successful.

Where a student is not satisfied with the decision made by the provider, they may apply for a review of the decision. A provider must have a review procedure for dealing with the request for a review. This review procedure must comply with the requirements of the Higher Education Provider Guidelines. A provider must appoint a review officer to undertake the review of these decisions. The review officer is a person, or a person included in a class of persons, appointed by the Chief Executive Officer of the provider (or their delegate) to carry out this task. Where a student is not satisfied with the reviewed decision made by the provider's review officer, they may apply to the Administrative Appeals Tribunal for a further review of the decision.

The original decision

A person can apply to the provider to have their FEE-HELP balance re-credited if he or she withdraws from his or her studies after the census date and/or the person has not completed the requirements for the unit of study. The person must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken. Providers have the discretion to waive this requirement if they are satisfied that the application could not be made within the time limit.

Providers must consider the student's application as soon as practicable. Chapter 5 of the Student Learning Entitlement Guidelines specifies that providers must publish the timeframe within which they will consider applications, and within which they will notify applicants of their decision.

The provider must re-credit a person's FEE-HELP balance if the provider is satisfied that special circumstances apply to the person that are:

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

Chapter 5 of the *Student Learning Entitlement Guidelines* specifies the circumstances in which a provider will be satisfied that special circumstances apply to the person. Each application should be examined and determined on its merits. The provider should consider the person's claims, together with independent supporting documentary evidence which substantiates these claims.

Providers must notify the person of the decision and the reasons for making the decision. Chapter 5 of the *Student Learning Entitlement Guidelines* specifies that providers must also advise the applicant of their rights for a review of the decision if the applicant is unsatisfied with the outcome.

If a decision is made to re-credit the FEE-HELP balance, the provider must notify DEST through the *HELP Variations File*. The provider is required to repay to the Commonwealth any FEE-HELP assistance the provider received from it on the person's behalf. DEST will inform the ATO that the debt has been removed.

Review of the original decision

A person has the right to apply for a review of a decision to not re-credit the person's FEE-HELP balance. The time limit for applying for a review of a decision is 28 days from the person receiving notice of the decision, or such longer period as the reviewer allows. The person must state the reasons why he or she is applying for a review.

Providers must:

- appoint a review officer who is not the same officer who made the original decision and who occupies a position that is senior to that occupied by the original decision maker;
- notify the applicant of the reviewer's decision and the reviewer's reasons for making the decision (the reviewer's available options are to confirm the decision; vary the decision; or set the decision aside and substitute a new decision);
- advise the applicant of his or her right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
- provide the applicant with the contact details and address of the nearest AAT registry.

The *Higher Education Provider Guidelines* require that a provider must acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.

Providers must maintain an up-to-date register of appointments of review officers.

Reconsideration by the Administrative Appeals Tribunal (AAT)

A person may make an application to the AAT for a reconsideration of a provider's decision to refuse to re-credit a person's FEE-HELP balance and may supply additional information to the AAT which he or she did not previously supply to the provider (including the provider's reviewer).

The Secretary of DEST or his delegate will be the respondent for cases which are before the AAT. Once DEST has received notification from the AAT that the person has applied for the reconsideration, under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must lodge the following documents with the AAT within 28 days:

- a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- b) every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the Tribunal.

Upon receipt of notifications from the AAT, DEST will notify providers in writing that appeals have been lodged. Following such notifications, providers **MUST within a further 5 business days** provide DEST with all the original documents they hold relevant to the appeal. These documents should be sent to DEST by courier or Express Post (providers should keep copies of the documents for their own records).

Under section 209-5(2)(b) of the AAT Act, providers may still reconsider matters that are before the AAT (ie at any time up until the AAT makes a final decision) and must advise DEST if a decision is made to re-credit the person's FEE-HELP balance. However, until a person withdraws his or her AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEST is still required to comply with the section 37 AAT Act requirement to lodge a statement and relevant documents with the AAT. Therefore, providers must still forward all relevant documents to DEST within the 5 business day timeframe noted above - unless advised not to do so by DEST.

The re-crediting of FEE-HELP balance follows the same process as the re-crediting of SLE and student contribution amounts.

FEE-HELP payment arrangements

Under FEE-HELP, the amount of outstanding fees for an entitled student is paid directly to the provider by DEST on behalf of the student. DEST estimates the total amount of FEE-HELP that it will be required to pay a provider in a year and advances FEE-HELP payments to providers. Any advance amount is reconciled once a provider has provided to DEST details of its student's liabilities to pay tuition fees.

Providers will receive an advance for the amount that DEST estimates will be payable to the provider under FEE-HELP for a particular calendar year. The amount of the advance will be paid as 24 instalments (2 payments each calendar month) over the course of that year. As the payment is an advance, it will be necessary for the Commonwealth to either recover funds where a provider has been over paid or provide additional funds where the provider has been under paid. The determination of this adjustment cannot take place until final student data for the calendar year has been provided to DEST. It is expected that this adjustment will be determined in April of the following calendar year.

Contact

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Chapter 9 National Priority Places, including Commonwealth Learning Scholarships

National Priorities

In *Our Universities: Backing Australia's Future*, the Australian Government identified national priorities in higher education. This will allow the Australian Government to respond to current and emerging national needs, such as shortages in particular areas of the labour market.

Teaching and nursing have been identified as the initial key areas of national priority, to ensure an adequate supply of high quality graduates for Australia's schools and health care services. The Australian Government will review national priorities periodically.

The Australian Government will use a range of measures to support these identified national priorities, for example:

- an increase in the Commonwealth contribution to higher education providers for students' education and nursing Commonwealth supported units of study;
- setting a student contribution lower than the maximum in the range permitted for the student course contribution for Commonwealth supported places in education and nursing units of study; and
- the provision of additional places in the national priority areas of teaching and nursing over the next four years.

National Priority Places

There are a total of 1,400 Commonwealth supported places available to non-Table A higher education providers for national priority areas. Of these, 655 student places have already been allocated to provide ongoing funding for existing Commonwealth supported places at Avondale College and the University of Notre Dame Australia.

An additional 745 Commonwealth supported places will be available for allocation to non-Table A higher education providers in the national priority areas of teaching and nursing. These places will be referred to in this document as national priority places. For these places, there will be an annual public call for expressions of interest from eligible higher education providers starting with the allocation of 272 places in 2005. Account will be taken of demographic and labour force data and State and Territory Government views on their state priorities for the placement of these national priority places.

In 2005 there will be 272 national priority places in nursing and teaching (the identified national priorities) available to eligible non-Table A higher education providers.

Purpose

The purpose of this Chapter is to provide a guide for non-Table A higher education providers on how to apply for the 272 national priority places in teaching and nursing available in 2005. For those non-Table A higher education providers that are successful in gaining places, the section on Commonwealth supported places later in this Chapter contains a summary of what the management of these places will entail.

How to apply

Providers that wish to apply for these places should note the following:

- The Minister will allocate the places following a competitive bidding process;
- Table B providers and Avondale College may apply for places; and

- Higher education providers seeking status as an approved higher education provider under the *Higher Education Support Act 2003* (HESA) may apply for places and may receive places contingent upon approval as a HEP.

a) Selection Criteria and application form

Applications for the allocation of places will be assessed against the criteria below. Evidence against each and every criterion is a requirement for eligibility.

1. Level of the experience of the provider in offering the designated programmes, including existing or proposed arrangements for clinical practice for nursing, and the teaching practicum.
2. Level of the provider's capacity to provide the places within existing physical infrastructure.
3. Whether the higher education courses to be offered are accredited higher education courses.
4. Level of demand for the proposed courses to be offered and the industry needs for their graduates in a region or State/Territory.
5. Degree to which the provider is responsive to meeting industry needs in teaching and nursing and the level to which the provider has developed industry links in their programmes.
6. Degree to which the programmes will support the four key principles of *Our Universities - Backing Australia's Future*.

Providers should address these criteria in their application for national priority places (see the *National Priority Places Application Pack*).

Following the assessment process, recommendations for the allocation of places and their funding will be made to the Minister for Education, Science and Training for his approval.

b) How will the funding for the places be provided?

Funding for National Priority Places is provided to eligible higher education providers through a grant payable under Part 2-2 of HESA. The funding for these places will be specified in a Funding Agreement under section 30-25 of the HESA between the Commonwealth and the higher education provider.

If the provider is unable to fill the allocated places, their grant will be adjusted in the following year's funding agreement in accordance with HESA to take account of this shortfall and the Minister may take this into account in the assessment of future bids for places and funding to that provider.

c) What is the funding level for the places?

Teaching and nursing places will be funded at the appropriate funding cluster rate. The Commonwealth contribution amounts for teaching and nursing for 2005 will be:

- I. Teaching, \$6,970, (2004 amount); and
- II. Nursing, \$9,316, (2004 amount).

d) Is the funding for the places allocated ongoing?

National priority places will be allocated in 2005, 2006, 2007 building to a total of 745 places by 2008. Once a place is allocated to a provider, adequate places will be maintained at that higher education provider to allow completion of the course by students initially enrolled as a HECS-HELP student.

e) What courses of study are eligible?

Eligible courses of study are those courses leading to the award of a teaching or nursing higher education qualification and may include undergraduate degrees and transitional degrees for example, from enrolled nurse to registered nurse and advanced diploma, diploma and other undergraduate award of a provider. Funding for Commonwealth supported places in postgraduate courses leading to a teaching or nursing qualification may be considered but this will be dependent on evidence of workforce shortages in these areas.

f) Payment arrangements

Under section 33-15 (1) (a) and (b) of HESA, a higher education provider's base CGS grant amount for a year is increased (by 2.5%, 5.0% and 7.5% for 2005, 2006 and 2007 respectively) if the Minister is satisfied that it meets the National Governance Protocols and workplace relations conditions.

It should be noted that non-Table A (private) providers may apply for and be allocated National Priority places without having to meet the National Governance Protocols and workplace relations conditions. Providers that are allocated these places can then apply to DEST for the increased funding. Enquiries regarding the National Governance Protocols should be directed to Indhi Emmanuel, indhi.emmanuel@dest.gov.au, (02) 6240 9626. Enquires about the workplace relations conditions should be directed to Paul White, paul.white@dest.gov.au, (02) 6240 7120.

The National Governance Protocols for non-Table A providers are available at http://www.backingaustraliasfuture.gov.au/guidelines/cgs_guide.htm. Please note that the Protocols are still subject to Parliamentary approval and the final version may vary slightly from the draft currently shown at the web site.

Higher education providers auditing and accounting procedures relating to a grant under this programme must comply with the quality and accountability requirements under Division 19 of the HESA as in force from time to time. Higher education providers must also comply with the fairness requirements under Division 19 and the conditions that apply under Division 36. Conditions additional to the above may be specified in the Funding Agreement.

Contact

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Commonwealth supported places

Where approved higher education providers are successful in their application for National Priority Places, they will be required to manage those Commonwealth supported places in accordance with the legislative provisions contained in the HESA, which are summarised below

Note that this information provides an overview of the requirements providers must follow in administering Commonwealth supported places. More details will be provided in the *Administrative Information for Providers 2005*.

Student contribution

Students enrolled in Commonwealth supported places are required to make a 'student contribution'. Students must only pay one student contribution amount for each unit of study and they cannot be charged a tuition fee or any other fees. For information on what a tuition fee is and what providers may charge students, please see Chapter 8 of the Information Pack.

Providers must set the student contribution amounts to be paid by Commonwealth supported students, within a range set by the Government and according to the student contribution band in which the unit of study is classified.

Table 2 shows the estimated range within which higher education providers may set the student contribution for an equivalent full-time student load in 2005.

Table 2 – Student contribution bands – 2005 estimates

Student contribution band	Student contribution amount
Band 3 (law, dentistry, medicine, veterinary science)	\$0 – \$8,004
Band 2 (accounting, commerce, administration, economics, maths, statistics, computing, built environment, health, engineering, science, surveying, agriculture)	\$0 – \$6,837
Band 1 (humanities, arts, behavioural science, social studies, foreign languages, visual and performing arts)	\$0 – \$4,800
National Priorities (education, nursing)	\$0 – \$3,840

In determining student contribution amounts, providers:

- 1) must determine the amount for a place (that is, the rate for one equivalent full time student load) for each unit that forms part a course of study in which they may enrol Commonwealth supported students. Providers must determine the amount by 1 September of the previous year.
- 2) may also determine the amount for a place in a unit of study that is to apply to a particular cohort of students. Only one amount for a unit of study may be determined for a cohort. The provider must determine the amount by 1 September in the year before the cohort commences its course of study. It may also determine conditions that are to be met for that amount to be a person's student contribution amount.

Providers must give to the Minister and publish, by 1 September, a schedule of the student contribution amounts for all the units of study it provides or proposes to provide during the following year. The schedule is only required to include student contribution amounts for each unit that forms part of a course of study in which they may enrol Commonwealth supported students. It does not need to include the student contribution amounts set for a student cohort under (2) above but providers must provide:

- sufficient information to enable a person in a student cohort to work out his or her student contribution amount for each unit of study that may be undertaken as part of the cohort's course of study; and
- any conditions that are to be met for that amount to be the person's student contribution amount.

The schedule must be available to all students enrolled, and all persons seeking to enrol, with the provider, on request and at no charge. The schedule must provide sufficient information to enable a student to work out the student contribution amount for each unit of study that may be undertaken with the provider.

Eligible students may receive HECS-HELP assistance for the payment of their student contribution amount.

Eligibility for a Commonwealth supported place

To be eligible for a Commonwealth supported place, students must meet the citizenship requirements. That is, they are:

- an Australian citizen; or
- a New Zealand citizen who will be resident in Australia for the duration of their course; or
- the holder of a permanent visa who will be resident in Australia for the duration of their course.

Further, the unit of study the student is enrolling in must:

- be covered by the student's Student Learning Entitlement; or
- wholly consist of work experience in industry. Work experience in industry is work:
 - that is done as part of, or in connection with, a course of study undertaken with a provider; and
 - in respect of which student learning and performance is not directed by the provider;
 - the purpose of which is to obtain work experience relevant to the course of study; and
 - meets the other requirements specified in the *Administration Guidelines*.

Student Learning Entitlement (SLE)

From 1 January 2005, all Australian citizens, New Zealand citizens, and holders of permanent visas will receive a SLE, providing them with access to a Commonwealth supported place for the equivalent of seven years of full time study. Additional SLE will also be provided to eligible students enrolling in an undergraduate course that is longer than six years, an honours course, a graduate entry bachelor degree, or a postgraduate course (refer to the *Student Learning Entitlement Guidelines*).

Student contribution payment options and HECS-HELP

Most students have options for paying their student contribution. The options available will depend on the person's citizenship status.

Australian citizens and holders of permanent humanitarian visas

Australian citizen and holders of permanent humanitarian visas are entitled to HECS-HELP assistance. There are two forms of HECS-HELP assistance:

1. a HECS-HELP loan – this is a loan from the Australian Government for part or all of a student's student contribution amount. Students are not required to start repaying their loan until their income reaches the income threshold for compulsory repayment.
2. a HECS-HELP discount – if a student pays all, or at least \$500, of his or her student contribution up front, they will receive a 20% discount on the amount they pay.

Other holders of permanent visas and New Zealand citizens

Holders of permanent visas (other than permanent humanitarian visas) and New Zealand citizens are required to pay their student contribution up front without a discount to their higher education provider on or before the census date.

Administration

Request for Commonwealth support and HECS-HELP form

Providers must make available to students a *Request for Commonwealth support and HECS-HELP* form and the *Information for Commonwealth supported students* booklet for the relevant year when they are enrolling in a Commonwealth supported place for the first time.

The form also enables eligible students to request HECS-HELP assistance (which may include a HECS-HELP loan and/or discount for up front payments of their student contribution). When students sign their form, they declare that they have read the booklet and are aware of their obligations as a Commonwealth supported student.

A student only needs to complete a form once during their course of study. Students are only required to complete a new form if they commence a new course of study or transfer to a new course of study with the same or a different provider.

Students must return their completed form to their provider on or before the census date for the first unit of study they enrol in as a Commonwealth supported student. Students who have not completed and returned their form to their provider on or before the census date must have their enrolment cancelled as a Commonwealth supported student. Providers are responsible for assessing entitlement and must ensure that forms have been correctly completed. Copies or facsimiles of the form are not acceptable.

Note that a student may not authorise another person (by power of attorney or otherwise) to sign a *Request for Commonwealth support and HECS-HELP* form on their behalf.

Tax File Number requirements

Students who choose to take out a HECS-HELP loan for their student contribution must provide their Tax File Number (TFN) on the *Request for Commonwealth support and HECS-HELP* form.

A student meets the TFN requirements if the student:

- notifies his or her TFN to the appropriate officer of the provider and the provider is satisfied that the number is a valid TFN. The Commissioner of Taxation issues guidelines about the circumstances in which a provider is, and is not, to be satisfied that a number is a valid TFN. These guidelines are available on the DEST website, as part of the Administrative Information for Providers;

or

- gives to the officer a certificate from the Commissioner of Taxation stating that the student has applied to the Commissioner of Taxation to be issued a TFN.

Where a student does not have a TFN at the time of enrolment, they can make an application for a TFN to the Australian Taxation Office (ATO). If a student is applying within one month of the census date, they can request a certificate of application for a TFN as proof of their application. They must then quote their TFN once they receive this advice from the ATO.

Students who choose not to provide a TFN and who do not provide a certificate of application for a TFN are not entitled to a HECS-HELP loan and must pay their student contribution up front to their provider.

Setting the census dates for units of study

A provider must set a census date for each unit of study it provides or proposes to provide during a year. Census dates are to be no earlier than 20% of the way through the period of time during which the unit is undertaken. For example, if the duration of the unit of study is 13 weeks, the census date must occur no less than 18 days after the commencement of the unit of study.

Providers must ensure that annual or full-year units of study have only one census date. This census date must observe the 20% rule outlined above. Providers may choose to establish common census dates for units that commence at around the same time in a particular period so long as the 20% rule is complied with for each of those units.

Chapter 5 of the *Administration Guidelines* states that the census date for a unit of study must be published by 1 September of the year prior to the commencement of that unit. Providers are free to publish the census date in any format(s) they choose, but if only making this information available electronically, providers must ensure that they comply with the requirements for publication of the census date set out in the *Administration Guidelines*. Providers must ensure that students are able to access the information.

Setting the EFTSL values for units of study

An EFTSL is an equivalent full-time student load. It is a measure of the study load, for a year, of a student undertaking a course of study on a full-time basis.

Providers must determine, in writing, the EFTSL value for the units of study that they offer. The EFTSL value of a unit of study is the proportion of a full time student load for a year that would be undertaken by a student enrolled in the unit of study. For example, if a full time student would generally be expected to undertake four units of study in one year and the amount of study associated with each unit was the same, each unit of study would be worth 0.25 EFTSL. If a unit of study can form part of more than one course of study, the provider can determine different EFTSL values for the unit for each course of study. The *Student Learning Entitlement Guidelines* set out other requirements providers must meet when determining the EFTSL values for units of study.

Providers must publish the EFTSL value for all units of study by 1 September of the year prior to the commencement of that unit of study

Commonwealth Assistance Notice

Providers are required to issue a Commonwealth Assistance Notice to each student enrolled in a Commonwealth supported unit of study. The notice must be issued within 28 days of the census date, in accordance with the requirements of the *Administration Guidelines*. The notice sets out a range of information in respect of a student's enrolment for a census date, including the amount of the student contribution for the unit, and any HECS-HELP assistance acquired. Further information on the requirements for the notice is available in the *Administrative Information for Providers*.

Where a student believes their notice is incorrect, they have 14 days to provide written advice to their provider, asking for the notice to be corrected.

Withdrawal from a course - on or before the census date

Students who enrol in a unit of study, but subsequently withdraw on or before the census date, are not liable to pay their student contribution amount. If the student has made up front payments in relation to that unit of study, the provider must repay those amounts to the student, and, if the student has requested a HECS-HELP loan, the student cannot incur a debt for that unit.

Withdrawal from a course - after the census date

Students who withdraw from their studies after the census date may apply to have Student Learning Entitlement (SLE) re-credited in special circumstances. Students who have their SLE re-credited will also have any up front payments of their student contribution amount refunded, and/or their HECS-HELP debt remitted.

A provider can, in special circumstances, re-credit a person's SLE with an amount equal to the EFTSL value of the unit of study. If a person's SLE is re-credited, any HECS-HELP debt they acquired for the unit must be remitted and the provider must repay this amount to the Australian Government. Further, providers must refund any up front payments the person made in respect of the unit.

Re-crediting of a person's SLE

A student may apply after the census day to have their Student Learning Entitlement (SLE) balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. Where a request to re-credit a person's SLE balance is granted, a student's HECS-HELP debt is removed.

Providers must consider these applications and must agree to such requests if they are satisfied that there were special circumstances in the student's case. Providers are required to refund to the Commonwealth the amount of HECS-HELP paid to the provider on behalf of the student and refund to the student any up front payment amounts, if the student's request is successful.

Where a student is not satisfied with the decision made by the provider, they may apply for a review of the decision. A provider must have a review procedure for dealing with the request for a review. This review procedure must comply with the requirements of the *Higher Education Provider Guidelines*. A provider must appoint a review officer to undertake the review of these decisions. The review officer is a person, or a person included in a class of persons, appointed by the Chief Executive officer of the provider (or their delegate) to carry out this task. Where a student is not satisfied with the reviewed decision made by the provider's review officer, they may apply to the Administrative Appeals Tribunal for a further review of the decision.

The original decision

A person can apply to the provider to have their SLE re-credited if he or she withdraws from his or her studies after the census date or the person has not completed the requirements for the unit of study. The person must apply, in writing, within 12 months of the withdrawal date, or, if the person has not withdrawn, within 12 months of the end of the period of study in which the unit was or was to be undertaken. Providers have the discretion to waive this requirement if they are satisfied that the application could not be made within the time limit.

Providers must consider the student's application as soon as practicable. Chapter 5 of the *Student Learning Entitlement Guidelines* specifies that providers must publish the timeframe within which they will consider applications, and within which they will notify applicants of their decision.

Providers must re-credit a person's SLE if the provider is satisfied that special circumstances apply to the person that are:

- beyond the person's control;
- do not make their full impact on the person until on, or after, the census date; and
- make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit.

Chapter 5 of the *Student Learning Entitlement Guidelines* specify the circumstances in which a provider will be satisfied that special circumstances apply to the person.

Each application should be examined and determined on its merits. The provider should consider the person's claims, together with independent supporting documentary evidence which substantiates these claims.

Providers must notify the person of the decision and the reasons for making the decision. Chapter 5 of the *Student Learning Entitlement Guidelines* specifies that providers must also advise the applicant of their rights for a review of the decision if the applicant is unsatisfied with the outcome.

If a decision is made to re-credit a person's SLE, the provider must notify DEST through the *HELP Variations File*. The provider is required to repay to the Commonwealth any amounts of HECS-HELP assistance the provider received from it on the person's behalf and refund to the student any up front payment amounts. DEST will inform the ATO that the debt has been removed.

Review of the original decisions

Provider review of decision

A person has the right to apply for a review of a decision to not re-credit the person's SLE or student contribution amount. The time limit for applying for a review of a decision is 28 days from the person receiving notice of the decision, or such longer period as the reviewer allows. The person must state the reasons why he or she is applying for a review.

Providers must:

- appoint a review officer who is not the same officer who made the original decision and who occupies a position that is senior to that occupied by the original decision maker;
- notify the applicant of the reviewer's decision and the reviewer's reasons for making the decision (the reviewer's available options are to confirm the decision; vary the decision; or set the decision aside and substitute a new decision);
- advise the applicant of his or her right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
- provide the applicant with the contact details and address of the nearest AAT registry.

The *Higher Education Provider Guidelines* require that a provider must acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.

Providers must maintain an up-to-date register of appointments of review officers.

Reconsideration by the Administrative Appeals Tribunal (AAT)

A person may make an application to the AAT for a reconsideration of a provider's decision to refuse to re-credit a person's SLE or student contribution amount and may supply additional

information to the AAT which he or she did not previously supply to the provider (including the provider's reviewer).

The Secretary of DEST or his delegate will be the respondent for cases which are before the AAT. Once DEST has received notification from the AAT that the person has applied for the reconsideration, under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must lodge the following documents with the AAT within 28 days:

- (a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- (b) every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the Tribunal.

Upon receipt of notifications from the AAT, DEST will notify providers in writing that appeals have been lodged. Following such notifications, providers **MUST within a further 5 business days** provide DEST with all the original documents they hold relevant to the appeal. These documents should be sent to DEST by courier or Express Post (providers should keep copies of the documents for their own records):

Under section 209-5(2)(b) of the AAT Act providers may still reconsider matters that are before the AAT (ie at any time up until the AAT makes a final decision) and must advise DEST if a decision is made to re-credit the person's SLE or student contribution. However, until a person withdraws his or her AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEST is still required to comply with the section 37 AAT Act requirement to lodge a statement and relevant documents with the AAT. Therefore, providers must still forward all relevant documents to DEST within the 5 business day timeframe noted above - unless advised not to do so by DEST.

The re-crediting of SLE follows the same process as the re-crediting of FEE-HELP balance.

Payment arrangements

Payment arrangements for HECS-HELP assistance will work the same way as the FEE-HELP payment arrangements. These are detailed in Chapter 8 of the Information Pack.

Contact

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Commonwealth Learning Scholarships

There are two classes of Commonwealth scholarships: standard (Commonwealth Learning Scholarships) and postgraduate research scholarships (Australian Postgraduate Awards and International Post-Graduate Research Scholarships). Postgraduate research scholarships are only available to students at Table A and B providers.

The Commonwealth Learning Scholarship (CLS) allocations are made to eligible higher education providers who are listed in Table A; or to providers who are not in Table A but are in receipt of National Priority Places, in respect of those National Priority Places only. In order to access Commonwealth Learning Scholarships, a provider other than a Table A provider must be listed in the Commonwealth Grant Scheme Guidelines as a Higher Education Provider that can be paid grants for scholarships, where the provider has entered into a funding agreement with the Commonwealth for that year.

The Commonwealth Learning Scholarships Programme

The Commonwealth Learning Scholarships Programme is being introduced in 2004 to assist students from low socio-economic backgrounds, particularly those from rural and regional and Indigenous backgrounds, who are Australian citizens or holders of permanent humanitarian visas, with costs associated with higher education. There are two scholarships – one for educational costs and one for accommodation costs. Both are merit-based and non-repayable. Over the next five years, the \$327 million that the Government will provide will help almost 40,000 students meet the costs associated with participating in higher education.

The Commonwealth Education Costs Scholarships (CECS) and the Commonwealth Accommodation Scholarships (CAS) have been distributed to eligible higher education providers. The Commonwealth has provided guidelines to the higher education providers for the allocation of these scholarships but the providers determine their own selection and offer processes.

The scholarships are exempt from the Social Security income tests.

Commonwealth Education Costs Scholarships (CECS)

Some 26,000 full-time students from low socio-economic backgrounds and 2,500 full-time Indigenous students commence higher education studies each year. Many of these students face particular challenges in meeting their education costs.

CECS provide full-time undergraduate students from low socio-economic and/or Indigenous backgrounds with a scholarship of \$2,000 per year for up to four years, indexed annually. In 2004, 2,500 CECS will be offered. By 2008, it is expected that over 5,100 new CECS will be awarded each year and over 22,500 students will have received a CECS. The Commonwealth will provide approximately \$128 million over the next five years to the CECS programme.

Commonwealth Accommodation Scholarships (CAS)

Around 10,000 students from rural and isolated areas, many of whom are from low socio-economic and/or Indigenous backgrounds, move away from home each year to commence higher education. For many of these students and/or their parents, the cost of accommodation represents a significant burden. CAS will help alleviate this burden.

These Scholarships will provide full-time undergraduate students from rural and regional areas with \$4,000 per year (indexed annually) for up to four years, to assist them with accommodation expenses where they have to move to undertake higher education in the course and at the

higher education provider of their choice. In 2004, 3,000 scholarships will be offered. By 2008, it is expected that over 3,570 new scholarships will be awarded each year and over 17,000 students will have received a CAS. The Commonwealth will provide over \$199 million over the next five years to the CAS programme.

2004 Commonwealth Learning Scholarships (CLS) Guidelines

Further information on the eligibility requirements, application, selection and offer processes, payments to students, conditions of scholarship that are applicable in 2004 is contained in Chapter 2 of the 2004 Commonwealth Scholarships Guidelines, available at:

http://www.backingaustraliasfuture.gov.au/guidelines/scholarships_guide.htm

Contact

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Appendix A: Timing Matrix for the Provision of Data Files

Data collection and timing Matrix for new HEPs: 2005 data.

STUDENT DATA FILES

Data File	Data included in file	Submission	Final submission dates																
			2005										2006						
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Student Load liability data (a) (b) (c) (d)	Data for Commonwealth Assisted students	1st half year					31			31									
		2nd half year											31					31	
ATO data (HECS Due file) (a) (b) (c) (d)	Data for Commonwealth Assisted students	1st half year					31			31									
		2nd half year												31				31	
ATO data (Electronic Commonwealth Assistance file)	Data for Commonwealth Assisted students	1st half year								31									
		2nd half year																	
SLE/HELP Revisions file	Data for SLE and HELP revisions						31												
Student Enrolment data	Enrolment data for all students	1st half year								31									
		2nd half year																31	
Course file	Data for all courses to be offered in the collection year						31		1										
Commonwealth Learning Scholarship file	Data for all students who have an identified scholarship	1st half year								31									
		2nd half year																31	
Past course completions file	Data for all students completing a course in the year prior to collection year																	30	
Unit of study completions file	Data for all students completing a course in the year prior to collection year																	31	

(a) Data to be reported at 31 May is for units of study with a census date between 1 January 2005 and 31 March 2005.

(b) Data to be reported at 31 August is for units of study with a census date between 1 April 2005 and 30 June 2005.

(c) Data to be reported at 31 October is for units of study with a census date between 1 July 2005 and 31 August 2005.

(d) Data to be reported at 31 March is for units of study with a census date between 1 September 2005 and 31 December 2005.

1st half year - Unit of study census dates between 1 January and 30 June

2nd half year - Unit of study census dates between 1 July and 31 December

Appendix B: Student collection files

COURSE OF STUDY FILE

RECORD CONTENTS – COURSE OF STUDY FILE (2005 –)

Type of record and element name	Element number	Position	Width	Data type
(ii) Data record structure (1 or more records required):				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Course of study code	533	2-11	10	Alphanumeric
Course of study name	394	12-161	150	Alphanumeric
Course code	307	162-171	10	Alphanumeric
Course name – full	308	172-321	150	Alphanumeric
Course of study type code	310	322-323	2	Numeric
Field of education code	461	324-329	6	Numeric
Special course type code	312	330-331	2	Numeric
Course of study load	350	332-333	2	Numeric
Field of education supplementary code	462	333-338	6	Alphanumeric
Combined course of study indicator	455	339-339	1	Numeric
Filler (any printable ASCII characters including spaces)	N.A.	340-350	11	Alphanumeric

STUDENT LOAD/LIABILITY FILE

RECORD CONTENTS –STUDENT LOAD/LIABILITY FILE (2005 -)

Type of record and element name	Element number	Position	Width	Data type
(ii) Data record structure (1 or more records required):				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Course code	307	12-21	10	Alphanumeric
Course of study commencement date	534	22-27	6	Numeric
Academic Organisational Unit code	333	28-30	3	Alphanumeric
Equivalent full-time student load (EFTSL)	339	31-40	10	Numeric
Unit of study code	354	41-50	10	Alphanumeric
Unit of study census date	489	51-58	8	Numeric
Discipline group code	464	59-64	6	Numeric
Mode of attendance	329	65-65	1	Numeric
Campus postcode	477	66-70	5	Numeric
Citizen/resident indicator	358	71-71	1	Numeric
Differential-HECS indicator	392	72-72	1	Numeric
Student status code	490	73-75	3	Numeric
Total Amount charged	384	76-78	5	Numeric
Amount paid up front	381	79-83	5	Numeric
Loan fee	529	84-88	5	Numeric
Commonwealth Higher Education Student Support Number (CHESSN)	488	89-98	10	Alphanumeric
Cohort Year	522	99-102	4	Numeric
Work Experience in industry indicator	337	103-103	1	Numeric
Permanent resident status	390	104-104	1	Numeric
Filler (any printable ASCII characters including spaces)	N.A.	105-150	46	Alphanumeric

spaces)

STUDENT ENROLMENT FILE

RECORD CONTENTS – STUDENT ENROLMENT FILE (2005 -)

Type of record and element name	Element number	Position	Width	Data type
(ii) Data record structure (1 or more records required):				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Course code	307	12-21	10	Alphanumeric
Date of Birth	314	22-29	8	Numeric
Gender code	315	30-30	1	Alphanumeric
Aboriginal and Torres Strait Islander code	316	31-31	1	Numeric
Location code of semester/term residence	319	32-36	5	Alphanumeric
Location code of permanent home residence	320	37-41	5	Alphanumeric
Basis for admission to current course	327	42-43	2	Numeric
Type of attendance code	330	44-44	1	Numeric
Country of birth code	346	45-48	4	Numeric
Year of arrival in Australia	347	49-52	4	Alphanumeric
Language spoken at home code	348	53-56	4	Numeric
Prior studies exemption/status	367	57-58	2	Numeric
Exemption status institution code	368	59-62	4	Numeric
Tertiary entrance score	369	63-65	3	Numeric
Disability	386	66-73	8	Numeric
Previous RTS EFTSU	460	74-77	4	Numeric
Separation Status code	465	78-78	1	Numeric
Commencing location	476	79-83	5	Alphanumeric
Name of Town/Locality	486	84-111	27	Alphanumeric
Overseas student tuition fee	500	112-116	5	Numeric
Highest Attainment	493	117-122	6	Alphanumeric
Scholarship code	487	123-123	1	Numeric
Commonwealth Higher Education Student Support Number (CHESSN)	488	124-133	10	Alphanumeric
Enrolment year	546	134-137	4	Numeric
Filler (any printable ASCII characters including spaces)	N.A.	138-150	13	Alphanumeric

UNIT OF STUDY COMPLETIONS STATUS FILE

ELEMENTS ON THE STUDENT UNIT OF STUDY COMPLETIONS STATUS FILE (2005 -)

Type of record and element name (ii) Data record structure (1 or more records required):	Element number	Position	Width	Data type
Record type code (must be "2")	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Course code	307	12-21	10	Alphanumeric
Unit of study code	354	22-31	10	Alphanumeric
Unit of study completion status	355	32-32	1	Numeric
Commonwealth Higher Education Student Support Number (CHESSN)	488	33-42	10	Alphanumeric
Unit of study census date	489	43-50	8	Numeric
Filler	n.a.	51-60	10	Numeric

HECS DUE FILE (report only for Commonwealth Assisted students)

RECORD CONTENTS - HELP DUE FILE (2005 -)

Type of record and element name	Element number	Position	Width	Data type
(i) Due File registration identity record – part 1:				
Record type code (must be "#")	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Pad8	419	18-18	1	Numeric
Institution code	306	19-22	4	Numeric
Run type code	420	23-23	1	Alphanumeric
Submission date	421	24-31	8	Numeric
Data type code	422	32-32	1	Alphanumeric
Spaces only	N.A.	33-408	376	Alphanumeric
(ii) Due File registration identity record – part 2:				
Record type code (must be "\$")	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Institution name	423	18-93	76	Alphanumeric
Contact name – full	424	94-133	40	Alphanumeric
Contact telephone number	425	134-148	15	Alphanumeric
Contact facsimile number	426	149-163	15	Alphanumeric
Spaces only	N.A.	164-408	245	Alphanumeric
(iii) Due File registration identity record – part 3:				
Record type code (must be "%")	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Institution address – Part 1	427	18-55	38	Alphanumeric
Institution address – part 2	428	56-93	38	Alphanumeric
Institution address – suburb	429	94-113	20	Alphanumeric
Institution address – State	430	114-116	3	Alphanumeric
Institution address – Postcode	431	117-120	4	Numeric
Spaces only	N.A.	121-408	288	Alphanumeric

(iv) Identification record structure:

Record type code (must be "1")	300	1-1	1	Alphanumeric
Institution code	306	2-5	4	Numeric
Submission/year code	415	6-10	5	Numeric
Spaces only	N.A.	11-408	398	Alphanumeric

(v) Data record structure:

Record type code (must be "2")	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Tax file number	416	12-22	11	Numeric
Date of birth	314	23-30	8	Numeric
Gender code	315	31-31	1	Alphanumeric
Course code	307	32-41	10	Alphanumeric
Student title	405	42-56	15	Alphanumeric
Student surname	402	57-86	30	Alphanumeric
Student given name – first	403	87-101	15	Alphanumeric
Student given name – others	404	102-131	30	Alphanumeric
Postal address - Part 1	406	132-169	38	Alphanumeric
Postal address - part 2	407	170-207	38	Alphanumeric
Postal address - Suburb/Town	466	208-234	27	Alphanumeric
Postal address – State	467	235-237	3	Alphanumeric
Postal address – Postcode	409	238-241	4	Alphanumeric
Postal address – Country Name	468	242-261	20	Alphanumeric
Address of permanent home residence –Part 1	410	262-299	38	Alphanumeric
Address of permanent home residence – part 2	411	300-337	38	Alphanumeric
Residential address - Suburb/Town	469	338-364	27	Alphanumeric
Residential address – State	470	365-367	3	Alphanumeric
Address of permanent home residence – Postcode	413	368-371	4	Alphanumeric
Residential address – Country Name	471	372-391	20	Alphanumeric
HELP Debt	414	392-396	5	Numeric
Student Status code	490	397-399	3	Numeric
Commonwealth Higher Education Student Support Number (CHESSN)	488	400-409	10	Alphanumeric
Filler	n.a.			Alphanumeric

(vi) Due File Trailer record:

Record type code (must be "3")	300	1-1	1	Alphanumeric
Total number of data records (Type 2 only)	472	2-9	8	Alphanumeric
Total amounts of original debts on this file	473	10-19	10	Alphanumeric
Filler (spaces only)	n.a.	20-408	408	Alphanumeric

SCHOLARSHIPS FILE**RECORD CONTENTS – STUDENT SCHOLARSHIP FILE (2005 -)**

Type of record and element name	Element number	Position	Width	Data type
(ii) Data record structure (1 or more records required):				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
CHESSN code	488	12-21	10	Alphanumeric
CLS status code	526	22-22	1	Numeric
CLS termination code	538	23-23	1	Numeric
CLS Code	545	24-24	1	Numeric
Filler (any printable ASCII characters including spaces)	N.A.	25-100	76	Alphanumeric

Note: **** is the code for the university, assigned by DEST.

STUDENT PAST COURSE COMPLETIONS FILE (completed in year following the reference year)**RECORD CONTENTS - PAST COURSE COMPLETIONS FILE (2005 -)**

Type of record and element name	Element number	Position	Width	Data type
(ii) Data record structure (1 or more records required):				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Course code	307	12-21	10	Alphanumeric
Date of birth	314	22-29	8	Numeric
Gender code	315	30-30	1	Alphanumeric
Aboriginal and Torres Strait Islander code	316	31-31	1	Numeric
Citizen/resident indicator	358	32-32	1	Numeric
Course commencement date	328	33-38	6	Numeric
Mode of attendance code	329	39-39	1	Numeric
Type of attendance code	330	40-40	1	Numeric
Specialisation code	463	41-46	6	Numeric
Filler	N.A.	47-48	2	Alphanumeric
Country of birth code	346	49-52	4	Numeric
Year of arrival in Australia	347	53-56	4	Alphanumeric
Language spoken at home code	348	57-60	4	Numeric
Total exemption granted	385	61-62	2	Numeric
Disability	386	63-70	8	Alphanumeric
Scholarship type code	487	71-72	2	Alphanumeric
Location code of permanent home residence	320	73-77	5	Alphanumeric
Commonwealth Higher Education Student Support Number (CHESSN) (from 2006)	488	78-87	10	Alphanumeric
Filler (any printable ASCII characters including spaces)	N.A.	88-170	63	Alphanumeric

SLE/HELP REVISIONS FILE (report only for Commonwealth Assisted students)

RECORD CONTENTS – SLE/HELP REVISIONS FILE (2005 -)

Type of record and element name	Element number	Position	Width	Data type
(i) HELP Variation File identity record – part 1:				
Record type code (must be “#”)	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Pad8	419	18-18	1	Numeric
Institution code	306	19-22	4	Numeric
Run type code	420	23-23	1	Alphanumeric
Filler	N.A.	24-31	8	Alphanumeric
Data type code	422	32-32	1	Alphanumeric
Spaces only	N.A.	33-408	376	Alphanumeric
(ii) HELP Variation File identity record – part 2:				
Record type code (must be “\$”)	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Institution name	423	18-93	76	Alphanumeric
Contact name – full	424	94-133	40	Alphanumeric
Contact telephone number	425	134-148	15	Alphanumeric
Contact facsimile number	426	149-163	15	Alphanumeric
Spaces only	N.A.	164-408	245	Alphanumeric
(iii) HELP Variation File identity record – part 3:				
Record type code (must be “%”)	300	1-1	1	Alphanumeric
Pad00	417	2-3	2	Numeric
Type of identity	418	4-17	14	Alphanumeric
Institution address – Part 1	427	18-55	38	Alphanumeric
Institution address – part 2	428	56-93	38	Alphanumeric
Institution address – suburb	429	94-113	20	Alphanumeric
Institution address – State	430	114-116	3	Alphanumeric
Institution address – Postcode	431	117-120	4	Numeric
Spaces only	N.A.	121-408	288	Alphanumeric
(iv) HELP Variation file header record structure:				
Record type code (must be “1”)	300	1-1	1	Alphanumeric
Institution code	306	2-5	4	Numeric
Variation file reference number	453	6-12	7	Alphanumeric
Spaces only	N.A.	11-408	398	Alphanumeric
(v) HELP Variation file detail record:				
Record type code (must be “2”)	300	1-1	1	Alphanumeric
Student identification code	313	2-11	10	Alphanumeric
Tax file number	416	12-22	11	Numeric
Date of birth	314	23-30	8	Numeric
Gender code	315	31-31	1	Alphanumeric
Student title	405	32-46	15	Alphanumeric
Student surname	402	47-76	30	Alphanumeric

Approval as Higher Education Provider Information Pack

Student given name – first	403	77-91	15	Alphanumeric
Student given name – others	404	92-121	30	Alphanumeric
Submission and Year Code	415	122-126	5	Numeric
Course code	307	127-136	10	Alphanumeric
Unit of study code	354	137-146	10	Alphanumeric
Commonwealth Higher Education Student Support Number (CHESSN)	488	147-156	10	Alphanumeric
Unit of study census date	489	157-163	8	Numeric
Total amount charged	384	164-168	5	Numeric
Amount paid up front	381	174-178	5	Numeric
Loan Fee	529	184-188	5	Numeric
EFTSL	339	194-203	10	Numeric
Variation type code	532	214-214	1	Numeric
Variation reason code	446	215-215	1	Numeric
Student Status code	490	216-218	3	Alphanumeric
Authorising officer	543	219-258	40	Alphanumeric
Academic Organisational Unit code	333	259-261	3	Alphanumeric
OS-HELP Debt incurral date	527	262-269	8	Numeric
Amount of OS-HELP payment	528	270-275	6	Numeric
Filler	n.a.	276-408	133	Alphanumeric
(vi) Due File Trailer record:				
Record type code (must be "4")	300	1-1	1	Alphanumeric
Total number of data records (Type 2 only)	472	2-9	8	Numeric
Total amounts of original debts on this file	473	10-19	10	Numeric
Total amounts of revised debts on this file	474	20-29	10	Numeric
Filler (spaces only)	n.a.	30-408	408	Alphanumeric

Appendix C: Proposed CHESSN allocation data elements for commencing students

The following table describes the data elements which can be entered for each TAC or higher education provider applicant for commencing students. The mandatory and conditionally mandatory data elements are identified.

Data Element	Data Type	Mandatory	Description	Mandatory Validation
Applicant ID	Alphanumeric	M	This is an alphanumeric identifier for each applicant in a TAC or Higher Education Provider internal system. This identifier will be supplied by a TAC or HEP and returned with the CHESSN related data for each applicant.	Mandatory
First Given Name	Text		Applicant first given name.	Not Mandatory
Other Given Names	Text		Applicant other given names.	Not Mandatory
Family Name	Text	M	Applicant family name.	Mandatory
Date of Birth	Date	M	Applicant date of birth. The date of birth supplied must be a valid date and conform to a prescribed format.	Mandatory
Gender Code	Text	M	Applicant gender. This data element will be limited to the fixed options; M or F. The field is mandatory and therefore a value must be supplied.	Mandatory
Citizen/Resident Indicator	Numeric	M	Applicant citizenship status. The options for this data element are limited to the Citizen/Resident Indicator codes maintained by DEST. The code identifying an Overseas Student is not valid for this data element.	Mandatory.
Previous Given Names	Text		Applicant previous names. Multiple previous names can be accepted.	Not Mandatory.
Previous Other Names	Text			
Previous Family Names	Text			

Data Element	Data Type	Mandatory	Description	Mandatory Validation
Attended Year 12 Flag	Text	M	Identifies if an Applicant attended an Australian high school and completed Year 12. This data element will be limited to the fixed options; Yes, No or Unknown. (Y, N or U)	Mandatory
Year 12 State	Text	C	The state in which an applicant attended Year 12 in an Australian high school. Limited to valid Australian states.	Mandatory if <i>Attended Year 12 Flag = Yes</i>
Year 12 Attended Year	Numeric	C	The year in which an applicant attended Year 12 in an Australian high school. Limited to valid years.	Mandatory if <i>Attended Year 12 Flag = Yes</i>
Year 12 Student Number	Numeric	C	The student identification number allocated to a student in Year 12 through the Board of Secondary Studies in each state.	Optional for Higher Education Provider (HEP). For TACs
Year 12 School Name	Text	C	The name of the Australian high school at which an applicant attended Year 12.	if <i>Attended Year 12 Flag = Yes</i> <ul style="list-style-type: none"> • <i>Year 12 Student Number</i> is mandatory Or • <i>Year 12 School Name</i> is mandatory

Data Element	Data Type	Mandatory	Description	Mandatory Validation
Attended Previous HEP Flag	Text	M	Identifies if an Applicant has previously been enrolled at a Higher Education Provider. This data element will be limited to the fixed options; Yes, No or Unknown. (Y, N or U)	Mandatory
Last HEP Code	Numeric	C	The HEP Code for the last Higher Education Provider the Applicant was enrolled in.	Optional for Higher Education Provider (HEP). Mandatory for TACs if <i>Attended Previous HEP Flag = Yes</i> .
Last HEP Name	Text	C	The name of the last Higher Education Provider the Applicant was enrolled in.	If <i>Attended Previous HEP Flag = Yes</i>
Last HEP Student Number	Alphanumeric	C	The student identification number allocated to an Applicant at the last Higher Education Provider they were enrolled in.	<ul style="list-style-type: none"> • <i>Last HEP Name</i> is mandatory Or • <i>Last HEP Student Number</i> is mandatory
Year last enrolled at Last HEP	Text	C	The year in which an applicant was last enrolled in a Higher Education Provider. Limited to valid years.	Mandatory if <i>Attended Previous HEP Flag = Yes</i>
Address	Text	M	Applicant address.	Applicant address
Postcode	Numeric	M	Applicant postcode.	Applicant postcode.

Key

Mandatory	M
Conditionally Mandatory	C

Appendix D: Abbreviations

AAT	Administrative Appeals Tribunal
AAT Act	<i>Administrative Appeals Tribunal Act 1975</i>
AQF	Australian Qualifications Framework
ATO	Australian Tax Office
AUQA	Australian Universities Quality Agency
CAS	Commonwealth Accommodation Scholarships
CECS	Commonwealth Education Costs Scholarships
CHESSN	Commonwealth Higher Education Student Support Number
CLS	Commonwealth Learning Scholarship
CPI	Consumer Price Index
DEST	Department of Education , Science and Training
EFTSL	Equivalent Full Time Student Load
EFTSU	Equivalent Full-time Student Unit
ESOS	<i>Education Services for Overseas Students Act 2000</i>
FEE-HELP	Fee Paying Higher Education Loan Programme
FTP	File Transfer Protocol
HECS	Higher Education Contribution Scheme
HECS-HELP	Higher Education Contribution Scheme-Higher Education Loan Programme
HEIMS	Higher Education Information Management System
HELP	Higher Education Loan Programme
HEP	Higher Education Provider
HESA	<i>Higher Education Support Act 2003</i>
IPP	Information Privacy Principles
NPP	National Priority Places
RTS	Research Training Scheme
SLE	Student Learning Entitlement
TACs	Tertiary Admission Centres
TAS	Tuition Assurance Scheme
TFN	Tax File Number