

# THE AUSTRALIAN NATIONAL UNIVERSITY

*Fees Statute 2006*

## FEES RULES 2009

The Council of The Australian National University makes these Rules under section 3 of the *Fees Statute 2006*.

Dated: 4 December 2009.

Kim Beazley AC  
**Chancellor**

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[*General Note:*

The University is permitted to charge fees under section 41 of the *Australian National University Act 1991* and section 19-85 of the *Higher Education Support Act 2003* ('the HES Act'). The Acts are accessible on the Internet at the following website:

<http://www.comlaw.gov.au/>

These Rules relate to types of fees which the University is permitted to charge under the HES Act and which the Council has authorised for collection.

The Rules are designed to be consistent with the HES Act and with Guidelines issued by the Minister under that Act. The Guidelines are accessible on the Internet at the following website:

<http://www.deewr.gov.au/> ]

### PART 1 - PRELIMINARY

#### **1 Name of Rules and commencement**

1.1 These Rules are the Fees Rules 2009.

1.2 These Rules commence on the day after they are registered.

#### **2 Interpretation**

2.1 In these Rules, unless the contrary intention appears:

**ATO** means the Australian Taxation Office.

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

**Commonwealth supported student** has the meaning given in the HES Act.

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

**cross-institutional student** means:

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

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

**coursework program** means a program consisting either entirely of coursework or of a combination of coursework and research (the research component being less than two-thirds of the whole program).

**domestic student** means a person who is not an overseas student.

[*Note: overseas student* is defined in the HES Act.]

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

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

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

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

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

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

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

[*Note: non-award program* does not include studies undertaken on a **non-award basis** within the meaning of the HES Act.]

**program** means a course of study within the meaning of the HES Act, including a program of study offered by the University under rules made under the *Programs and Awards Statute*, or any course or any work requirement forming part of such a program.

**relevant authority**, in relation to a student, means the Education Dean, Registrar, or other authority, as appropriate, who is authorised under the relevant rules as the relevant authority for the program for which the student is or was enrolled.

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

**semester** means first semester or second semester.

**session** includes, as the case requires:

- (a) in relation to a person undertaking a coursework program — summer session, autumn session, winter session and spring session;
- (b) in relation to a person undertaking a research program — research quarter 1, research quarter 2, research quarter 3 and research quarter 4.

**SLE** means Student Learning Entitlement allocated to a Commonwealth supported student.

**student**, except in relation to a Commonwealth supported student where the HES Act definition of student applies, means a person who is, or is to be, enrolled in a program.

**student contribution** means a contribution payable under Part 4.

2.2 Other words and expressions used in these Rules have the respective meanings given to them in the HES Act.

[*Note: For example, census date, course of study, overseas student and student contribution amount* are defined in the HES Act. ]

### **3 Application**

3.1 These Rules apply to persons who:

- (a) are admitted to candidature in programs offered by the University under rules made under the *Programs and Awards Statute*, or in any course or other work requirement forming part of such a program; or
- (b) use any ancillary service offered by the University; or
- (c) use the residential accommodation services offered by the University; or
- (d) undertake non-award studies offered by the University.

3.2 Notwithstanding anything else in these Rules, if the Vice-Chancellor or Deputy Vice-Chancellor arranges for a program to be offered in conjunction with another tertiary education institution or educational provider, the arrangement prevails over these Rules and these Rules are to be interpreted accordingly.

3.3 In addition to and notwithstanding anything else in these Rules, if the Vice-Chancellor or Deputy Vice-Chancellor enters into a contract with a private or government organisation for a program to be offered, in relation to a person undertaking that program the contract prevails over these Rules and these Rules are to be interpreted accordingly.

## **PART 2 - TUITION FEES FOR DOMESTIC STUDENTS**

### **4 Award programs**

4.1 A domestic student who is enrolled in any semester or session in a program for an award must pay to the University the tuition fees set out in, or worked out under, the Orders for the courses to be undertaken in that program for that semester or session.

[*Note:* A student who transfers to a new program of study (for example, if a student transfers from a Graduate Diploma to a Master degree, or from one Master degree to another Master degree) must pay the fees for the new program as set for the year in which the student is admitted to the program. If there is an increase of fees for that year, a student who transfers will be liable for the full increased fee.]

4.2 However, a student referred to in subrule 4.1 is not required to pay particular fees set out in, or worked out under, the Orders for the courses to be undertaken in a program if the student:

- (a) is eligible for FEE-HELP or HECS-HELP assistance from the Government; or
- (b) is a Commonwealth-funded Higher Degree by Research student; or
- (c) is a student who holds an Australian Postgraduate Award or an Australian Postgraduate (Industry) Award and is eligible for, but has not been awarded, a Commonwealth-funded Research Training Scheme place; or
- (d) is the holder of a scholarship funded by the University; or
- (e) is a person who holds a place fully funded by an employer;

and whose obligation to pay those fees is met under an award or other scheme or arrangement referred to in paragraph (a), (b), (c), (d) or (e).

4.3 However, a student referred to in subrule 4.2 remains personally liable for the payment of any fees due to the University in respect of that student if the obligation to pay those fees is not met under an award, scheme or arrangement referred to in that subrule.

4.4 Also, if the Vice-Chancellor, the Deputy Vice-Chancellor or the relevant Education Dean waives all or part of the tuition fees for a student in accordance with the HES Act, the student is not liable to pay the fees so waived.

4.5 A student referred to in subrule 4.1 may discharge his or her liability to pay the University the tuition fees for an eligible program under this rule by taking out a FEE-HELP loan before the relevant census date.

[*Note:* A student who wishes to use FEE-HELP must meet all the relevant requirements of the Commonwealth.]

## **5 Non-award programs**

5.1 A student who is enrolled in a non-award program in any semester or session must pay the University the tuition fees set out in, or worked out under, the Orders for the courses to be undertaken in the program for that semester or session.

5.2 A student referred to in subrule 5.1 must pay the tuition fees referred to in that subrule whether or not the student's performance is to be examined.

5.3 A contributing student who is enrolled in a course in a semester or session that does not have a Commonwealth supported place in that semester or session must pay the University the tuition fees set out in, or worked out under, the Orders for that course.

5.4 A cross-institutional student of another tertiary education institution who is enrolled in a course or other work requirement that forms part of an undergraduate program offered by the University is liable, in respect of that course or other work requirement:

- (a) to pay the University the relevant fee if the student is enrolled at the other institution on a fee-paying basis; or
- (b) to pay a student contribution amount under the HES Act if the student is enrolled at the other institution as a Commonwealth supported student in a Commonwealth supported place.

5.5 If a cross-institutional student of another tertiary education institution holds a scholarship or other award that exempts the student from a requirement to pay tuition fees to the other institution, the student is regarded as being enrolled at the other institution on a fee-paying basis.

5.6 A cross-institutional student of another tertiary education institution who is enrolled in a course or other work requirement that forms part of a graduate coursework program offered by the University must pay the University the tuition fees set out in, or worked out under, the Orders for that course or other work requirement.

5.7 A cross-institutional student of another tertiary education institution who is enrolled in a semester or session in a course or other work requirement that forms part of a program offered by the University must pay the University the tuition fee set out in, or worked out under, the Orders for that course or work requirement if no Commonwealth supported places are allocated to cross-institutional students in the course.

5.8 If eligible, a student referred to in subrule 5.5 or 5.6 who is enrolled in a course forming part of a graduate coursework program may discharge his or her liability to pay the University the tuition fees for an eligible program by taking out a FEE-HELP loan before the relevant census date.

## PART 3 - FEES FOR OVERSEAS STUDENTS

### 6 Fees payable by overseas students

6.1 An overseas student who is (or is to be) enrolled in a program for any semester or session must pay the University the fees set out in, or worked out under, the Orders for the courses to be undertaken in that program for that semester or session.

[*Note: overseas student* is defined in the HES Act.]

6.2 However, an overseas student referred to in subrule 6.1 is not required to pay particular fees set out in, or worked out under, the Orders for the courses to be undertaken in a program if the student:

- (a) holds a Commonwealth-funded Endeavour International Postgraduate Research Scholarship that meets the student's obligation to pay those fees; or
- (b) holds another type of scholarship, approved by the University that meets the student's obligation to pay those fees; or
- (c) has the tuition fees waived by the Vice-Chancellor, the Deputy Vice-Chancellor or the relevant Education Dean in accordance with the Higher Education Provider Guidelines.

6.3 However, an overseas student referred to in subrule 6.1 remains personally liable for the payment of any fees due to the University in respect of that student if the obligation to pay those fees is not met under a scholarship referred to in subrule 6.2.

### 7 Overseas students who become permanent residents

7.1 An overseas student who is granted a permanent resident visa after having arrived in Australia ceases to be an overseas student and is to be treated as a domestic student if the HES Act, or a legislative instrument under the HES Act, so requires.

7.2 However, an overseas student whose continued presence in Australia is subject to any limitation as to time imposed by law on the census date for a semester or session remains an overseas student for that semester or session.

## PART 4 - COMMONWEALTH SUPPORTED STUDENTS

[*General Note:* Commonwealth supported students (previously known as HECS students) are eligible domestic students that are offered a Commonwealth supported place by the University. Commonwealth supported students pay a contribution to the cost of their program whilst the Government pays the remainder of their tuition.]

### 8 Requirement to pay contributions

8.1 A contributing student who is, in any semester or session, undertaking a program at the University on the census date for that program for that semester or session must pay to the University for that semester or session a student contribution amount, ascertained in accordance with section 19-87 of the HES Act, towards the cost of the provision of that program.

8.2 A contributing student must discharge his or her liability to make any HECS-HELP contribution on or before the relevant census date by:

- (a) making a full payment of the student contribution amount of the student contribution that the student is required to pay through the ATO; or
- (b) making a partial payment and deferring the unpaid part; or
- (c) deferring the entire payment through the ATO.

[*Note:* Permanent residents and New Zealand citizens cannot defer payment.]

8.3 A contributing student who intends to defer payment of a student contribution liability for a semester or session in whole or in part must provide the Registrar with the student's Tax File Number or a Certificate of Application for a Tax File Number from the Australian Taxation Office before the census date for that semester or session.

8.4 A contributing student must have sufficient SLE to cover the cost of their course of study.

8.5 A contributing student of the kind referred to in paragraph 8.2 (b) may in a semester or session make one or more payments of at least \$500 per payment until the date notified by the Registrar, in writing, for making such payments in that semester or session, but the University will not accept any voluntary payments of any amount from such a student in that semester or session after that date.

8.6 A notice referred to in subrule 8.5 must be published on the University's website and on appropriate notice boards.

## **9 Appropriate officer**

9.1 For the purposes of Chapter 5, Part 5-5 of the HES Act, *appropriate officer* means the person appointed by the Vice-Chancellor for that purpose.

[*Note:* At the commencement of these Rules, that person is the Registrar.]

## **10 Registrar's duties**

10.1 The Registrar must ensure compliance with the following provisions of the HES Act:

- section 169-5 (Notices);
- section 169-10 (Correction of notices);
- section 19-70 (Provider to provide statement of general information);
- section 154-55 (Higher Education Provider etc. to provide information to Commissioner).

## **PART 5 - FEES FOR GOODS OR SERVICES INCIDENTAL TO STUDIES**

### **11 Fees for incidental services etc**

11.1 A person who uses any incidental or additional service offered by the University must pay the amount of the fee or charge for that service.

[*Note:* For criteria to determine whether a fee is of a kind that is incidental to studies that may be undertaken by a university see chapter 8 of the *Higher Education Provider Guidelines* made under section 238-10 of the HES Act.]

## **PART 6 - FEES FOR RESIDENTIAL ACCOMMODATION**

### **12 Residential accommodation services fees**

12.1 Subject to the *Halls of Residence Statute*, the *University House Statute* and to any Rules made under either of those Statutes, if the Orders so require, a person who uses the residential accommodation services offered by the University must pay the amount of the fee or charge for that service set out in, or worked out under, the Orders.

12.2 However, nothing in this rule prevents the University from entering into a commercial arrangement with a person for the use of residential accommodation services requiring that person to pay a fee for that use.

12.3 A fee payable under subrule 12.2 is a fee that is required to be paid under these Rules.

## **PART 7 - FEES FOR NON-AWARD STUDIES**

### **13 Fees for non-award studies**

13.1 A person who undertakes studies offered by the University (other than a program of instruction to enable the person to undertake a program) that are not required or permitted to be undertaken for the purpose of obtaining a degree, diploma, certificate or other award of the University, must pay the amount of the fee or charge for those studies set out in, or worked out under, the Orders.

## **PART 8 - COLLECTION OF FEES**

### **14 Officers responsible for the collection of fees**

14.1 The Vice-Chancellor may appoint a nominee to collect the fees payable under these Rules.

14.2 For the purposes of this Part, the Registrar is to be regarded as a nominee of the Vice-Chancellor.

### **15 Nominee to collect fees**

15.1 The Registrar must collect the fees and student contribution amount payable under Parts 2, 3, and 4, and any fees of a type payable under Part 5 as the Vice-Chancellor directs.

15.2 A nominee must collect whichever fees payable under Part 5 as the Vice-Chancellor directs, and the fees payable under Parts 6 and 7.

15.3 A nominee, other than the Registrar, has, for the purposes of these Rules, such powers as the Vice-Chancellor determines.

### **16 Powers of the Registrar**

16.1 The Registrar may, by notice, determine:

- (a) the date or dates for the payment of fees and student contribution amounts to the University; and

- (b) the manner in which fees and student contribution amounts are to be paid; and
- (c) the circumstances in which late fees may be imposed; and
- (d) the circumstances, if any, and the conditions applying to payment by instalments; and
- (e) the circumstances in which a person may be entitled to a refund of the whole or portion of the fees paid or to the remission of a fees debt; and
- (f) the notice that a person is required to give the University of a change in the person's mailing or contact address.

16.2 A notice may relate to all relevant students or to students of a particular class (including students to whom circumstances set out in the notice apply).

16.3 The Registrar may, from time to time, by further notice, amend or revoke a notice.

16.4 A notice referred to in this rule must be published on the University's website and on appropriate notice boards.

## **17 Extensions and exemptions**

17.1 The Registrar may:

- (a) extend the time for payment of fees to which these Rules or the Orders apply; or
- (b) exempt a student from payment of a late fee or of an additional fee for the revival of an enrolment.

17.2 However, the Registrar may not extend the payment due date for Commonwealth supported students beyond the census date.

## **18 Non-payment of fees by due date**

18.1 The Registrar may cancel the enrolment of a person as a student, and withdraw the rights and privileges to which that person would otherwise have been entitled, if fees payable by a person under these Rules or the Orders are not paid:

- (a) before the relevant census date; or
- (b) within the period determined by the Registrar under rule 17;

as the case requires.

18.2 The cancellation of the enrolment of a person as a student does not extinguish any undischarged liability of the person to pay fees.

## **19 Applications for enrolment to be revived**

19.1 A person whose enrolment as a student has been cancelled may apply to the Registrar for that enrolment to be revived and the Registrar may grant the application.

19.2 However, an application under subrule 19.1 must not be granted unless:

- (a) the relevant authority recommends that the enrolment be revived, subject to any conditions that the relevant authority may impose; and
- (b) the applicant pays, in addition to all other fees (including late fees) that the applicant owes to the University, any additional fee that the applicant is required to pay under the Rules or the Orders.

## **20 Liability of persons financially supported by third party**

20.1 The Vice-Chancellor may accept an undertaking by a third party (including a party within the University), or a nominee of the third party, to pay, on behalf of a person, fees payable to the University by that person.

20.2 However, a person to whom these Rules apply remains personally liable for the payment of any fees due to the University in respect of that person but unpaid by the third party.

## **21 Sanctions against persons who fail to pay fees**

21.1 If a person fails to pay a fee which he or she is required to pay under these Rules or the Orders, the Vice-Chancellor may direct that, while the fee remains unpaid:

- (a) the person may not enrol or re-enrol in a program or course at the University; or
- (b) the person may not be given a transcript of his or her academic record; or
- (c) the person may not be given the results of any assessment in a course or program; or
- (d) the person may not receive a degree, diploma, certificate or other award of the University.

21.2 The Registrar may exercise the powers of the Vice-Chancellor under subrule 21.1 in relation to fees payable under Parts 2, 3, 4, 6 and 7, and any fees of a type payable under Part 5 as the Vice-Chancellor directs.

## **PART 9 - MISCELLANEOUS**

### **22 Service of notice**

22.1 A notice required or permitted to be given to a person under these Rules is to be taken to have been given to the person if it was sent:

- (a) by pre-paid post to the person at the address last notified to the Registrar as the person's mailing or postal address for the relevant semester or session; or
- (b) to the person at the e-mail address allocated to the person by the University; or
- (c) to the person at a secure website which the person is required by the University to access.

### **23 Nominee may appoint agent**

23.1 A nominee of the Vice-Chancellor appointed under rule 14 to collect fees may appoint one or more persons to act as an agent of the nominee for the purposes of carrying out the nominee's functions.

### **24 Repeal and saving**

24.1 The Fees Rules 2008, as amended and in force immediately before the commencement of these Rules, are repealed.

24.2 Any amount payable and unpaid under the Fees Rules 2008, or any thing done under those Rules and in effect immediately before the repeal of those Rules, continues to have

effect under these Rules as if the amount was payable, or the thing was done, under these Rules.

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These Rules commenced on 11 December 2009.