

PARLIAMENTARY COUNSEL

Procedure No. 6.1.1 Studies Assistance

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Obtaining approval

- 1 An application to undertake Studies Assistance is made by completing the application form on the [Studies Assistance intranet page](#) and giving it to the employee's supervisor.
- 2 Generally, the decision on an application for Studies Assistance is to be made within 10 working days of the employee's supervisor receiving the application. A copy of the details of the Studies Assistance that has been approved will be provided to the employee.
- 3 The decision to approve Studies Assistance is made jointly by the employee's supervisor, and their General Manager, or for drafters, FPC. Information about the courses to be studied and the skills gained will be provided to the Director of Drafter Training, to assist in planning.

Schemes of study

Recognised tertiary institution

- 4 A scheme of study conducted or arranged by:
 - (a) an Australian university, an institute of technology, an institute of technical and further education, a technical school, or an overseas equivalent; or

- (b) a [Registered Training Organisation](#); or
- (c) any other institution approved by FPC.

Period of enrolment

5 The benefits of studies assistance are available during the period of enrolment for each period of study. The period of enrolment is usually considered to be from the commencement of classes to the cessation of classes for the particular unit, and includes any residential components and examination periods.

Revocation of approval of scheme of study

6 Approval of a scheme of study may be revoked by the persons currently in the positions of the original decision makers after consideration of the revocation criteria. The reason for the decision to revoke approval will be provided to the employee in writing within seven working days of the decision.

Revocation criteria

7 Approval may be revoked if:

- (a) the scheme of study no longer meets the eligibility criteria; or
- (b) there is a continued lack of academic progress; or
- (c) there is unreasonable detriment to work area's operational requirements and priorities; or
- (d) the employee is prevented from achieving key deliverables in their performance plan; or
- (e) the employee is found to have breached the APS Code of Conduct; or
- (f) the employee takes a period of extended leave (beyond six months).

8 Revocation must be preceded by consideration of:

- (a) extenuating circumstances, such as illness of, or injury to, the employee or a member of the employee's immediate family; personal hardship; or death of a family member; and
- (b) the needs of OPC or of the APS.

Study leave

9 Study leave may not be taken before formal approval has been obtained and cannot be approved retrospectively.

10 A full time employee may apply for study leave of up to 100 hours each six months for both in person and online courses. The available hours of leave will pro-rated for part time employees.

11 Study leave may be used for:

- (a) Travelling to and from and attending classes organised, arranged or offered by the institution providing the scheme of study, such as lectures, seminars, tutorials, practicals, or workshops.
- (b) Preparing for and attending examinations.
- (c) Private study, research, work on assignments, on-line study, and preparation for classes.

12 Study leave is only available for hours between 8.30am to 12.30pm, and 1.30pm to 5.00 pm, Monday to Friday for full time employees, and during the agreed hours of work for part time employees.

13 The pattern of study leave taken by the employee must be agreed between the supervisor and employee.

14 If an employee fails, or withdraws from, a unit of study, the decision makers may approve study leave to repeat the unit of study only if satisfied that the failure or withdrawal was due to:

- (a) extenuating circumstances, such as illness of, or injury to, the employee or a member of the employee's immediate family; personal hardship; or death of a family member; or
- (b) the needs of OPC or the APS.

15 Study leave for a period of enrolment may be revoked in line with the revocation criteria. The reason for the decision to revoke study leave will be provided to the employee in writing within seven working days of the decision.

16 Revocation of a study leave approval does not automatically result in the termination of the approval of the scheme of study the employee is undertaking. Revocation of a study leave approval only applies to any unused portions of study leave. Leave already used cannot be reclaimed by OPC.

Financial assistance

17 Financial assistance will be provided to an approved employee at the conclusion of a period of enrolment:

- (a) up to a maximum of \$6,000 per financial year;
- (b) on providing evidence of expenditure; and
- (c) on providing evidence that a pass mark has been obtained.

18 The decision maker may waive the requirement for a pass mark only if the decision maker is satisfied that failure or withdrawal was due to:

- (a) extenuating circumstances, such as illness of, or injury to, the employee or a member of the employee's immediate family; personal hardship; or death of a family member; or
- (b) the needs of OPC or the APS.

19 Financial assistance will not be provided to employees who leave OPC employment prior to the end of the period of enrolment.

20 Financial assistance may be used to reimburse:

- (a) course fees and tuition fees;
- (b) other fees that must be paid to undertake a subject or a course of study e.g. student union fees, general Services fees, registration and administration fees;
- (c) examination fees;
- (d) charges for materials;
- (e) text books.

21 If, in all the circumstances, any amount to be paid is deemed excessive then the decision makers have a residual discretion to reduce or exclude the payment for any particular item. For example, if the cost of a text book is excessive then the decision makers may decide to make a partial contribution to the purchase of that text.

Fringe Benefits Tax implications

22 The following taxation implications should be considered:

- (a) reimbursement of studies assistance amounts greater than \$250 are subject to FBT, payable by the agency;
- (b) reimbursement of other study related fees and charges will not attract FBT if the study is directly related to the employee's work and the employee signs an "otherwise deductible" declaration, otherwise FBT provisions apply.

Obligations of recipients and OPC

Obligations of Studies Assistance recipients

23 Studies Assistance is a benefit provided to employees and that continuing support is contingent upon a sustained level of work performance and academic progress. A Studies Assistance recipient must:

- (a) discuss their study plans/requirements with their supervisor, and provide appropriate notice of study leave requirements;
- (b) take a considered approach in developing and implementing a career plan;

- (c) ensure that their scheme of study does not adversely affect their work performance;
- (d) devote an appropriate amount of their personal time to meet the requirements of their study program;
- (e) successfully complete the scheme of study;
- (f) provide proof of successful completion of a semester's or trimester's studies as soon as the results are available;
- (g) provide any documentation or receipts as required.

OPC's obligations

24 OPC must:

- (a) ensure that applicants are aware that Studies Assistance is discretionary and not an automatic entitlement;
- (b) ensure that Studies Assistance is adequately resourced;
- (c) provide assistance to applicants in making their applications (if required);
- (d) provide applicants with written notice of decision;
- (e) maintain comprehensive records of Studies Assistance applications;
- (f) review the impact of an employee's study in their work and work area regularly;

Related documents

25 This document is related to the following document:

- (a) Policy No. 6.1 Learning and Development

Review

- 26 This procedure will be reviewed every 3 years.
- 27 In reviewing Studies Assistance the following factors will be considered:
- (a) the costs (including the costs in terms of time taken as study leave) and benefits of Studies Assistance for OPC;
 - (b) the retention rates of employees undertaking approved schemes of study with Studies Assistance;
 - (c) the rate of employee progression resulting from improved skills and whether OPC uses the skills gained through Studies Assistance to the best advantage; and
 - (d) workplace outcomes.

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Document History		
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Note: Before May 2022, this procedure was part of OPC 6.1 Staff Development Plan.