



# Higher Education Support (STARTUP-HELP) Guidelines 2023

---

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

Dated 1 November 2023

Jason Clare  
Minister for Education

---



---

# Contents

<b>Part 1 – Introduction</b>	<b>1</b>
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Definitions .....	1
<b>Part 2 – Elections by students</b>	<b>2</b>
5 Elections by students.....	2
6 Requirements on providers in relation to elections by students .....	2
<b>Part 3 – Requirements for accelerator program courses</b>	<b>3</b>
7 Requirements for an accelerator program course.....	3
<b>Part 4 – Selecting students</b>	<b>5</b>
8 Principles and procedures that a higher education provider must follow in selecting students for receipt of STARTUP-HELP assistance.....	5
9 Number of students a higher education provider may select for receipt of STARTUP-HELP assistance in a year.....	5
10 Principles and procedures for allocating STARTUP-HELP assistance.....	6
<b>Part 5 – Requirements in relation to audits</b>	<b>7</b>
11 Requirements in relation to audits in respect of accelerator program courses.....	7



---

# Part 1 – Introduction

## 1 Name

This instrument is the *Higher Education Support (STARTUP-HELP) Guidelines 2023*.

## 2 Commencement

This instrument commences on the day after this instrument is registered on the Federal Register of Legislation.

## 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 Schedule 1 to the Act, including the following:

- (a) ABS Remoteness Structure;
- (b) accelerator program course;
- (c) Australian Qualifications Framework;
- (d) EFTSL;
- (e) FEE-HELP assistance;
- (f) higher education provider;
- (g) regional university;
- (h) request for Commonwealth assistance;
- (i) STARTUP-HELP assistance; and
- (j) student identifier.

In this instrument:

***academic year*** means a teaching period, or multiple teaching periods delivered over a 12 month period.

***Act*** means the *Higher Education Support Act 2003*.

***semester*** means a teaching period that is not less than 12 weeks.

---

## Part 2 – Elections by students

### 5 Elections by students

- (1) For the purposes of subsection 128B-5(3) of the Act, if a student has enrolled at the same time in 2 or more accelerator program courses, the higher education provider delivering each course must collect from the student a written notice that specifies:
  - (a) the accelerator program course that the student is enrolled in; and
  - (b) the accelerator program course for which the student elects to be entitled for STARTUP-HELP assistance.
- (2) For the purposes of subsection 5(1), the written notice provided by the student must be:
  - (a) provided within 2 weeks of the date the student enrolled in the accelerator program course; and
  - (b) provided before the student completes a request for Commonwealth assistance in relation to that accelerator program course.
- (3) The written notice in subsection 5(1) must also include the following details about the student:
  - (a) their full name; and
  - (b) their date of birth; and
  - (c) their address; and
  - (d) their student identifier.

### 6 Requirements on providers in relation to elections by students

For the purposes of subsection 128B-5(3) of the Act, if the provider has received a written notice from a student under section 5, the provider must:

- (a) provide to the student the request for Commonwealth assistance document described in subsection 128B-1(6) of the Act in relation to the elected accelerator program course; and
- (b) maintain records of each student and their elected accelerator program course.

---

## Part 3 – Requirements for accelerator program courses

### 7 Requirements for an accelerator program course

- (1) For the purposes of paragraph 128B-25(2)(c) of the Act, the requirements for an accelerator program course are that the course:
  - (a) has a value of between 0.5 and 1.0 EFTSL; and
  - (b) has a duration that is no shorter than a semester, and no longer than an academic year;
  - (c) leads to the award of a qualification accredited by the higher education provider in accordance with subsection 128B-25(3) of the Act; and
  - (d) includes assessment of student learning and performance; and
  - (e) has a course description that includes learning outcomes; and
  - (f) is designed to develop a person’s skills, capabilities, and connections for the purposes of startup businesses; and
  - (g) incorporates arrangements to manage the intellectual property rights of students; and
  - (h) includes content designed to facilitate the participation of, and to support the learning of, groups that are underrepresented in the startup ecosystem; and
  - (i) is not delivered to a student who is in receipt of FEE-HELP assistance for the course.

Note: Courses that meet the above criteria will be listed on a register maintained by the department.

- (2) For the purposes of paragraph (1)(f), an accelerator program course is designed to develop a person’s skills, capabilities and connections for the purposes of startup businesses where:
  - (a) the course includes the development of capabilities that include:
    - (i) financial literacy; and
    - (ii) communication; and
    - (iii) resilience; and
    - (iv) understanding businesses and markets; and
    - (v) intellectual property management; and
    - (vi) understanding the domestic and international environments for startup success; and
  - (b) the course creates industry connections for the student, including by providing at least one of the following:
    - (i) mentoring opportunities;
    - (ii) work integrated learning; and
    - (iii) access to networks.
- (3) For the purposes of paragraph (1)(g) and subsection 128B-25(5) of the Act, the higher education provider must put in place arrangements to manage the intellectual property rights of students which must:

- 
- (a) provide that the intellectual property brought into the accelerator program course by a student, remains with the student, unless otherwise agreed by the student; and
  - (b) ensure that, where a student creates intellectual property through undertaking the accelerator program course, the student owns the intellectual property, unless otherwise agreed by the student; and
  - (c) include confidentiality requirements for accelerator program course students.
- (4) For the purposes of paragraph (1)(h), groups that are underrepresented in the startup ecosystem include, but are not limited to:
- (a) First Nations Australians;
  - (b) people with disability; and
  - (c) women.



---

## Part 4 – Selecting students

### 8 Principles and procedures that a higher education provider must follow in selecting students for receipt of STARTUP-HELP assistance

- (1) For the purposes of subsection 128B-35(1) of the Act, the higher education provider must follow the following principles and procedures in selecting students for receipt of STARTUP-HELP assistance:
  - (a) the higher education provider must maintain a STARTUP-HELP policy, and select students for STARTUP-HELP assistance in accordance with that STARTUP-HELP policy; and
  - (b) the higher education provider's STARTUP-HELP policy must facilitate the open, fair and transparent selection of students; and
  - (c) the higher education provider's STARTUP-HELP policy must facilitate the participation of groups that are underrepresented (as listed in subsection 7(4)) in the startup ecosystem; and
  - (d) the higher education provider must be responsible for its own application and selection process, and must be the first point of contact for students interested in applying for STARTUP-HELP assistance; and
  - (e) the higher education provider must make information about the application, selection and offer processes, selection policy and conditions of STARTUP-HELP assistance available to all students who may be interested in applying for STARTUP-HELP assistance; and
  - (f) the higher education provider must ensure that the student will not receive FEE-HELP assistance for the accelerator program course.
- (2) For the purposes of paragraph (1)(a), the STARTUP-HELP policy maintained by the provider must be:
  - (a) publicly available; and
  - (b) consistent with these guidelines and Subdivision 19-D of the Act.

### 9 Number of students a higher education provider may select for receipt of STARTUP-HELP assistance in a year

For the purposes of subsection 128B-35(2), a higher education provider selecting a number of students for receipt of STARTUP-HELP assistance in a year, must:

- (a) not exceed the number allocated to the higher education provider by the department; and
- (b) submit an expression of interest to be allocated places for its accelerator program course, in the time and format determined by the department, which includes the following information about the course:
  - (i) the curriculum and structure for the course; and
  - (ii) the skills students will develop and the learning outcomes they will achieve, during the course; and
  - (iii) the ways the course will facilitate the participation of, and support the learning of, groups that are underrepresented in the startup ecosystem such as First Nations Australians, people with disability and women; and

- 
- (iv) where the course will be delivered and whether the course will support startups solving regional and rural issues; and
  - (v) the details of any partner organisations that will participate in the delivery of the course; and
  - (vi) the EFTSL value of the course; and
  - (vii) the title of the qualification students will receive as an outcome of the course; and
  - (viii) any other matters notified by the department in writing.

Note 1: The total number of places allocated to all higher education providers for a year will not exceed 2000.

Note 2: The department will allocate places on the basis of a yearly expression of interest process.

Note 3: Expressions of interest will be assessed by a panel which includes representatives with industry, startup or venture capital experience. The views of the panel will be considered by the department in allocating places to higher education providers.

## **10 Principles and procedures for allocating STARTUP-HELP assistance**

- (1) For the purposes of subsection 128B-40(1) of the Act, the principles for ensuring that, so far as reasonably practicable, at least 25 percent of the persons selected for receipt of STARTUP-HELP assistance are students enrolled in an accelerator program course at a regional university, are:
  - (a) when determining the allocation of places for accelerator program courses to regional universities and non-regional universities as described in section 9 and subsection (2), the department will have regard to course quality and the value proposition for students; and
  - (b) when determining the allocation of places for accelerator program courses to regional universities and non-regional universities as described in section 9, the department will have regard to the spread of students across Australian states and territories.
- (2) For the purposes of subsection 128B-40(1) of the Act, the procedures for ensuring that, so far as reasonably practicable, at least 25 percent of the persons selected for receipt of STARTUP-HELP assistance are students enrolled in an accelerator program course at a regional university, are:
  - (a) the department must conduct an expression of interest process for universities seeking to be allocated places for students in accelerator program courses in order to identify regional universities and non-regional universities with capability to deliver accelerator program courses; and
  - (b) universities applying for places in accelerator program courses must identify the geographic location of proposed courses in their application in order to determine the level of regional delivery and geographic spread; and
  - (c) the department must establish a panel that includes representatives with industry, startup or venture capital experience to assess the expressions of interest referred to in paragraph (a), and the views of the panel will be considered in allocating places to higher education providers.

---

## Part 5 – Requirements in relation to audits

### 11 Requirements in relation to audits in respect of accelerator program courses

- (1) For the purposes of paragraph 128E-40(2)(a) of the Act, the circumstances in which audits must be conducted or arranged in respect of accelerator program courses, are:
  - (a) where 20 percent of students in an accelerator program course have made a complaint about that accelerator program course to the university or requested an audit of the accelerator program course; and
  - (b) those complaints were made within 12 months of the end date of that course.
- (2) For the purposes of paragraph 128E-40(2)(b) of the Act, the requirements in relation to when and how audits must be conducted or arranged and reported on are:
  - (a) audits must be initiated within 30 days after the circumstances in subsection (1) have taken place and must be completed within 3 months; and
  - (b) audits must have clearly defined criteria and assess the design and delivery of the course with respect to compliance with section 7; and
  - (c) audits must be carried out in an impartial manner by auditors who do not have involvement in the course that is being audited, and auditors must be free from bias; and
  - (d) auditors must document evidence of compliance or non-compliance with section 7; and
  - (e) the outcomes, including the documentary evidence, of the audit, and the evidence of compliance or non-compliance referred to in paragraph (d) must be reported to:
    - (i) the university's governance structure; and
    - (ii) the students who made a complaint under subsection (1); and
    - (iii) the department; and
  - (f) the report provided to the department under subparagraph (2)(e)(iii) must be provided within three months of the completion of the audit.