

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

## **Provisions of the Higher Education Legislation Amendment Bill (No.3) 2004**

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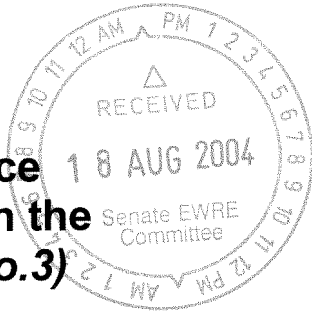
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**AVCC Submission to the Employment, Workplace  
Relations and Education Legislation Committee on the  
*Higher Education Legislation Amendment Bill (No.3)*  
2004**

The Government has proposed in the *Higher Education Legislation Amendment Bill (No.3) 2004* a number of amendments to: the *Higher Education Support Act 2003*, the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003*, the *Australian National University Act 1991*, and the *Australian Research Council Act 2001*.

The AVCC strongly supports the passage of the Bill. It does so largely because, without it, universities' long standing arrangements for summer schools will be put at risk. Without the amendments, many universities will, quite simply, no longer be able to operate their summer schools.

The Bill also contains amendments to address minor problems with the various Acts, many of which are in response to issues universities and the AVCC have raised with the Government. The AVCC also supports these amendments.

In this submission the AVCC addresses the issues identified by the Secretary to the Committee in seeking our submission.

***Listing of additional institutions on Table B (Section 16-20 of the Act)***

The AVCC does not comment on the particular merits of non-member institutions. We do, however, wish to comment on the role of the Table A and Table B listings, the benefits and obligations they imply, and the need for the Government to have considered appropriately the claims of any institution it proposes to add to either list.

It may be useful for the Committee to have an outline of the AVCC's understanding of the implications of being included on either list and also on being approved as a higher education provider under the Act.

Table A providers or their students are eligible for all forms of Commonwealth assistance available under the Act. Exclusive to such providers is the capacity to have Commonwealth supported places, other than those allocated on the basis of national priorities, and access to some of the Other Grant programs listed in the Table at Section 41-10. In effect they are the institutions that receive the vast bulk of Commonwealth supported places. With such support come requirements to report on the use of those places and related accountability. Table A providers are also subject to the limit on the number of fee paying Australian domestic students they may enroll in a given course (see Section 36-35).

All other providers, whether listed on Table B or simply approved as higher education providers, may through their students have access to FEE-HELP. They are also eligible for national priority Commonwealth supported places should the Government wish to fund such places.

The additional benefit available to Table B providers is set out in the Table at Section 41-10 which lists the organisations eligible for the Other Grant programs. Table B providers may access research and research training grants along with Table A providers.

In addition, the Guidelines for the Australian Research Council's (ARC) various grants use listing on Table A or Table B as a criterion for determining approved organisations for receipt of ARC grants.

The AVCC has argued consistently that these research grants are insufficient to support universities' wider research and development activity. These grants are allocated based on research outcomes as indicated by research income (including from controlled entities), research publications, and research students.

It is therefore important that these funds not be diluted through extension to additional providers except where those providers can clearly demonstrate their research capacity or potential such that they can and should compete with existing Table A and B providers. In such cases the Government should increase the total funds available to reflect the growing Australian research capacity.

**The AVCC therefore argues that the Senate should be satisfied that the Government has properly considered the research capacity and potential of any provider it proposes to add to Table B.**

### ***Summer Schools***

The AVCC strongly supports the amendment of the *Higher Education Support Act 2003* so as to allow universities to operate summer schools according to present arrangements.

Each year, universities offer summer schools that, in part, allow students to repeat units that they have failed in the previous year, or to accelerate the completion of their degrees by taking additional units. The summer school arrangement provides an additional option for students, but does not detract from their capacity to enroll in the same units under HECS during the standard two semesters. As well as providing options for students, the summer school arrangement allows for the efficient use of university facilities and resources that would not otherwise be used during this traditionally quiet period for universities. The summer school arrangement also provides employment for additional staff members who are funded through the fees paid by students.

It is the combination of otherwise HECS liable students with international and other fee paying students that makes summer schools viable. Without the participation of students who would normally be enrolled as HECS students, many summer schools simply could not operate.

Under the *Higher Education Support Act 2003*, as it stands:

- Commonwealth supported students must always be able to enroll on that basis in any unit that is relevant to their course of study, regardless of when it is offered;

- students may choose not to be Commonwealth supported for a particular unit and, in such cases, can choose to enroll in a fee paying summer school program; and,
- every unit, whenever offered, must be available to any Commonwealth supported student or fee paying student in that course.

These arrangements would effectively force most universities to discontinue their summer school programs, given that it is unlikely that students would choose to enroll on a fee paying basis if they could enroll as Commonwealth supported students. Most universities cannot offer the summer school option using Commonwealth supported places. Allocating part of the universities' Commonwealth supported load to summer schools would require universities to reduce load elsewhere during the year, since the number of funded places is fixed by the Funding Agreement (Section 30-25 of the Act). Hence, universities would not have the additional income to cover the costs of the summer school.

The amendment contained in the *Higher Education Legislation Amendment Bill (No.3) 2004* will allow students to take units over the summer period on a fee paying basis where universities wish to so designate the units. The result will be that universities will be able to continue to run their successful summer schools programs from 2005. **The AVCC supports the amendment.**

### ***Timing for students' submission of requests for Commonwealth assistance***

At present students are required to have submitted their request for Commonwealth assistance at enrolment. The amendment extends the period to the census date for the unit. The extension provides more flexibility for students and universities and will reduce the risk of students unintentionally not being eligible for Commonwealth assistance. **As a result, the AVCC supports this amendment.**

### ***Defining of undergraduate and postgraduate higher education awards***

These amendments effectively 'tidy up' loose and inconsistent wording in the Act. There appears to be no substantial change in the effect of the Act. **The AVCC supports the amendments.**

### ***Provision for transitional arrangements for the repayment of special purpose grants made under the Higher Education Funding Act 1988***

This amendment to the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003* is also largely an exercise in tidying up. The amendment ensures that special purpose grants determined by the Minister under the old Act, and in relation to the transitional adjustment years of 2002, 2003 or 2004, are to be progressively reduced in subsequent years by amounts that add up to the total special grant amount.

Under the old Act any advances were subject to repayment in the following years. The amendment ensures that any such advances under the old Act will be repaid under the new Act. **The AVCC supports the amendment.**