



Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023

No. 89, 2023

**An Act to amend the *Higher Education Support Act
2003*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Indigenous students		3
<i>Higher Education Support Act 2003</i>		3
Part 2—Supporting students to succeed		4
<i>Higher Education Support Act 2003</i>		4



Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023

No. 89, 2023

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

[Assented to 6 November 2023]

The Parliament of Australia enacts:

No. 89, 2023

*Higher Education Support Amendment (Response to the Australian
Universities Accord Interim Report) Act 2023*

1

1 Short title

This Act is the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	6 November 2023
2. Schedule 1, Part 1	The day this Act receives the Royal Assent.	6 November 2023
3. Schedule 1, Part 2	1 January 2024.	1 January 2024

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Indigenous students

Higher Education Support Act 2003

1 Clause 1 of Schedule 1 (paragraph (a) of the definition of *demand driven higher education course*)

Repeal the paragraph, substitute:

- (a) is undertaken by an *Indigenous person; and

2 Clause 1 of Schedule 1 (definition of *eligible Indigenous person*)

Repeal the definition.

3 Clause 1 of Schedule 1 (definition of *regional area*)

Repeal the definition.

4 Clause 1 of Schedule 1 (definition of *remote area*)

Repeal the definition.

5 Application of amendments

The amendments of the *Higher Education Support Act 2003* made by this Part apply in relation to the following:

- (a) funding agreements entered into under Part 2-2 of that Act in respect of 2024 and later calendar years;
- (b) grants payable under that Part for 2024 and later calendar years.

Part 2—Supporting students to succeed

Higher Education Support Act 2003

6 After section 19-42

Insert:

19-43 Support for students policy

Providers must have a support for students policy

- (1) A higher education provider must have a policy (a ***support for students policy***) that deals with the support provided to the provider's students to assist them to successfully complete the units of study in which they are enrolled.
- (2) A higher education provider's support for students policy must:
 - (a) include information on:
 - (i) the provider's processes for identifying students that are at risk of not successfully completing their units of study; and
 - (ii) the supports available from or on behalf of the provider to assist students to successfully complete the units of study in which they are enrolled; and
 - (b) comply with any requirements specified in the Higher Education Provider Guidelines.
- (3) Without limiting paragraph (2)(b), the requirements may relate to the following:
 - (a) requirements for the higher education provider's support for students policy to include specified information;
 - (b) requirements about the presentation, format and availability of the policy.

Provider to comply with support for students policy

- (4) A higher education provider must comply with its support for students policy.

Provider must report on compliance with support for students policy

- (5) A higher education provider must give a report to the Minister about the provider's compliance with its support for students policy.
- (6) The report must:
 - (a) include the information required by the Higher Education Provider Guidelines; and
 - (b) be given within the period, or at the intervals, specified in the Higher Education Provider Guidelines.

Civil penalty for non-compliance

- (7) A higher education provider contravenes this subsection if the provider:
 - (a) is subject to a requirement under this section; and
 - (b) does not comply with the requirement.

Civil penalty: 60 penalty units.

7 Subparagraph 19-45(1)(c)(i)

Omit “, paragraph 36-13(2)(b) or subsection”, substitute “or”.

8 Paragraphs 19-45(4)(a) and 19-50(1)(a) and (2)(c)

Omit “, paragraph 36-13(2)(b) or subsection”, substitute “or”.

9 Subsection 19-60(1)

Omit “, paragraph 36-13(2)(b), subsection”, substitute “or”.

10 Section 36-13

Repeal the section.

11 Subsection 104-1(1)

Omit “104-1A,”.

12 Section 104-1A

Repeal the section.

13 Subsection 104-30(1)

Omit “paragraphs 104-1A(2)(b) and”, substitute “paragraph”.

14 Section 206-1 (table items 1AE and 1)

Repeal the items.

15 Subsection 209-1(2) (note 1)

Omit “, paragraph 36-13(2)(b), subsection”, substitute “or”.

16 Paragraph 238-1(2)(a)

Omit “, paragraph 36-13(2)(b) or subsection”, substitute “or”.

17 Subsection 238-10(1) (table item 1)

Omit “section 36-13;”.

18 Application of amendments

Section 19-43 of the *Higher Education Support Act 2003*, as inserted by this Part, applies on and after the commencement of this item in relation to higher education providers approved under section 16-25 of that Act, or taken to be approved under section 16-5 of that Act, whether approved, or taken to be approved, before or after that commencement.

[Minister’s second reading speech made in—
House of Representatives on 3 August 2023
Senate on 6 September 2023]

(93/23)
