



Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022

made under section 238-10 of the

Higher Education Support Act 2003

Compilation No. 1

Compilation date: 1 January 2025

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Prepared by the Department of Education

About this compilation

This compilation

This is a compilation of the *Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022* that shows the text of the law as amended and in force on 01/01/2025 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1 – Introduction

1 Name

This instrument is the *Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022*.

3 Authority

This instrument is made under section 238-10 of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in Schedule 1 of the Act, including the following:

- (a) course of study;
- (b) student; and
- (c) student services and amenities fee.

In this instrument:

Act means the *Higher Education Support Act 2003*.

HEP means a higher education provider that receives a grant under Part 2-2 of the Act in respect of the year 2012 or a later year.

6 Outline

Section 238-10 of the Act provides that the Minister may make Student Services, Amenities, Representation and Advocacy Guidelines to provide for matters required or permitted by sections 19-39, 19-40 and 19-67 of the Act to be provided, or necessary or convenient to be provided in order to carry out or give effect to those sections.

Section 19-67 of the Act provides the basis for Parts 2 and 3 of these Guidelines and states, at subsections 19-67(1) to (4):

- (1) A higher education provider that receives a grant under Part 2-2 in respect of the year 2012 or a later year must comply in respect of the year with the requirements of the Student Services, Amenities, Representation and Advocacy Guidelines as those guidelines were in force on the 30 June just before the year.

Note: The Student Services, Amenities, Representation and Advocacy Guidelines are made by the Minister under section 238-10.

- (2) The Student Services, Amenities, Representation and Advocacy Guidelines may provide for:

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- (a) requirements for providing students with information about services that are not of an academic nature and that support students; and
 - (b) requirements for providing students with access to such services; and
 - (c) requirements relating to the representation and advocacy of the interests of students.
- (3) However, the Student Services, Amenities, Representation and Advocacy Guidelines cannot require a provider to fund an organisation of students, or of students and other persons.
- (4) Subsection 19-65(1) does not apply in relation to the Student Services, Amenities, Representation and Advocacy Guidelines.

As such, Parts 2 and 3 of the Guidelines set out the requirements as referred to in subsection 19-67(2).

Requirements relating to information and access to services that are not of an academic nature and that support students are set out in Part 2 and requirements relating to the representation and advocacy of the interests of students are set out in Part 3.

Paragraph 19-39(3)(c) of the Act enables the Guidelines to specify the requirements that an organisation must meet to be a student led organisation for the purposes of that section. Paragraph 19-40(4)(c) of the Act enables the Guidelines to specify the period in which a higher education provider may make an application in relation to transitional arrangements for student led organisations. Part 4 of the Guidelines specifies the requirements for paragraph 19-39(3)(c) and the period for paragraph 19-40(4)(c).

Part 2 – Requirements for providing students with information about, and access to, services

7 Orientation

- (1) HEPs must provide an orientation program and orientation information for all students enrolled at the HEP to provide students with information that are not of an academic nature and that support students.
- (2) A HEP must make the orientation program and information accessible to all students enrolled at the HEP, allowing for those enrolling at different entry points.

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- (3) The orientation program referred to in subsection (1) must be designed to assist students with transition to study, by familiarising students with the HEP, the campuses, and the available support services, including in relation to safety.
 - (4) As part of the orientation program referred to in subsection (1), students must be provided with information about the student services and amenities fee, the services it enables, and how they can access those services.

Note: An orientation program may provide relevant information to students enrolled at the HEP in a number of ways, including in written or oral form, or by electronic means such as through the HEP's website, email, SMS broadcasts or podcasts.

8 Services

- (1) HEPs must ensure that all students enrolled at the HEP are provided with information on how to access the following services:
 - (a) health services—including medical and emergency health services, mental health services and health-related counselling;
 - (b) welfare services—including services to assist with accommodation, financial matters, legal concerns and employment;
 - (c) advocacy services—including advocacy and referral services for all students enrolled at the HEP across a range of academic, procedural and administrative issues in respect of issues relating to equity, discrimination, harassment, grievances, complaints, disputes, exclusion, discipline and misconduct, supervision, and unsatisfactory progress;
 - (d) career services—including services to assist students to develop their curriculum vitae and resume, interview skills, and career management skills, and services to assist students to search for jobs, graduate programs, vacation work and work experience.
- (2) Information may be provided to students about these services in a number of ways (in written or oral form, or by electronic means such as through the HEP's website, email, SMS broadcasts or podcasts).
- (3) HEPs must not charge students for the referral if making a referral to an external provider.
- (4) HEPs must not charge students for access to advocacy services.

9 Provision of services

- (1) HEPs must ensure that where they provide health, welfare, advocacy or career services directly to students enrolled at the HEP, trained and qualified staff are engaged to provide those services and meet the needs of students enrolled at the HEP.
- (2) Where these services are provided by a third party engaged by the HEP, the HEP must ensure that the third party engages trained and qualified staff to provide those services and meet the needs of students enrolled at the HEP.

10 Advocacy officers

- (1) HEPs must ensure students enrolled at the HEP have access to advocacy officers for services referred to in paragraph 8(1)(c).
- (2) Advocacy officers must act in the best interest of students and must be independent from the HEP's decision-makers and other staff who administer the HEP's academic and procedural rules and regulations.
- (3) Advocacy officers must avoid potential or actual conflicts of interest in carrying out their duties.

11 Reasonable and appropriate level of services

- (1) HEPs must provide students enrolled at the HEP with a reasonable and appropriate level of services that are not of an academic nature and that support students.
- (1) HEPs must consider the varying and different circumstances of students enrolled at the HEP in determining what would be a reasonable and appropriate level of services to provide at a particular campus.
- (2) HEPs must consider the composition of the student cohort with regard to undergraduate students, postgraduate students, international students, part-time students and distance education or online students, course delivery mode and the campus location in determining what would be a reasonable and appropriate level of services.

Part 3 – Requirements relating to the representation and advocacy of the interests of students

12 General

- (1) HEPs must support student engagement and representation through the provision of clear consultative arrangements, including with student representatives and major student organisations recognised by the HEP where appropriate.
- (2) The requirements in this Part are not intended to preclude student representatives at a HEP forming an organisation that represents students enrolled at the HEP.

13 Process by which students are consulted

- (1) HEPs must establish and maintain a clearly defined and effective process by which students enrolled at the HEP are consulted.
- (2) That process must be reviewed and approved annually by the governing body of that HEP after being made available to students enrolled at the HEP for comment.

14 Consultation about decision making processes

- (1) HEPs must advise students enrolled at the HEP of avenues available for students to be involved in decision making processes generally, including by publishing the details of the consultation mechanisms on their website and in their annual report.
- (2) These mechanisms must include consultation with democratically elected student representatives.

15 Consultation about proceeds from compulsory student services and amenities fees

HEPs must consult with students enrolled at the HEP regarding the specific uses of proceeds from any compulsory student services and amenities fees, as outlined in section 19.

16 Consultation with student representatives from independent student organisations

- (1) Where a HEP recognises independent student organisations that have student representatives who are democratically elected by students enrolled at the HEP, students in relevant elected positions must be invited to participate in the HEP's normal consultative arrangements.

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- (2) Students in these positions must also be invited to participate in the consultation process referred to in sections 14 and 15, provided that they are representative of the composition of students enrolled at the HEP.

17 Consultation with students in democratically elected positions

- (1) Where a HEP already has, in their establishing legislation, provision for democratically elected student representation on governing and related bodies, students in relevant positions must, subject to any contrary intention in that legislation, be invited to participate in the consultation process referred to in section 14, provided they are representative of the composition of students enrolled at the HEP.
- (2) Students in these positions must, subject to any contrary intention in their establishing legislation, be invited to participate in the consultation process referred to in section 15, provided that their election envisaged this role.

18 Provision for student representatives

- (1) Where sections 16 and 17 do not apply to the HEP, the HEP must provide for student representatives to be democratically elected for the purposes of meeting the requirements of section 14, with at least one representative elected from the following categories:
 - (a) students enrolled in an undergraduate course of study;
 - (b) students enrolled in a postgraduate course of study; and
 - (c) overseas students.
- (2) In meeting the requirements to provide democratically elected student representation under section 17 or subsection (1), a HEP must meet the necessary and reasonable costs of conducting democratic, valid and transparent polls.
- (3) In meeting the requirements under section 17 or subsection (1), a HEP must provide adequate and reasonable support, resources and infrastructure for democratically elected student representatives to carry out their functions on behalf of students enrolled at the HEP.

Note 1: Nothing in this section is intended to limit a HEP using additional mechanisms for student consultation as appropriate or intended to limit a HEP from providing support for other student representatives elected as part of the HEP's approved consultation mechanisms.

Note 2: For the purposes of subsection (3), examples of resources and infrastructure are office spaces and IT equipment.

19 Use of compulsory student services and amenities fees

- (1) In relation to decisions regarding the specific uses of the proceeds from any compulsory student services and amenities fee, HEPs must establish and maintain a clearly defined and effective process by which students enrolled at the

HEP are consulted that is reviewed and approved annually by the governing body of the HEP.

- (2) Consultation with students must be undertaken through a formal process of engagement with the democratically elected student representatives identified in sections 16, 17 or 18.
- (3) Consultation with students must be timely, form part of the HEP's annual financial planning, and must include notifying students enrolled at the HEP and democratically elected student representatives referred to above of:
 - (a) the purpose of the student services and amenities fee;
 - (b) the amount of revenue anticipated;
 - (c) the mechanisms to establish priorities for expenditure; and
 - (d) the timing and mechanism available to comment on the proposed priorities.
- (4) Once consultation has been undertaken, and the HEP has determined through consultation how the revenue will be spent, information on the established priorities, proposed heads of expenditure and projects to be funded must be made publicly available to students enrolled at the HEP.
- (5) HEPs must provide to the Department a report, in the form approved by the Minister, on student services and amenities fee allocations and actual expenditure for the year as part of their annual reporting and make that report publicly available.

Part 4 – Requirements relating to student led organisations

20 Requirements for a student led organisation

For the purposes of paragraph 19-39(3)(c) of the Act, the requirements for an organisation to be a student led organisation that relates to a higher education provider are that:

- (a) the higher education provider is satisfied that the organisation has appropriate governance arrangements, including that:
 - (i) the governing body of the organisation makes decisions independently from the higher education provider; and
 - (ii) the organisation keeps and publishes annual audited accounts that record the organisation's income and expenditure, including in relation to transactions between the higher education provider and the organisation; and
 - (iii) the organisation has, and complies with, policies and procedures in place that relate to record keeping, risk management, fraud prevention and financial controls; and
- (b) the organisation provides the services set out in subsection 19-38(4) of the Act to students using the student services and amenities fee revenue allocated to the organisation by the higher education provider in a calendar year.

21 Period in which a higher education provider must make application in relation to transitional arrangements for student led organisations

For the purposes of paragraph 19-40(4)(c) of the Act, for applications that relate to the 2026 calendar year and later years, a higher education provider must make an application in relation to transitional arrangements for student led organisations within the period beginning on 1 January and ending on 30 June of the calendar year immediately prior to the first calendar year to which the application relates.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022</i>	21 March 2022 (F2022L00346)	22 March 2022	
<i>Higher Education Support (Student Services, Amenities, Representation and Advocacy) Amendment (Student Led Organisations) Guidelines 2024</i>	12 December 2024 (F2024L01643)	1 January 2025	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 5	rep LA s 48C
s 6	am F2024L01643
s 19	am F2024L01643
s 20	ad F2024L01643
s 21	ad F2024L01643
Schedule 1	rep LA s 48C