Fees Policy and Procedure

1 Purpose

These guidelines are intended to give higher education institutions the flexibility to enrol domestic fee-paying undergraduate students in award courses while, at the same time, protecting undergraduate course provision for HECS-liable students.

The guidelines are also intended to ensure the rational development of postgraduate fee-paying provision while, at the same time, protecting postgraduate course provision for certain HECS-liable students.

2 Scope

All UniSQ Staff and Students

3 Policy Statement

Under section 13 of the Higher Education Funding Act 1988 (the Act) the Minister may issue guidelines for the provision by higher education institutions of undergraduate and postgraduate courses for which fees may be charged. This document provides those guidelines.

These guidelines cover the activities of higher education institutions in offering undergraduate and postgraduate award courses to domestic students on a fee-paying basis.

For the purpose of these guidelines, a domestic student is a higher education student who is an Australian citizen, an Australian permanent resident or a New Zealand citizen. An award course is a course of study the completion of which leads to a degree, diploma, associate diploma or other award granted by the higher education institution.

These guidelines replace the Guidelines in respect of postgraduate courses for which institutions may charge fees from 1994 in place prior to 1998.

This Policy aligns with the:

- *Higher Education Standards Framework (Threshold Standards) 2021:* Standard 7.2 Information for Prospective and Current Students
- *National Code of Practice for Providers of Education and Training to Overseas Students (2018):* Standard 2: Recruitment of an Overseas Student

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4 Procedures

4.1 Undergraduates

4.1.1 Operation

From 1 January 1998, higher education institutions may offer places in undergraduate award courses to domestic students for a fee payable directly to the institution, subject to these guidelines and, in particular, the following conditions:

- institutions must meet their undergraduate student load target for Commonwealth funding purposes;
- on an equivalent full-time student unit (EFTSU) basis, the number of domestic fee-paying undergraduate student places must be limited to 25 per cent of the total number of domestic undergraduate places in any given award course;
- higher education institutions must not substitute domestic fee-paying undergraduate places for HECS-liable places in any undergraduate award course as well as in aggregate; and
- units of study offered to domestic fee-paying undergraduate students must be available to undergraduate students enrolled on HECS-liable or non-fee-paying HECS exempt basis.

For each award course offered by higher education institutions, the total undergraduate student load for the purposes of monitoring the 25 per cent fee-paying student load cap is the sum of:

- HECS-liable student load;
- student load for students in receipt of a merit-based equity scholarship;
- domestic fee-paying undergraduate load in award courses;
- student load fully funded by an employer; and
- work experience in industry student load.

Courses leading to different undergraduate awards cannot be amalgamated for the purposes of calculating the 25 per cent fee-paying student load cap. Streams within, for example, a Bachelor of Engineering, which leads to the same award may be grouped together. Further, it is permissible for a combined course to be split into its component parts with the load in each part counted with the load for its parent unitary course. That is, the Arts component of a combined Arts/Law course could be counted with the parent Arts course and the Law component with the

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parent Law course.

4.1.2 Concurrent Enrolment

Students enrolled in a course on a domestic fee-paying undergraduate basis are not precluded from enrolling concurrently in another course on a HECS-liable basis whether at the same or different universities.

4.1.3 Students Protected from Fees

HECS-liable and non-fee-paying HECS exempt students (recipients of merit-based equity scholarships, HECS exempt Commonwealth Industry Places Scheme students and students in places fully funded by an employer) must be able to complete the requirements of their award course without being required to pay fees under section 13 of the Act and must have access to the full range of unit electives offered for their award course.

Students, therefore, who undertake recognised combined award courses, such as Arts/Law, as HECS-liable students, must be able to complete them without being charged fees under section 13 of the Act.

HECS-liable and non-fee-paying HECS exempt students proceeding from a bachelor degree to the associated bachelor with honours degree must be able to complete the bachelor with honours degree without being charged fees under section 13 of the Act if the policies of the institution indicate that they are both part of the same course.

Higher education institutions are not precluded from charging fees under section 13 of the Act to students who have enrolled in an award course on a HECS-liable or non-fee-paying HECS exempt basis and who subsequently chose to enrol in that course or in another award course on a fee-paying basis.

As with other undergraduate award courses, fees under section 13 of the Act may be charged to students in Bachelor award courses, which require graduate entry.

Students undertaking an undergraduate award course, the completion of which would allow provisional registration as a medical practitioner by State, Territory or Commonwealth authorities, must not be charged for fees under section 13 of the Act. As an exception to this, students who were enrolled in Study Period one of a specified year as overseas students, but who have been granted permanent resident status before the census date for Study Period two of that year, may be charged fees under section 13 of the Act only for Study Period two of the specified year.

Under these arrangements, higher education institutions will not be able to substitute fee-paying places for HECS-liable places, nor will they be able to move entire undergraduate award courses onto a fee-paying basis. In circumstances in which, on an EFTSU basis, domestic fee-paying undergraduate students constitute 25 per cent of domestic enrolments in an award course, institutions will be able to increase the number of domestic fee-paying undergraduate students in that course only by increasing the number of HECS-liable or non-fee-paying HECS

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exempt students at the same time. On an EFTSU basis, such an increase would have to occur in a ratio of three HECS-liable or non-fee-paying students to every additional one fee-paying student.

4.1.4 Funding Adjustment

Financial penalties will apply where a higher education institution enrols domestic fee-paying undergraduate students in award courses but fails to meet its Commonwealth-funded undergraduate target student load. For each fee-paying EFTSU, which could have been counted towards target, a funding penalty will be applied at the rate of the average undergraduate teaching grant - $9,000 in 1998, indexed in subsequent years for annual movements in the Department of Education, Training and Youth Affairs Higher Education Operating Grant Indexes.

Separate funding adjustments will be applied to institutions' operating grants for under- or over-enrolments against Commonwealth-funded undergraduate student load target.

In addition to these specific funding adjustments, it continues to be the case that if the Minister is satisfied that a higher education institution has failed to fulfill a condition of its financial assistance from the Commonwealth, then under section 108 of the Act there is discretion for the Minister to reduce the level of Commonwealth financial assistance to the higher education institution up to the amount of that assistance in a year.

In particular, under section 18(1) of the Act a higher education institution receives grants from, the Commonwealth for expenditure for operating or limited operating purposes on the conditions - amongst others - that it:

- spends its financial assistance from the Commonwealth only in accordance with its educational profile; and
- spends for operating or limited operating purposes in a year not less than the sum of: the amount determined for it under section 15 or section 16 of the Act for operating or limited operating purposes; the amount paid to it from the Higher Education (HECS) Special Account to cover students' HECS liabilities each year; and the amount of up-front HECS contributions paid to it by student each year.

4.2 Postgraduate Fees

4.2.1 Operation

Higher education institutions may conduct postgraduate award courses for domestic students for which fees are charged under section 13 of the Act. Domestic fee-paying students must be enrolled in postgraduate award courses under the conditions set out in these guidelines.

From 2000, domestic fee-paying postgraduate students may not be counted within Commonwealth-funded student load. Consequently, funding adjustments that previously applied

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to postgraduate fee-paying students within load will no longer be relevant from 2000.

Higher education institutions may charge fees under section 13 of the Act for postgraduate award courses with research content irrespective of the level of the research content.

There is no requirement for higher education institutions to charge a minimum or a maximum price for postgraduate fee-paying award courses.

4.2.2 Students Protected from Fees

HECS-liable and non-fee-paying HECS exempt students (students who hold a research HECS exemption, a Research Training Scheme place and students in courses fully funded by an employer) must be able to complete the requirements of their award course without being required to pay fees under section 13 of the Act and must have access to the full range of unit electives offered for their award course. This protection does not apply where a Commonwealth funded postgraduate research student has exhausted the maximum entitlement.

Students in

- a postgraduate general nursing award course required for initial registration, or
- a postgraduate award course providing initial teacher training, or
- a postgraduate award course the completion of which would allow provisional registration as medical practitioner by State, Territory or Commonwealth authorities, must not be charge fees under section 13 of the Act - such student must be HECS-liable.

Higher education institutions are not precluded from charging fees under section 13 of the Act to students who have enrolled in an award course on a HECS-liable or non-fee-paying HECS exempt basis and who subsequently choose to enrol in an award course on a fee-paying basis.

4.2.3 Administration

The Commonwealth will monitor the compliance of higher education institutions with these guidelines.

Undergraduate and postgraduate fee-paying, HECS-liable and non-fee-paying HECS exempt student load will be based on actual student load as reported to the Department of Education, Training and Youth Affairs by higher education institutions.

Higher education institutions must provide the Department of Education, Training and Youth Affairs by 31 October each year with a statement signed by the Chief Executive Officer certifying that these guidelines have been complied with for all undergraduate and postgraduate award courses in which they enrolled domestic fee-paying students in the relevant year.

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4.2.4 Legislation

Under section 18(1)(d) of the Higher Education Funding Act 1988 (the Act), is a condition of receiving Commonwealth grants for operating or limited operating purposes that higher education institutions do not charge students fees except as provided under section 13 of the Act. (Section 13 authorises the Minister to issue guidelines for the provision of postgraduate courses - and from 1 January 1998, for the provision of undergraduate and postgraduate courses for a fee). Section 3 of the Act defines the term 'fees' and lists charges excluded from the definition (paragraphs (a) to (e)).

If the Minister is satisfied that a higher education institution has failed to fulfill a condition of this financial assistance from the Commonwealth, then there is discretion for the Minister to reduce the level of Commonwealth financial assistance to the institution up to the amount of that assistance in a year under section 108 of the Act.

4.2.5 Purpose

This advice is intended to identify circumstances in which institutions may levy charges for ancillary or additional goods or services on students who must not be charged course fees (Higher Education Contribution Scheme (HECS) liable or non-fee-paying HECS exempt students, excluding Commonwealth funded research students who have exhausted their maximum entitlement).

This advice should be read in conjunction with the definition of terms 'fees' under section 3 of the Act.

Nothing in this advice is intended to constrain higher education institutions in making decisions about the content or structure of courses of study. It is a matter for institutions to decide what goods or services are offered to students in conjunction with courses of study.

4.2.6 Principles

The key principle to be applied is that HECS liable or non-fee-paying HECS exempt students must be able to complete their chosen award without facing course related charges imposed by their institution. This precludes charges for compulsory or essential components of a course or its assessment and award. This principle does not apply to Commonwealth funded research students who have exhausted their maximum entitlement.

Higher education institutions may charge students for goods or services, the purchase of which is voluntary and is not a requirement of a course of study for an award of the institution - such charges are not fees for the purposes of the Act.

Under the Disability Discrimination Act 1992, higher education institutions must not discriminate against students with disabilities by charging fees for goods or services, which are provided as 'reasonable accommodation' to the needs of such students.

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4.2.7 Charges which may be levied by Higher Education Institutions

Consistent with these principles, the following are cases in which higher education institutions may charge students for goods or services, which are ancillary or additional to their course of study.

1. Higher education institutions may charge students for additional materials or services which are not essential components of a course:
    a. for example, access to Internet or word processing services (except where these are required as part of a course); printing of notes from the World Wide Web or disks; and graduation ceremonies provided that the student does not need to attend the ceremony to graduate.

2. If goods or services that are an essential component of a course are made readily available at no additional charge by higher education institutions, then institutions may charge students for:
    a. alternative forms of those materials or services - for example, lecture notes or tapes, provided that the lectures are available to students at no additional charge; and the electronic provision of essential information if the information is also readily available at no additional charge in another form; and

    b. alternative access to those materials or services - for example, reading material such as anthologies of required readings provided that these texts are also available at no additional charge; and units in non-standard Study Periods which allow accelerated completion of programmes or which are offered for remedial purposes, provided that such units are also available within normal Study Period periods on a Higher Education Contribution Scheme (HECS) liable basis.

3. In certain circumstances, higher education institutions may charge students for goods or services which are a component of a course if students have the choice of acquiring the goods or services from suppliers other than institutions:
    a. goods or services which are necessary to produce items which become the physical property of students;

    b. foods, transport and accommodation associated with field trips; and

    c. equipment regarded as a 'tool of the trade' which students would take with them at the completion of their course and which working professionals would normally own, for example, musical instruments, protection clothing or footwear, stethoscopes, dancing shoes and reference texts.

4. Institutions may levy charges as fines or penalties provided that such charges are levied principally as a disincentive and not in order to raise revenue or cover administrative costs:

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a. for example, fines or penalties for late enrolments, late variations to enrolments or late withdrawals from a course.

b. Institutions may charge for an assessment of prior learning only in circumstances in which a person has not applied for entry to the institution.

4.2.8 Circumstances in which Higher Education Institutions must not levy charges

Higher education institutions must not charge students for goods or services, which are required for a course of study unless those goods or services or alternatives to them are also available to students at no additional charge. Cases include:

- course material such as subject outlines, reading lists, tutorial or seminar topics and problems, assignment and essay questions and requirements and guidelines for the presentation of work;
- access to library books, periodicals and manuals;
- clinic, laboratory or workshop materials such as anaesthetics, chemicals, filters, fuel, fertilisers, animal feed or crops used in practical sessions or research;
- access to computers or other on-line resources;
- equipment and manuals which a professional in the field would not be required to won such as fixtures in a clinic, laboratory or workshop or large items of equipment and relevant workshop manuals required for their use;
- admissions services;
- examinations or assessments including practical assessment, for example, which requires the services of a musical accompanists and re-assessment of results where a student has failed an assessment and thereby failed subject or unit.

4.2.9 Administration

Higher education institutions should make copies of this advice accessible to staff and students.

If staff or students of higher education institutions are concerned that, in individual cases, charges may constitute fees under the Act, then they should take the matter up with their institution. It is the responsibility of each institution to ensure that its charges are consistent with this advice and the Act.

Correspondence to the Department of Education, Training and Youth Affairs about this advice should be directed to:

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The Director
Student Financing Unit
Department of Education, Training and Youth Affairs
PO Box 9880
CANBERRA ACT 2601Location Code: 139

5 References

Nil.

6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

7 Policy Information

Accountable Officer	Deputy Vice-Chancellor (Students and Education)
Responsible Officer	Academic Registrar
Policy Type	Executive Policy
Policy Suite	
Subordinate Schedules	
Approved Date	2/1/2026
Effective Date	2/1/2026
Review Date	
Relevant Legislation	
Policy Exceptions	Policy Exceptions Register
Related Policies	
Related Procedures	Student Debt Management Procedure
Related forms, publications and websites	
Definitions	**Terms defined in the Definitions Dictionary**
	Study Period

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	The period during which a Course or study unit is offered. Examples of Study Period include, but are not limited to, semesters, trimesters, blocks, intensives and sessions.
	Definitions that relate to this policy only
Keywords	Fees
Record No	13/303PL

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