

EXPOSURE DRAFT

2019-2020

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

EXPOSURE DRAFT

Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

No. , 2020

(Education, Skills and Employment)

**A Bill for an Act to amend the law relating to
higher education and social security, and for
related purposes**

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1 **A Bill for an Act to amend the law relating to**
2 **higher education and social security, and for**
3 **related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act is the *Higher Education Support Amendment (Job-Ready*
7 *Graduates and Supporting Regional and Remote Students) Act*
8 *2020*.

9 **2 Commencement**

10 (1) Each provision of this Act specified in column 1 of the table
11 commences, or is taken to have commenced, in accordance with

No. , 2020 Higher Education Support Amendment (Job-Ready Graduates and 1
Supporting Regional and Remote Students) Bill 2020

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1 column 2 of the table. Any other statement in column 2 has effect
2 according to its terms.

3

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.	
2. Schedules 1 and 2	1 January 2021.	1 January 2021
3. Schedule 3, Part 1	The day after this Act receives the Royal Assent.	
4. Schedule 3, Part 2	1 January 2021.	1 January 2021
4. Schedule 4	1 January 2021.	1 January 2021
5. Schedule 5, Part 1	1 January 2021.	1 January 2021
6. Schedule 5, Part 2	1 January 2022.	1 January 2022
7. Schedule 6	1 January 2021.	1 January 2021

4 Note: This table relates only to the provisions of this Act as originally
5 enacted. It will not be amended to deal with any later amendments of
6 this Act.

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

10 3 Schedules

11 Legislation that is specified in a Schedule to this Act is amended or
12 repealed as set out in the applicable items in the Schedule
13 concerned, and any other item in a Schedule to this Act has effect
14 according to its terms.

2 *Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020* No. , 2020

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Funding clusters **Schedule 1**
Amendments **Part 1**

1 **Schedule 1—Funding clusters**

2 **Part 1—Amendments**

3 *Higher Education Support Act 2003*

4 **1 Section 27-5 (note 1)**

5 Omit “Note 1”, substitute “Note”.

6 **2 Section 27-5 (note 2)**

7 Repeal the note.

8 **3 Section 30-15**

9 Repeal the section, substitute:

10 **30-15 Funding clusters**

11 The *funding clusters* are:

12

Funding clusters

Item Funding clusters

1 Law, Accounting, Administration, Economics, Commerce,
Communications, Society and Culture

2 Education, Clinical Psychology, English, Mathematics, Statistics, Allied
Health, Other Health, Built Environment, Computing, Visual and
Performing Arts

3 Nursing, Foreign Languages, Engineering, Surveying, Environmental
Studies, Science

4 Agriculture, Medicine, Dentistry, Veterinary Science

13 **4 Section 33-10**

14 Repeal the section, substitute:

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Schedule 1 Funding clusters

Part 1 Amendments

1 **33-10 Commonwealth contribution amounts**

2 (1) The *Commonwealth contribution amount* for a place in a *funding
3 cluster is the amount specified in the following table in relation to a
4 place in the funding cluster.

5

Commonwealth contribution amount		
Item	For a place in this funding cluster:	The amount is:
1	Law, Accounting, Administration, Economics, Commerce, Communications, Society and Culture	\$1,100
2	Education, Clinical Psychology, English, Mathematics, Statistics, Allied Health, Other Health, Built Environment, Computing, Visual and Performing Arts	\$13,500
3	Nursing, Foreign Languages, Engineering, Surveying, Environmental Studies, Science	\$16,500
4	Agriculture, Medicine, Dentistry, Veterinary Science	\$27,000

6 Note 1: For the Commonwealth contribution amount for a place in an affected
7 funding cluster part, see subitem 22(2) of the funding reform
8 Schedule.

9 Note 2: Commonwealth contribution amounts are indexed under Part 5-6.

10 (2) Subsection (1) does not apply in relation to a place to the extent
11 that subitem 22(2) of the *funding reform Schedule applies in
12 relation to the place.

13 **5 Section 33-35**

14 Repeal the section, substitute:

15 **33-35 Funding clusters, or parts of funding clusters, in which units**
16 **are included**

17 The Commonwealth Grant Scheme Guidelines may specify:

18 (a) how to determine, for the purposes of this Act or the *funding
19 reform Schedule, the *funding cluster, or the part of a funding
20 cluster, in which units of study are included; or

4 *Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020* No. , 2020

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Funding clusters **Schedule 1**
Amendments **Part 1**

1 (b) the particular funding cluster, or the particular part of a
2 particular funding cluster, in which a particular unit is
3 included for the purposes of this Act or the funding reform
4 Schedule.

5 **6 Section 87-5 (note 1)**

6 Omit “Note 1”, substitute “Note”.

7 **7 Section 87-5 (note 2)**

8 Repeal the note.

9 **8 Section 93-10**

10 Repeal the section, substitute:

11 **93-10 Maximum student contribution amount for a place**

12 The *maximum student contribution amount for a place* in a unit
13 of study that is not a *grandfathered unit is the amount specified in
14 the following table in relation to the *funding cluster in which the
15 unit is included.

16

Maximum student contribution amounts for a place

Item	For a place in a unit of study included in this funding cluster:	The amount is:
1	Law, Accounting, Administration, Economics, Commerce, Communications, Society and Culture	\$14,500
2	Education, Clinical Psychology, English, Mathematics, Statistics, Allied Health, Other Health, Built Environment, Computing, Visual and Performing Arts	(a) for a place in a unit in Education, Clinical Psychology, English, Mathematics or Statistics—\$3,700; or (b) for a place in a unit in Allied Health, Other Health, Built Environment, Computing or Visual and Performing Arts—\$7,700.

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Schedule 1 Funding clusters

Part 1 Amendments

Maximum student contribution amounts for a place

Item	For a place in a unit of study included in this funding cluster:	The amount is:
3	Nursing, Foreign Languages, Engineering, Surveying, Environmental Studies, Science	(a) for a place in a unit in Nursing or Foreign Languages—\$3,700; or (b) for a place in a unit in Engineering, Surveying, Environmental Studies or Science—\$7,700.
4	Agriculture, Medicine, Dentistry, Veterinary Science	(a) for a place in a unit in Agriculture—\$3,700; or (b) for a place in a unit in Medicine, Dentistry or Veterinary Science—\$11,300.

- 1 Note 1: The Commonwealth Grant Scheme Guidelines may specify how to
2 determine the funding cluster, or the part of a funding cluster, in
3 which units of study are included or the particular funding cluster, or
4 the particular part of a particular funding cluster, in which a particular
5 unit of study is included: see section 33-35.
- 6 Note 2: For the maximum student contribution amount for a place in a
7 grandfathered unit, see subitem 22(3) of the funding reform Schedule.
- 8 Note 3: Maximum student contribution amounts for places are indexed under
9 Part 5-6.

9 Section 198-1

11 After “this Act”, insert “or the *funding reform Schedule”.

12 10 Subsection 198-5(1) (table item 1)

13 Omit “33-10”, substitute “33-10 and subitem 22(2) of the funding
14 reform Schedule”.

15 11 Subsection 198-5(1) (table item 3)

16 Omit “amounts for places”, substitute “amount for a place”.

17 12 Subsection 198-5(1) (table item 3)

18 Omit “93-10”, substitute “93-10 and subitem 22(3) of the funding
19 reform Schedule”.

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Funding clusters **Schedule 1**
Amendments **Part 1**

1 **13 Subsection 198-5(2)**

2 After “the section”, insert “or subitem”.

3 **14 Subsection 238-10(1) (table item 2)**

4 Omit “; section 93-10”.

5 **15 Subclause 1(1) of Schedule 1**

6 Insert:

7 *affected funding cluster part* has the same meaning as in Part 2 of
8 the funding reform Schedule.

9 **16 Subclause 1(1) of Schedule 1 (definition of**
10 ***Commonwealth contribution amount*)**

11 Repeal the definition, substitute:

12 *Commonwealth contribution amount* has the meaning given by:

13 (a) for a place in a *funding cluster—section 33-10; and

14 (b) for a place in an *affected funding cluster part—
15 subitem 22(2) of the funding reform Schedule.

16 **17 Subclause 1(1) of Schedule 1**

17 Insert:

18 *funding reform Schedule* means Schedule 1 to the *Higher*
19 *Education Support Amendment (Job-Ready Graduates and*
20 *Supporting Regional and Remote Students) Act 2020.*

21 *grandfathered unit* has the same meaning as in Part 2 of the
22 funding reform Schedule.

23 **18 Subclause 1(1) of Schedule 1 (definition of *maximum***
24 ***student contribution amount for a place*)**

25 Repeal the definition, substitute:

26 *maximum student contribution amount for a place* has the
27 meaning given by:

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Schedule 1 Funding clusters

Part 1 Amendments

- 1 (a) for a place in a unit of study that is not a *grandfathered
2 unit—section 93-10; and
3 (b) for a place in a unit of study that is a grandfathered unit—
4 subitem 22(3) of the funding reform Schedule.

5 ***Higher Education Support Amendment (2009 Budget***
6 ***Measures) Act 2009***

7 **19 Item 3 of Schedule 5**

8 Repeal the item.

8 *Higher Education Support Amendment (Job-Ready Graduates and* No. , 2020
Supporting Regional and Remote Students) Bill 2020

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Funding clusters **Schedule 1**
Application and transitional provisions **Part 2**

1 **Part 2—Application and transitional provisions**

2 **20 Definitions**

3 In this Part:

4 ***affected funding cluster part*** means any of the following parts of a
5 funding cluster:

6 (a) any part of the funding cluster referred to in item 1 of the
7 table in section 30-15 of the Act, as amended by this
8 Schedule;

9 (b) the Visual and Performing Arts part of the funding cluster
10 referred to in item 2 of that table.

11 ***commencement day*** means 1 January 2021.

12 ***grandfathered unit*** means a unit of study that is included, for the
13 purposes of the Act or this Schedule (as the case may be), in an affected
14 funding cluster part.

15 Note: The Commonwealth Grant Scheme Guidelines may specify how to
16 determine the funding cluster, or the part of a funding cluster, in
17 which units of study are included or the particular funding cluster, or
18 the particular part of a particular funding cluster, in which a particular
19 unit of study is included: see section 33-35 of the Act.

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

21 **21 Maximum student contribution amount for a place**

22 Section 93-10 of the Act, as amended by this Schedule, applies in
23 relation to a unit of study if:

24 (a) the unit of study has a census date that is on or after the
25 commencement day (whether the unit of study is part of a
26 course of study commenced before, on or after that day); and

27 (b) the unit of study is not a grandfathered unit.

28 **22 Grandfathering provision**

29 (1) This item applies if:

30 (a) any of the following apply:

31 (i) a person commenced a course of study (the ***ongoing***
32 ***course***) with a higher education provider before the

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Schedule 1 Funding clusters

Part 2 Application and transitional provisions

- 1 commencement day but has not completed the ongoing
2 course immediately before that day;
- 3 (ii) a person completed a course of study (the *earlier*
4 *course*) with a higher education provider before the
5 commencement day and, on or after that day, the person
6 commences another course of study (the *honours*
7 *course*) that relates to the earlier course and that is
8 leading to a higher education award that is an honours
9 degree;
- 10 (iii) a person was undertaking, in 2020, an enabling course
11 and, on or after the commencement day, the person
12 commences another course of study (the *later course*)
13 that is leading to a higher education award;
- 14 (iv) a person was undertaking, in 2020, a course of study
15 (the *UC course*) leading to a higher education award
16 that is an undergraduate certificate and, on or after the
17 commencement day, the person commences another
18 course of study (the *higher qualification course*) that
19 relates to the UC course and that is leading to a higher
20 education award that is a bachelor degree; and
- 21 (b) the person was, at any time before the commencement day, a
22 Commonwealth supported student in relation to a unit of
23 study in the ongoing course, earlier course, enabling course
24 or UC course (as the case may be); and
- 25 (c) the person undertakes a unit of study as part of the ongoing
26 course, honours course, later course or higher qualification
27 course (as the case may be) that has a census date that is on
28 or after the commencement day; and
- 29 (d) that unit of study is a grandfathered unit.

30 Note: An undergraduate certificate is an award conferred by higher
31 education providers under the Australian Qualifications Framework.

32 *Commonwealth contribution amount*

- 33 (2) The *Commonwealth contribution amount* for a place in an affected
34 funding cluster part is the amount specified in the following table in
35 relation to a place in the affected funding cluster part.
- 36

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Funding clusters **Schedule 1**
Application and transitional provisions **Part 2**

Commonwealth contribution amount

Item	For a place in this affected funding cluster part:	The amount is:
1	Law, Accounting, Administration, Economics or Commerce	\$2,237
2	Society and Culture	(a) for a place in the Social Studies or Behavioural Science subpart of this affected funding cluster part—\$11,015; or (b) otherwise—\$6,226.
3	Communications or Visual and Performing Arts	\$13,547

1 *Maximum student contribution amount for a place*

2 (3) The *maximum student contribution amount for a place* in the
3 grandfathered unit is the amount specified in the following table in
4 relation to the affected funding cluster part in which the grandfathered
5 unit is included.
6

Maximum student contribution amounts for a place

Item	For a place in a grandfathered unit included in this affected funding cluster part:	The amount is:
1	Law, Accounting, Administration, Economics or Commerce	\$11,355
2	Society and Culture, Communications or Visual and Performing Arts	\$6,804

7 Note: The Commonwealth Grant Scheme Guidelines may specify how to determine the
8 funding cluster, or the part of a funding cluster, in which units of study are included or
9 the particular funding cluster, or the particular part of a particular funding cluster, in
10 which a particular unit of study is included: see section 33-35 of the Act.

23 Indexation

12 Despite anything in Division 198 of Part 5-6 of the Act, the following
13 amounts are not to be indexed on the commencement day:

No. , 2020 *Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020* 11

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Schedule 1 Funding clusters

Part 2 Application and transitional provisions

- 1 (a) an amount specified in section 33-10 of the Act, as amended
- 2 by this Schedule;
- 3 (b) an amount specified in section 93-10 of the Act, as amended
- 4 by this Schedule;
- 5 (c) an amount specified in subitem 22(2) of this Schedule;
- 6 (d) an amount specified in subitem 22(3) of this Schedule.

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Commonwealth Grant Scheme **Schedule 2**
Amendments **Part 1**

1 **Schedule 2—Commonwealth Grant Scheme**

2 **Part 1—Amendments**

3 *Higher Education Support Act 2003*

4 **1 Paragraph 30-10(1)(a)**

5 Omit “courses of study”, substitute “higher education courses”.

6 **2 Subsection 30-10(1) (note)**

7 Omit “non-designated courses of study”, substitute “higher education
8 courses or demand driven higher education courses”.

9 **3 Section 30-12**

10 Repeal the section, substitute:

11 **30-12 Designated higher education courses**

12 (1) Each of the following is a *designated higher education course* in
13 relation to a *Table A provider:

14 (a) a *course of study in medicine;

15 (b) a *course of study determined by the Minister under
16 subsection (2) for the purposes of this paragraph.

17 (2) The Minister may, by legislative instrument, determine a *course of
18 study for the purposes of paragraph (1)(b).

19 **4 Subparagraphs 30-27(1)(a)(i) and (ii)**

20 Repeal the subparagraphs, substitute:

21 (i) *higher education courses; and

22 (ii) *designated higher education courses; and

23 (iii) *demand driven higher education courses; and

24 **5 Subsection 30-27(2) (heading)**

25 Omit “*courses of study*”, substitute “*higher education courses*”.

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Schedule 2 Commonwealth Grant Scheme

Part 1 Amendments

1 **6 Subsection 30-27(2)**

2 Omit “courses of study”, substitute “higher education courses”.

3 **7 Subsection 30-27(3) (heading)**

4 Omit “*non-designated courses of study*”, substitute “*demand driven*
5 *higher education courses*”.

6 **8 Subsection 30-27(3)**

7 Omit “*non-designated courses of study”, substitute “*demand driven
8 higher education courses”.

9 **9 Paragraphs 30-27(3)(a) and (b)**

10 Omit “non-designated courses of study”, substitute “those courses”.

11 **10 Paragraphs 33-5(2)(a) and (b)**

12 Repeal the paragraphs, substitute:

- 13 (a) the amount for *higher education courses (see
14 subsections (2A) and (2B)); and
15 (b) the amount for *designated higher education courses (see
16 subsection (3)); and
17 (c) the amount for *demand driven higher education courses (see
18 subsections (5) and (6)).

19 **11 After subsection 33-5(2)**

20 Insert:

21 *Table A providers—amount for higher education courses*

22 (2A) For the purposes of paragraph (2)(a) and subject to
23 subsection (2B), the amount for *higher education courses is the
24 lesser of:

- 25 (a) the sum of the amounts worked out, for each *funding cluster
26 in which the provider has provided places in those courses,
27 by multiplying:
28 (i) the *number of Commonwealth supported places
29 provided by the provider in those courses in that
30 funding cluster; by

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Commonwealth Grant Scheme **Schedule 2**
Amendments **Part 1**

- 1 (ii) the *Commonwealth contribution amount for a place in
2 that funding cluster; and
3 (b) the *maximum basic grant amount specified in the provider's
4 funding agreement for those courses.

- 5 (2B) If a *maximum basic grant amount is not specified in the provider's
6 funding agreement in relation to *higher education courses, the
7 amount for those courses is the amount worked out under
8 paragraph (2A)(a).

9 **12 Subsection 33-5(3) (heading)**

10 Omit "*courses of study*", substitute "*higher education courses*".

11 **13 Subsection 33-5(3)**

12 Omit "paragraph (2)(a), the amount for *designated courses of study",
13 substitute "paragraph (2)(b), the amount for *designated higher
14 education courses".

15 **14 Paragraph 33-5(3)(a)**

16 Omit "*designated courses of study", substitute "those courses".

17 **15 Subparagraphs 33-5(3)(a)(i) and (b)(i) and (ii)**

18 Omit "designated courses of study", substitute "those courses".

19 **16 Subsection 33-5(5) (heading)**

20 Omit "*non-designated courses of study*", substitute "*demand driven*
21 *higher education courses*".

22 **17 Subsection 33-5(5)**

23 Omit "paragraph (2)(b)", substitute "paragraph (2)(c)".

24 **18 Subsection 33-5(5)**

25 Omit "*non-designated courses of study", substitute "*demand driven
26 higher education courses".

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Schedule 2 Commonwealth Grant Scheme

Part 1 Amendments

1 **19 Paragraphs 33-5(5)(a) and (b)**

2 Omit “non-designated courses of study” (wherever occurring),
3 substitute “those courses”.

4 **20 Subsection 33-5(6)**

5 Omit “*non-designated courses of study”, substitute “*demand driven
6 higher education courses”.

7 **21 Subsection 33-5(6)**

8 Omit “non-designated courses of study”, substitute “those courses”.

9 **22 Subsection 33-30(3) (table items 2 and 3)**

10 Repeal the items, substitute:

11

2	*higher education courses in a funding cluster	units provided by the provider in the funding cluster in those courses.
---	--	---

3	*designated higher education courses in a funding cluster	units provided by the provider in the funding cluster in those courses.
---	---	---

4	*demand driven higher education courses in a funding cluster	units provided by the provider in the funding cluster in those courses.
---	--	---

12 **23 Subclause 1(1) of Schedule 1**

13 Insert:

14 *demand driven higher education course* means a *course of study
15 that:

16 (a) is undertaken by an *eligible Indigenous person for the
17 course of study with a *Table A provider; and

18 (b) is leading to a *higher education award that is a bachelor
19 degree or bachelor honours degree; and

20 (c) is not a *course of study in medicine.

21 **24 Subclause 1(1) of Schedule 1 (definition of *designated***
22 ***courses of study*)**

23 Repeal the definition.

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Commonwealth Grant Scheme **Schedule 2**
Amendments **Part 1**

1 **25 Subclause 1(1) of Schedule 1**

2 Insert:

3 *designated higher education course* has the meaning given by
4 subsection 30-12(1).

5 *eligible Indigenous person*: an Indigenous person is an *eligible*
6 *Indigenous person* for a *course of study with a *Table A provider
7 if, at the time the person first enrolled in a course of study with that
8 provider, the person's permanent residential address is in a regional
9 area or a remote area.

10 *higher education course* means a *course of study other than the
11 following:

- 12 (a) a course of study that is a *designated higher education
13 course;
14 (b) a course of study that is a *demand driven higher education
15 course.

16 *Indigenous person* has the same meaning as in the *Indigenous*
17 *Education (Targeted Assistance) Act 2000*.

18 **26 Subclause 1(1) of Schedule 1 (definition of**
19 ***non-designated courses of study*)**

20 Repeal the definition.

21 **27 Subclause 1(1) of Schedule 1**

22 Insert:

23 *regional area* means an area that is classified as inner regional
24 Australia, or outer regional Australia, under the *ABS Remoteness
25 Structure.

26 *remote area* means an area that is classified as remote Australia, or
27 very remote Australia, under the *ABS Remoteness Structure.

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Schedule 2 Commonwealth Grant Scheme

Part 2 Application provisions

1 **Part 2—Application provisions**

2 **28 Application of amendments**

3 The amendments of the *Higher Education Support Act 2003* made by
4 this Schedule apply in relation to the following:

- 5 (a) funding agreements entered into in respect of 2021 and later
6 years;
- 7 (b) grants payable under Part 2-2 of that Act for 2021 and later
8 years.

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Other grants **Schedule 3**
Amendments commencing day after Royal Assent **Part 1**

1 **Schedule 3—Other grants**

2 **Part 1—Amendments commencing day after Royal**
3 **Assent**

4 *Higher Education Support Act 2003*

5 **1 After paragraph 19-110(3)(c)**

6 Insert:

7 ; and (d) a statement of the provider’s strategies for engaging with
8 industry; and

9 (e) a statement of the provider’s strategies for improving
10 equality of opportunity in higher education.

11 **2 Application provision**

12 The amendment of subsection 19-110(3) of the *Higher Education*
13 *Support Act 2003* made by item 1 of this Schedule applies in relation to
14 a mission based compact in respect of 2021 and later years.

15 **Part 2—Amendments commencing 1 January 2021**

16 *Higher Education Support Act 2003*

17 **3 At the end of paragraph 2-1(b)**

18 Add:

19 and (iv) the engagement with industry and the local community
20 to enable graduates to thrive in the workforce;

21 **4 Paragraphs 30-25(3)(b), (ca), (d) and (da)**

22 Repeal the paragraphs.

23 **5 Subparagraphs 33-1(1)(b)(i) and (iii)**

24 Repeal the subparagraphs.

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Schedule 3 Other grants

Part 2 Amendments commencing 1 January 2021

1 **6 Subsection 41-10(1) (cell at table item 1, column headed**
2 **“Who is eligible”)**

3 Repeal the cell, substitute:
4

*Table A providers and bodies corporate
that are specified in the Other Grants
Guidelines for the purposes of this item

5 **7 Subsection 41-10(1) (at the end of the table)**

6 Add:
7

13 Grants to encourage higher education providers to engage with industry *Table A providers

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Work experience in industry **Schedule 4**

1 **Schedule 4—Work experience in industry**
2

3 *Higher Education Support Act 2003*

4 **1 Subsection 33-30(1) (method statement, step 1)**

5 Omit “a unit of study that wholly consists of *work experience in
6 industry”, substitute “any unit that is an *ineligible work experience unit
7 for a student”.

8 **2 Paragraph 238-10(1)(a)**

9 Omit “Chapter, Part or section”, substitute “provision (or a definition in
10 Schedule 1 required for the purposes of the provision)”.

11 **3 Paragraph 238-10(1)(b)**

12 Omit “Chapter, Part or section”, substitute “provision”.

13 **4 Subsection 238-10(1) (table, heading to column headed**
14 **“Chapter/Part/section”)**

15 Repeal the heading, substitute:

16 **Provision**

17 **5 Subsection 238-10(1) (table item 1)**

18 After “section 19-37;”, insert “section 33-30;”.

19 **6 Subclause 1(1) of Schedule 1**

20 Insert:

21 *ineligible work experience unit* for a student means a unit of study
22 that the student is enrolled in that meets the following conditions:

23 (a) the unit wholly consists of *work experience in industry;

24 (b) either:

25 (i) the student is exempt from paying his or her *student
26 contribution amount in relation to the unit; or

27 (ii) the unit does not meet the requirements specified by the
28 Administration Guidelines for the purposes of this
29 subparagraph.

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Schedule 4 Work experience in industry

1 **7 Application provision**

2 The amendments of the *Higher Education Support Act 2003* made by
3 items 1 and 6 of this Schedule apply in relation to a unit of study with a
4 census date that is on or after 1 January 2021 (whether the unit of study
5 is part of a course of study commenced before, on or after that day).

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Student protection **Schedule 5**
Amendments commencing 1 January 2021 **Part 1**

1 **Schedule 5—Student protection**

2 **Part 1—Amendments commencing 1 January 2021**

3 **Division 1—Amendments**

4 ***Education Legislation Amendment (Provider Integrity and***
5 ***Other Measures) Act 2017***

6 **1 At the end of Part 2 of Schedule 3**

7 Add:

8 **45 Further application of amendments—listed providers and**
9 **Table C providers**

10 (1) In this item:

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

12 *commencement day* means 1 January 2021.

13 (2) The amendments of sections 19-10 and 19-12 of the Act made by this
14 Schedule apply on and after the commencement day in relation to
15 higher education providers taken to be approved under section 16-5 of
16 the Act, whether taken to be approved before, on or after that day.

17 (3) Sections 19-36 to 19-36E and 19-42 of the Act, as inserted by this
18 Schedule, apply on and after the commencement day in relation to
19 higher education providers taken to be approved under section 16-5 of
20 the Act, whether taken to be approved before, on or after that day.

21 (4) The amendments of sections 19-45 and 19-70 of the Act made by this
22 Schedule apply on and after the commencement day in relation to
23 higher education providers taken to be approved under section 16-5 of
24 the Act, whether taken to be approved before, on or after that day.

25 (5) Sections 19-71 to 19-73 of the Act, as inserted by this Schedule, apply
26 on and after the commencement day in relation to higher education
27 providers taken to be approved under section 16-5 of the Act, whether
28 taken to be approved before, on or after that day.

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- 1 (6) The amendments of sections 19-75, 19-77, 19-78, 19-80, 19-82 and
2 19-95 of the Act made by this Schedule apply on and after the
3 commencement day in relation to higher education providers taken to be
4 approved under section 16-5 of the Act, whether taken to be approved
5 before, on or after that day.
- 6 (7) The amendments of section 104-1 of the Act made by this Schedule
7 apply in relation to a unit of study if:
8 (a) the unit of study is undertaken as part of a course of study;
9 and
10 (b) the student enrolled in the course of study on or after the
11 commencement day; and
12 (c) the unit of study has a census date that occurs on or after that
13 day; and
14 (d) the unit is provided by a higher education provider taken to
15 be approved under section 16-5 of the Act, whether taken to
16 be approved before, on or after that day.
- 17 (8) Sections 104-43 and 104-44 of the Act, as inserted by this Schedule,
18 apply on and after the commencement day in relation to higher
19 education providers taken to be approved under section 16-5 of the Act,
20 whether taken to be approved before, on or after that day.
- 21 (9) Section 169-17 of the Act, as inserted by this Schedule, applies in
22 relation to students enrolled in units of study:
23 (a) with census dates that occur on or after the commencement
24 day (whether the units of study are part of a course of study
25 commenced before, on or after that day); and
26 (b) that are provided by higher education providers taken to be
27 approved under section 16-5 of the Act, whether taken to be
28 approved before, on or after that day.
- 29 (10) The amendments of sections 169-25 and 174-5 of the Act made by this
30 Schedule apply on and after the commencement day in relation to
31 higher education providers taken to be approved under section 16-5 of
32 the Act, whether taken to be approved before, on or after that day.

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Student protection **Schedule 5**
Amendments commencing 1 January 2021 **Part 1**

1 ***Higher Education Support Act 2003***

2 **2 Paragraph 19-10(2)(ab)**

3 Before “comply”, insert “must”.

4 **3 Subparagraph 19-45(1)(c)(i)**

5 Repeal the subparagraph, substitute:

6 (i) under subsection 36-12(3) or 36-20(1); or

7 **4 Paragraph 19-45(4)(a)**

8 Repeal the paragraph, substitute:

9 (a) under subsection 36-12(3) or 36-20(1); or

10 **5 Paragraph 19-50(1)(a)**

11 Repeal the paragraph, substitute:

12 (a) under subsection 36-12(3) or 36-20(1); or

13 **6 Paragraph 19-50(2)(c)**

14 Repeal the paragraph, substitute:

15 (c) under subsection 36-12(3) or 36-20(1); or

16 **7 Subsection 19-60(1)**

17 Omit “section 36-20”, substitute “subsection 36-12(3) or 36-20(1)”.

18 **8 Section 19-80 (heading)**

19 Omit “—provider (other than Table A provider)”.

20 **9 Subsection 19-80(1)**

21 Omit “(other than a *Table A provider)”.

22 **10 Paragraph 36-5(1)(b)**

23 Omit “, under section 36-10 or 36-15, or both,”, substitute “under this
24 Subdivision”.

25 **11 At the end of section 36-5**

26 Add:

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- 1 (5) In addition, the person is not a *Commonwealth supported student
2 in relation to the unit of study if the *Secretary determines that the
3 person is not a genuine student in relation to the unit.
- 4 (6) In determining whether a person is a genuine student for the
5 purposes of subsection (5), the *Secretary must have regard to the
6 matters (if any) specified in the Higher Education Provider
7 Guidelines.
- 8 (7) If a determination under subsection (5) is made in writing, the
9 determination is not a legislative instrument.

10 **12 Section 36-10 (at the end of the heading)**

11 Add “—general”.

12 **13 After paragraph 36-10(1)(b)**

13 Insert:

- 14 (ba) the person has been assessed by the higher education
15 provider, in accordance with section 19-42, as academically
16 suited to undertake the unit; and

17 **14 After section 36-10**

18 Insert:

19 **36-12 Advice on whether a person is a Commonwealth supported** 20 **student—unreasonable study load**

- 21 (1) A higher education provider must not advise a person that the
22 person is a *Commonwealth supported student in relation to a unit
23 of study (the *new unit*) if:
24 (a) the person’s study load is more than 2.0 *EFTSL; or
25 (b) the person’s study load will be more than 2.0 EFTSL if the
26 person enrolls in the new unit.
- 27 (2) For the purposes of subsection (1), the person’s *study load* is
28 worked out by adding the *EFTSL value of the new unit to the sum
29 of the EFTSL values of each other unit of study:
30 (a) that has a *census date during the 12 month period ending on
31 the census date for the new unit; and

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- 1 (b) for which the person is entitled to *HECS-HELP assistance
2 or *FEE-HELP assistance, or would be so entitled but for the
3 previous operation of this section, or section 104-1AA, in
4 relation to the other unit of study.
- 5 (3) Subsection (1) does not apply if the higher education provider
6 determines that undertaking the new unit will not impose an
7 unreasonable study load on the person, having regard to:
8 (a) whether the person has the demonstrated capacity and
9 capability to successfully complete a study load in excess of
10 2.0 *EFTSL; and
11 (b) the matters (if any) specified by the Administration
12 Guidelines for the purposes of this paragraph.
- 13 (4) A decision of a higher education provider under subsection (3)
14 must be in accordance with the requirements (if any) specified in
15 the Administration Guidelines.
- 16 (5) If a determination under subsection (3) is made in writing, the
17 determination is not a legislative instrument.

15 At the end of section 36-15

18 Add:

- 19 (5) A higher education provider must not advise a person that the
20 person is a *Commonwealth supported student in relation to a unit
21 of study if:
22 (a) the provider has completed any part of a *request for
23 Commonwealth assistance that the person is required to
24 complete; and
25 (b) the request relates to the person enrolling in the unit of study
26 or, where the unit forms part of a *course of study undertaken
27 with the provider, the course of study.
28

16 Section 36-24C

29 Omit “subsection 36-20(1)”, substitute “subsection 36-12(3) or
30 36-20(1)”.
31

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1 **17 Paragraphs 36-25(1)(b) and (2)(c)**

2 Omit “under section 36-10 or section 36-15, or both”, substitute “under
3 Subdivision 36-B”.

4 **18 Paragraph 36-30(1)(b)**

5 Omit “under section 36-10 or section 36-15, or both”, substitute “under
6 Subdivision 36-B”.

7 **19 At the end of subsection 36-30(3)**

8 Add:
9 ; and (c) the provider is not prohibited, under Subdivision 36-B, from
10 advising the person that the person is a Commonwealth
11 supported student in relation to the unit.

12 **20 Section 90-1**

13 Omit “Subject to section 90-10, a student”, substitute “A student”.

14 **21 Section 90-10**

15 Repeal the section.

16 **22 At the end of Division 96**

17 Add:

18 **96-5 Effect of HELP balance being re-credited**

19 (1) If, under Division 97, a person’s *HELP balance is re-credited with
20 an amount relating to *HECS-HELP assistance for a unit of study,
21 the provider must pay to the Commonwealth an amount equal to
22 the amount of HECS-HELP assistance to which the person was
23 entitled for the unit.

24 Note: The provider must repay the amount under subsection (1) even if the
25 person’s HELP balance is not increased by an amount equal to the
26 amount re-credited.

27 (2) Subsection (1) does not apply to the provider if:

28 (a) the person’s *HELP balance was re-credited under
29 subsection 97-25(2) (which deals with the main case of
30 re-crediting a person’s HELP balance); and

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- 1 (b) the person enrolled in the unit in circumstances that make it a
2 replacement unit within the meaning of the *tuition protection
3 requirements.
- 4 (3) The Higher Education Provider Guidelines may, in setting out the
5 *tuition protection requirements, specify, in relation to the
6 re-crediting of a person's *HELP balance in circumstances to
7 which subsection (2) applies:
- 8 (a) the amount (if any) that is to be paid to the Commonwealth;
9 and
10 (b) the person (if any) who is to pay the amount.

11 **96-10 Implications for student's liability to higher education** 12 **provider for student contribution amount**

13 If, under Division 97, a student's *HELP balance is re-credited
14 with an amount relating to *HECS-HELP assistance for a unit of
15 study, the student is discharged from all liability to pay or account
16 for so much of the student's *student contribution amount for the
17 unit as is equal to that amount.

18 **23 At the end of Division 97**

19 Add:

20 **97-45 Re-crediting a person's HELP balance in relation to** 21 **HECS-HELP assistance—provider completes request for** 22 **assistance**

- 23 (1) A higher education provider must, on the *Secretary's behalf,
24 re-credit a person's *HELP balance with an amount equal to the
25 amounts of *HECS-HELP assistance that the person received for a
26 unit of study if the provider completes any part of the *request for
27 Commonwealth assistance in relation to the unit that the person is
28 required to complete.

29 Note: A HECS-HELP debt relating to a unit of study is taken to be remitted
30 if the HELP balance in relation to the unit is re-credited under this
31 section: see subsection 137-5(5).

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- 1 (2) The *Secretary may re-credit the person's *HELP balance under
2 this section if the provider is unable to do so.

3 **97-50 Re-crediting a person's HELP balance in relation to**
4 **HECS-HELP assistance—person not entitled to assistance**

- 5 (1) A higher education provider must, on the *Secretary's behalf,
6 re-credit a person's *HELP balance with an amount equal to the
7 amounts of *HECS-HELP assistance that the person received for a
8 unit of study if the provider or the Secretary is satisfied that the
9 person was not entitled to receive HECS-HELP assistance for the
10 unit of study with the provider.

11 Note 1: For example, a person is not entitled to HECS-HELP assistance for a
12 unit of study if the person is not a Commonwealth supported student
13 in relation to the unit: see section 90-1.

14 Note 2: Subdivision 36-B sets out circumstances in which a higher education
15 provider must not advise a person that the person is a Commonwealth
16 supported student in relation to a unit of study.

17 Note 3: A HECS-HELP debt relating to a unit of study is taken to be remitted
18 if the HELP balance in relation to the unit is re-credited under this
19 section: see subsection 137-5(5).

- 20 (2) The *Secretary may re-credit the person's *HELP balance under
21 subsection (1) if the provider is unable to do so.

22 **24 Subsection 104-1(1)**

23 Omit "104-1A", substitute "104-1AA, 104-1A".

24 **25 Paragraph 104-1(1)(ab)**

25 Repeal the paragraph.

26 **26 Subsection 104-1(1A)**

27 Repeal the subsection, substitute:

28 (1AA) A student is not entitled to *FEE-HELP assistance for a unit of
29 study if the *Secretary determines that the student is not a genuine
30 student in relation to the unit.

31 (1AB) In determining whether a student is a genuine student for the
32 purposes of subsection (1AA), the *Secretary must have regard to

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1 the matters (if any) specified in the Higher Education Provider
2 Guidelines.

3 (1AC) If a determination under subsection (1AA) is made in writing, the
4 determination is not a legislative instrument.

5 **27 After section 104-1**

6 Insert:

7 **104-1AA Student has unreasonable study load**

- 8 (1) A student is not entitled to *FEE-HELP assistance for a unit of
9 study (the *new unit*) provided, or to be provided, by a higher
10 education provider if:
11 (a) the person's study load is more than 2.0 *EFTSL; or
12 (b) the person's study load will be more than 2.0 EFTSL if the
13 person enrolls in the new unit.
- 14 (2) For the purposes of subsection (1), the person's *study load* is
15 worked out by adding the *EFTSL value of the new unit to the sum
16 of the EFTSL values of each other unit of study:
17 (a) that has a *census date during the 12 month period ending on
18 the census date for the new unit; and
19 (b) for which the person is entitled to *HECS-HELP assistance
20 or *FEE-HELP assistance, or would be so entitled but for the
21 previous operation of this section, or section 36-12, in
22 relation to the other unit of study.
- 23 (3) Subsection (1) does not apply if the higher education provider
24 determines that undertaking the new unit will not impose an
25 unreasonable study load on the person, having regard to:
26 (a) whether the person has the demonstrated capacity and
27 capability to successfully complete a study load in excess of
28 2.0 *EFTSL; and
29 (b) the matters (if any) specified by the Administration
30 Guidelines for the purposes of this paragraph.
- 31 (4) A decision of a higher education provider under this section must
32 be in accordance with the Administration Guidelines.

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1 (5) If a determination under subsection (3) is made in writing, the
2 determination is not a legislative instrument.

3 **28 At the end of Subdivision 104-A**

4 Add:

5 **104-12 Secretary may act if provider is unable to**

6 If a higher education provider is unable to act for the purposes of
7 subsection 104-1AA(3), the *Secretary may act as if one or more of
8 the references in that provision to a higher education provider were
9 a reference to the Secretary.

10 **29 Paragraph 104-43(1)(b)**

11 Omit “is satisfied that the person is not a *genuine”, substitute “has
12 determined that the person is not a genuine”.

13 **30 At the end of Division 110**

14 Add:

15 **110-10 Implications for student’s liability to higher education 16 provider for student tuition fee**

17 If, under Subdivision 104-B, a student’s *HELP balance is
18 re-credited with an amount relating to *FEE-HELP assistance for a
19 *unit of study, the student is discharged from all liability to pay or
20 account for so much of the student’s *tuition fee for the unit as is
21 equal to that amount.

22 **31 Subsection 137-5(5)**

23 Omit “section 97-25, 97-27 or 97-42”, substitute “Division 97”.

24 **32 Section 206-1 (after table item 1AB)**

25 Insert:
26

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1AC	A decision that a person is not a genuine student in relation to a unit of study	subsection 36-5(5)	the *Secretary
1AD	A decision that undertaking a unit of study will impose an unreasonable study load on a student	subsection 36-12(3)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision—the Secretary

1

2

33 Section 206-1 (after table item 1B)

3

Insert:

4

1C	Refusal to re-credit a person's *HELP balance	subsection 97-45(1)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision—the Secretary
1D	Refusal to re-credit a person's *HELP balance	subsection 97-50(1)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision—the Secretary

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Part 1 Amendments commencing 1 January 2021

1E	A decision that a student is not a genuine student in relation to a unit of study	subsection 104-1(1AA)	the *Secretary
1F	A decision that undertaking a unit of study will impose an unreasonable study load on a student	subsection 104-1AA(3)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision—the Secretary
1	A decision that section 104-30 does not apply to a person	subsection 104-1A(2)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision—the Secretary

1 **34 Section 206-1 (note 1)**

2 Repeal the note, substitute:

3 Note 1: The decisions referred to in items 1A, 1B, 1AD, 1C, 1D, 1F, 1 and 2
4 of the table are made by a higher education provider on the
5 Secretary's behalf.

6 **35 Subsection 209-1(2) (note 1)**

7 Omit "section 36-20", substitute "subsection 36-12(3) or 36-20(1)".

8 **36 Paragraph 238-1(2)(a)**

9 Repeal the paragraph, substitute:

10 (a) under subsection 36-12(3) or 36-20(1); or

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Amendments commencing 1 January 2021 **Part 1**

1 **37 Subsection 238-10(1) (table item 1)**

2 Omit “section 36-21”, substitute “section 36-12; section 36-21;
3 section 104-1AA”.

4 **38 Subsection 238-10(1) (table item 6)**

5 After “Part 2-1;”, insert “section 96-5”.

6 **Division 2—Application provision**

7 **39 Application of amendments**

8 (1) The amendments of section 36-5, 36-10, 36-15 and 104-1 of the *Higher*
9 *Education Support Act 2003* made by this Part apply in relation to any
10 unit of study with a census date that is on or after 1 January 2021
11 (whether the unit of study is part of a course of study commenced
12 before, on or after that day).

13 (2) Sections 36-12, 97-45, 97-50 and 104-1AA of the *Higher Education*
14 *Support Act 2003*, as inserted by this Part, apply in relation to any unit
15 of study with a census date that is on or after 1 January 2021 (whether
16 the unit of study is part of a course of study commenced before, on or
17 after that day).

18 (3) Section 96-10 of the *Higher Education Support Act 2003*, as inserted by
19 this Part, applies in relation to any unit of study in respect of which a
20 student becomes liable, on or after 1 January 2021, to pay a student
21 contribution amount (whether the unit of study is part of a course of
22 study commenced before, on or after that day).

23 (4) Section 110-10 of the *Higher Education Support Act 2003*, as inserted
24 by this Part, applies in relation to any unit of study in respect of which a
25 student becomes liable, on or after 1 January 2021, to pay a *tuition fee
26 (whether the unit of study is part of a course of study commenced
27 before, on or after that day).

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Schedule 5 Student protection

Part 2 Amendments commencing 1 January 2022

1 **Part 2—Amendments commencing 1 January 2022**

2 **Division 1—Amendments**

3 ***Education Legislation Amendment (Provider Integrity and***
4 ***Other Measures) Act 2017***

5 **40 After subitem 45(7) of Part 2 of Schedule 3**

6 Insert:

7 (7A) Section 104-1A of the Act, as inserted by this Schedule, applies in
8 relation to a unit of study if:

- 9 (a) the unit of study is undertaken as part of a course of study;
10 and
11 (b) the student enrolled in the course of study on or after
12 1 January 2022; and
13 (c) the unit of study has a census date that occurs on or after that
14 day; and
15 (d) the unit is provided by a higher education provider taken to
16 be approved under section 16-5 of the Act, whether taken to
17 be approved before, on or after that day.

18 ***Higher Education Support Act 2003***

19 **41 After section 36-12**

20 Insert:

21 **36-13 Advice on whether a person is a Commonwealth supported**
22 **student—failure to complete previous units**

- 23 (1) A higher education provider must not advise a person that the
24 person is a *Commonwealth supported student in relation to a unit
25 of study if:
26 (a) in a case where the unit of study is part of a *course of study
27 leading to a *higher education award that is a bachelor degree
28 or higher qualification:

36 *Higher Education Support Amendment (Job-Ready Graduates and* No. , 2020
Supporting Regional and Remote Students) Bill 2020

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- 1 (i) the student has already undertaken 8 or more other units
2 of study with that provider as part of that course of
3 study; and
4 (ii) the student did not successfully complete at least 50%
5 of those other units; or
6 (b) in any other case:
7 (i) the student has already undertaken 4 or more other units
8 of study with that provider as part of a course of study;
9 and
10 (ii) the student did not successfully complete at least 50%
11 of those other units.
- 12 (2) In determining, for the purposes of subparagraphs (1)(a)(ii) and
13 (b)(ii), the number of units the student did not successfully
14 complete, disregard any units:
15 (a) not completed by the student; and
16 (b) in respect of which the provider has determined that
17 section 36-20 (which deals with special circumstances)
18 applies to the student.

19 **Division 2—Application provision**

20 **42 Application of amendment**

- 21 Section 36-13 of the *Higher Education Support Act 2003*, as inserted by
22 this Part, applies in relation to a unit of study if:
23 (a) the unit of study is undertaken as part of a course of study;
24 and
25 (b) the student enrolled in the course of study on or after
26 1 January 2022; and
27 (c) the unit of study has a census date that occurs on or after that
28 day; and
29 (d) the unit is provided by a higher education provider taken to
30 be approved under section 16-5 of the Act, whether taken to
31 be approved before, on or after that day.

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Schedule 6 Other amendments

1 **Schedule 6—Other amendments**
2

3 *Higher Education Support Act 2003*

4 **1 After subparagraph 137-10(2)(b)(i)**

5 Insert:

6 (ia) for a unit of study with a census date on or after
7 1 January 2021—an amount equal to 120% of the loan;
8 or

9 *Social Security Act 1991*

10 **2 Subparagraph 1061ZAAB(c)(i)**

11 Omit “6 months”, substitute “3 months”.

12