



HELP Debtor Guidelines (Teachers) 2023

I, Jason Clare, Minister for Education, make the following Guidelines.

Dated 26 June 2023

Jason Clare
Minister for Education

Contents

| | |
|--|----------|
| Division 1—Preliminary..... | 1 |
| 1 Name..... | 1 |
| 2 Commencement..... | 1 |
| 3 Authority..... | 1 |
| 4 Definitions..... | 1 |
| 5 Schedules..... | 2 |
| Division 2—Location-preferred HELP debtors (teachers)—reducing indexation..... | 2 |
| 6 Purpose of Division..... | 2 |
| 7 Days on which a person is a location-preferred HELP debtor (teacher) – full-time and part-time teachers in very remote schools..... | 2 |
| 8 Days on which a person is a location-preferred HELP debtor (teacher) – casual teachers..... | 3 |
| Division 3—Location-preferred HELP debtors (teachers)—reducing HELP debts..... | 3 |
| 9 Purpose of Division..... | 3 |
| 10 Period for which a person has been a location-preferred HELP debtor (teacher)..... | 3 |
| Division 4—course of study in education..... | 4 |
| 11 Purpose of Division..... | 4 |
| 12 Courses of study in education..... | 5 |
| Schedule 1—Repeals | 5 |
| <i>Very Remote HELP Debtor Guidelines 2019</i> | 5 |

Division 1—Preliminary

1 Name

This instrument is the *HELP Debtor Guidelines (Teachers) 2023*.

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Note: This table relates only to the provisions of this instrument as originally made.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 *Higher Education Support Act 2003*.

4 Definitions

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

- (a) *ABS Remoteness Structure*;
- (b) *course of study in education*
- (c) *Location preferred HELP debtor (teacher)*; and
- (d) *school*.

In this instrument:

Act means the *Higher Education Support Act 2003*.

very remote school means a school located in an area that is classified as very remote Australia under the ABS Remoteness Structure.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Division 2—Location-preferred HELP debtors (teachers)—reducing indexation

6 Purpose of Division

The purpose of this Division is to set out circumstances relevant to working out whether a person is a location-preferred HELP debtor (teacher) on a day, for the purposes of determining, for subsection 142-10 of the Act, the number of days in a calendar year that the person was a location-preferred HELP debtor (teacher).

7 Days on which a person is a location-preferred HELP debtor (teacher) – full-time and part-time teachers in very remote schools

Teachers in very remote Australia

- (1) If:
- (a) a person is engaged to undertake work as a teacher on a full-time or part-time basis for a specified period at one or more very remote schools; and
 - (b) during the period, the person conducts that work in a face-to-face manner in an area that is classified as very remote Australia under the ABS Remoteness Structure;
- the person is taken to be carrying out work as a teacher at a very remote school on each day in that period.
- (2) For the absence of doubt, for subsection (1) a person can be taken to be carrying out work as a teacher at a very remote school on a day in the period, even if:
- (a) the day is a day on which the person is not carrying out work as a teacher (such as a weekend, public holiday, leave day, or rostered day off); or
 - (b) the day is a day on which the person is not located in an area that is classified as very remote Australia under the ABS Remoteness Structure (for example, because the person is travelling, is on leave, or undertaking professional duties at another location).

Teachers temporarily located in very remote Australia

- (3) If:
- (a) a person is engaged to undertake work as a teacher on a full-time or part-time basis at one or more very remote schools; and
 - (b) because of that engagement, the person is located for a period in an area that is classified as very remote Australia under the ABS Remoteness Structure;

the person is taken to be carrying out work as a teacher at a very remote school on each day in that period.

Note: The period can be one day.

- (4) For the absence of doubt, for subsection (3) a person can be taken to be carrying out work as a teacher at a very remote school on a day in the period, even if the day is a day on which the person is not carrying out work as a teacher (such as a weekend, public holiday, leave day, or rostered day off).

8 Days on which a person is a location-preferred HELP debtor (teacher) – casual teachers

- (1) If:
- (a) a person is engaged to undertake work as a teacher on a casual basis at one or more very remote schools; and
 - (b) because of that engagement, the person is located for a period in an area that is classified as very remote Australia under the ABS Remoteness Structure;

the person is taken to be carrying out work as a teacher at a very remote school on each day in that period.

Note: The period can be one day.

- (2) For the absence of doubt, a person can be taken to be carrying out work as a teacher at a very remote school on a day in the period, even if the day is a day on which the person is not carrying out work as a teacher (such as a weekend or public holiday).

Division 3—Location-preferred HELP debtors (teachers)— reducing HELP debts

9 Purpose of Division

The purpose of this Division is to set out circumstances relevant to working out, for subparagraph 142-15(1)(a)(i) of the Act, whether a person has been a location-preferred HELP debtor (teacher) for a period of 4 years, or periods within a continuous 6 year period that total 4 years.

10 Period for which a person has been a location-preferred HELP debtor (teacher)

- (1) Subject to subsection (4), a person has been a location-preferred HELP debtor (teacher) for a period of 4 years, or periods within a continuous 6 year period that total 4 years, at a time in a year if the number of days that the person has been a location-preferred HELP debtor (teacher), and has been contracted to work as a teacher in the period of 6 continuous years ending immediately before that year, equals or exceeds 1400.

-
- (2) For subsection (1), and subject to subsection (3), the number of days that the person has been a location-preferred HELP debtor (teacher) is worked out having regard to the operation of Division 2.

Note: The Secretary does not need to have made any determinations under subsections 142-10(2) of the Act in relation to the person.

- (3) Where the number of days in a period that a person has been a location-preferred HELP debtor (teacher) has been worked out under section 7, and the person was engaged to work as a teacher on a part-time basis for that period then, for subsection (1), the number of days in that period that the person was a location-preferred HELP debtor (teacher) is equal to the number of days in the period worked out under section 7 multiplied by the proportion of full-time work that the person was engaged to work, rounded up to the nearest whole number.
- (4) A person may be taken to be a location-preferred HELP debtor (teacher) for the purposes of subsection (1), notwithstanding that the actual number of days that the person has been a location-preferred HELP debtor (teacher) is less than 1400, if the Secretary's delegate considers that exceptional circumstances apply to that person that prevented the person teaching for 1400 days.
- (5) Without limiting the exceptional circumstances that the delegate may consider apply to a person under subsection (4), these circumstances could include circumstances where the person:
- (a) has completed a minimum of 800 days of teacher duty over a period of 6 years but has not been contracted for 1400 days due to periods of part time work, or employment gaps during school holiday periods;
 - (b) incurs an injury that prevents the person from teaching;
 - (c) experiences a recurrence of chronic illness that prevents the person from teaching;
 - (d) receives treatment in a rehabilitation program that prevents the person from teaching;
 - (e) experiences the death, serious illness or serious injury of a member of their immediate family and is affected such that the person is unable to teach;
 - (f) is the victim of a crime and is affected such that the person is unable to teach;
 - (g) experiences a disruption to their domestic arrangements and is affected such that the person is unable to teach;
 - (h) is undertaking religious or cultural practices and is affected such that the person is unable to teach; and
 - (i) spends time performing community services (such as jury duty or time with the Australian Defence Force) which prevents the person from teaching.

Division 4—Course of study in education

11 Purpose of Division

The purpose of this Division is to set out courses that are courses of study in education for the purposes of subsection 142-5(2).

12 Courses of study in education

- (1) An undergraduate qualification that is a direct pre-requisite to entry into an initial teacher education qualification is a course of study in education.

Example: If a person completes a Bachelor of Arts, and that Bachelor of Arts is a requirement for entry into an initial teacher education qualification such as a Master of Teaching, the Bachelor of Arts is a course of study in education.

- (2) Additional courses which have been completed after the initial teacher education qualification are not courses of study in education.

Example: If a person completes a Bachelor of Education, followed by a Masters of Teaching, only the Bachelor of Education is a course of study in education, regardless of whether the Masters of Teaching is relevant to teacher education.

Schedule 1—Repeals

Very Remote HELP Debtor Guidelines 2019

1 The whole of the instrument

Repeal the instrument