



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

I, Stuart Robert, Minister for Employment, Workforce, Skills, Small and Family Business, make the following guidelines.

Dated 17 March 2022

Stuart Robert
Minister for Employment, Workforce, Skills, Small and Family Business

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Part 1 – Introduction

1 Name

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

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

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.

5 Schedule

The instrument specified in the Schedule to this instrument is repealed as set out in the applicable items in the Schedule.

6 Outline

Section 19-67 of the Act provides the basis for 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:
 - (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, 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.

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.
- (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.
- (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.

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- (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 a publicly available report on student services and amenities fee allocations and actual expenditure for the year as part of their annual reporting and in the form approved by the Minister.

Schedule 1—Repeals

Student Services, Amenities, Representation and Advocacy Guidelines

1 The whole of the instrument

Repeal the instrument