

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

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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:

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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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)