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

No. 93, 2020

An Act to amend the law relating to higher education and social security, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (https://www.legislation.gov.au/)

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

No. 93, 2020

An Act to amend the law relating to higher education and social security, and for related purposes

[*Assented to 27 October 2020*]

The Parliament of Australia enacts:

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1 Short title

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

2 Commencement

(1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	27 October 2020
2. Schedule 1	The day after this Act receives the Royal Assent.	28 October 2020
3. Schedule 2, Part 1	The day after this Act receives the Royal Assent.	28 October 2020
4. Schedule 2, Part 2	1 January 2021.	1 January 2021
5. Schedule 3, Part 1	The day after this Act receives the Royal Assent.	28 October 2020
6. Schedule 3, Part 2	1 January 2021.	1 January 2021
7. Schedule 4, Part 1	1 January 2021.	1 January 2021
8. Schedule 4, Part 2	1 January 2022.	1 January 2022
8A. Schedule 4A	1 January 2021.	1 January 2021
8B. Schedule 4B	1 January 2022.	1 January 2022
9. Schedule 5,	1 January 2020.	1 January 2020

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
Part 1		
10. Schedule 5, Part 2	The day after this Act receives the Royal Assent.	28 October 2020
11. Schedule 5, Part 3	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Schedule 1—Commonwealth Grant Scheme

Part 1—Amendments

Higher Education Support Act 2003

1 Subparagraph 30-1(1)(b)(ii)

Repeal the subparagraph, substitute:

(ii) the Minister has made an allocation under section 30-10 to the provider for that year;

2 Subsection 30-10(1)

Repeal the subsection, substitute:

(1) The Minister may allocate a specified number of Commonwealth support places for a year to:

(a) a *Table A provider in relation to *designated higher education courses; and

(b) a higher education provider referred to in subparagraph 30-1(1)(b)(i).

Note: The Minister does not allocate places to Table A providers in relation to higher education courses or demand driven higher education courses.

3 At the end of subsection 30-10(4)

Add:

; and (c) the number of places (if any) for each *funding cluster that are in respect of *non-grandfathered students; and

(d) the number of places (if any) for each funding cluster (other than the *first funding cluster and the *second funding cluster) that are in respect of *grandfathered students; and

(e) the number of places (if any) for each *grandfathered funding cluster part that are in respect of grandfathered students.

4 Section 30-12

Repeal the section, substitute:

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30-12 Designated higher education courses

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

(a) a *course of study in medicine;

(b) a *course of study of a kind determined under subsection (2).

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

5 Section 30-15

Repeal the section, substitute:

30-15 Funding clusters

The ***funding clusters*** are:

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, Professional Pathway Psychology, Professional Pathway Social Work
3	Nursing, Foreign Languages, Engineering, Surveying, Environmental Studies, Science
4	Agriculture, Medicine, Dentistry, Veterinary Science, Pathology

6 Paragraph 30-25(3)(aa)

Omit "under section 30-10", substitute "for a *funding cluster, or a *grandfathered funding cluster part,".

7 Paragraph 30-25(3)(cb)

Repeal the paragraph.

8 Paragraph 30-25(3)(e)

Omit "transitional", substitute "transition fund".

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9 Section 30-27

Repeal the section, substitute:

30-27 Specification of maximum basic grant amounts in funding agreements

Maximum basic grant amounts for Table A providers

(1) Subject to subsections (2), (3) and (5), a funding agreement for a higher education provider that is a *Table A provider:
  (a) must specify an amount as the ***maximum basic grant amount*** payable to the provider for a *grant year for *higher education courses; and
  (b) may specify an amount as the ***maximum basic grant amount*** payable to the provider for a *grant year for each of the following:
    (i) *designated higher education courses;
    (ii) *demand driven higher education courses.

Table A providers—maximum basic grant amount for higher education courses

(2) If a funding agreement for a *Table A provider is in respect of 2021, 2022 and 2023, the maximum basic grant amount for the provider for each of those years for *higher education courses must not be less than the amount specified in the Commonwealth Grant Scheme Guidelines for the purposes of this subsection for the provider for each of those years for those courses.

(3) If a funding agreement for a *Table A provider is in respect of other later years, the maximum basic grant amount for the provider for each of those years for *higher education courses must not be less than:
  (a) for 2024—the amount specified in the Commonwealth Grant Scheme Guidelines for the purposes of this paragraph for the provider for that year for those courses; and
  (b) for any other later year—the maximum basic grant amount specified in the provider's funding agreement for the preceding year for those courses.

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(4) Without limiting subsection (2) and paragraph (3)(a), the Commonwealth Grant Scheme Guidelines may:
   (a) specify different amounts for different years for the purposes of that subsection; and
   (b) specify different amounts for different *Table A providers for the purposes of that subsection or paragraph.

Table A providers—maximum basic grant amount for designated higher education courses

(5) The maximum basic grant amount for a *Table A provider for a *grant year for *designated higher education courses must not be less than the amount worked out for the year for those courses using the method statement set out in paragraph 33-5(3)(b) with the following modifications:
   (a) read a reference in step 1 of that statement to places provided by the provider in a *funding cluster as a reference to places allocated under section 30-10 to the provider in that funding cluster;
   (b) disregard paragraph (a) of that step.

Maximum basic grant amount for non-Table A providers

(6) Subject to subsection (7), a funding agreement for a higher education provider (other than a *Table A provider) may specify an amount as the ***maximum basic grant amount*** payable to the provider for a *grant year.

(7) The maximum basic grant amount for a higher education provider (other than a *Table A provider) for a *grant year must not be less than the amount worked out for the year using the method statement set out in paragraph 33-5(7)(b) with the following modifications:
   (a) read a reference in steps 1, 2 and 3 of that statement to places provided by the provider in a *funding cluster or a *grandfathered funding cluster part as a reference to places allocated under section 30-10 to the provider in that funding cluster or grandfathered funding cluster part;
   (b) disregard paragraph (a) of each of those steps.

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10 Paragraph 33-1(1)(a)

Omit "*basic", substitute "*total basic".

11 Subparagraph 33-1(1)(b)(iv)

Omit "transitional", substitute "transition fund".

12 Subdivision 33-B (heading)

Repeal the heading substitute:

Subdivision 33-B—Total basic grant amounts

13 Section 33-5

Repeal the section, substitute:

33-5 Total basic grant amounts

Total basic grant amount for Table A providers

(1) The ***total basic grant amount*** for a *Table A provider for a year is the sum of the following amounts:
   (a) the amount for *higher education courses (see subsection (2));
   (b) the amount for *designated higher education courses (see subsections (3) and (4));
   (c) the amount for *demand driven higher education courses (see subsections (5) and (6)).

Table A providers—amount for higher education courses

(2) For the purposes of paragraph (1)(a), the amount for *higher education courses is the lesser of:
   (a) the *maximum basic grant amount for the year for those courses that is specified in the *Table A provider's funding agreement; and
   (b) the amount worked out for the year using the following method statement.

Method statement

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Step 1. For each *funding cluster in which the provider has provided places in those courses in respect of *non-grandfathered students, multiply:

(a) the *number of Commonwealth supported places provided by the provider in those courses in that funding cluster in respect of those students; by

(b) the *Commonwealth contribution amount for a place in that funding cluster.

Step 2. For each *funding cluster (other than the *first funding cluster and the *second funding cluster) in which the provider has provided places in those courses in respect of *grandfathered students, multiply:

(a) the *number of Commonwealth supported places provided by the provider in those courses in that funding cluster in respect of those students; by

(b) the *Commonwealth contribution amount for a place in that funding cluster.

Step 3. For each *grandfathered funding cluster part in which the provider has provided places in those courses in respect of *grandfathered students, multiply:

(a) the *number of Commonwealth supported places provided by the provider in those courses in that grandfathered funding cluster part in respect of those students; by

(b) the *grandfathered Commonwealth contribution amount for a place in that grandfathered funding cluster part.

Step 4. Add together all of the amounts worked out under steps 1, 2 and 3.

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Table A providers—amount for designated higher education courses

(3) For the purposes of paragraph (1)(b) and subject to subsection (4), the amount for *designated higher education courses is the lesser of:

(a) the *maximum basic grant amount for the year for those courses that is specified in the *Table A provider's funding agreement; and

(b) the amount worked out for the year using the following method statement.

Method statement

Step 1. For each *funding cluster in which the provider has provided places in those courses, multiply the *Commonwealth contribution amount for a place in that funding cluster by the lesser of the following:

(a) the number that is the sum of the *number of Commonwealth supported places provided by the provider in those courses in that funding cluster in respect of *non-grandfathered students and in respect of *grandfathered students;

(b) the number of Commonwealth supported places allocated to the provider for that funding cluster.

Step 2. Add together all of the amounts worked out under step 1.

(4) If a *maximum basic grant amount for the year for the *designated higher education courses is not specified in the *Table A provider's funding agreement, the amount for those courses is the amount worked out for the year using the method statement set out in paragraph (3)(b).

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Table A providers—amount for demand driven higher education courses

(5) For the purposes of paragraph (1)(c) and subject to subsection (6), the amount for *demand driven higher education courses is the lesser of:

(a) the *maximum basic grant amount for the year for those courses that is specified in the *Table A provider's funding agreement; and

(b) the amount worked out for the year using the following method statement.

Method statement

Step 1. For each *funding cluster in which the provider has provided places in those courses in respect of *non-grandfathered students, multiply:

(a) the *number of Commonwealth supported places provided by the provider in those courses in that funding cluster in respect of those students; by

(b) the *Commonwealth contribution amount for a place in that funding cluster.

Step 2. For each *funding cluster (other than the *first funding cluster and the *second funding cluster) in which the provider has provided places in those courses in respect of *grandfathered students, multiply:

(a) the *number of Commonwealth supported places provided by the provider in those courses in that funding cluster in respect of those students; by

(b) the *Commonwealth contribution amount for a place in that funding cluster.

Step 3. For each *grandfathered funding cluster part in which the provider has provided places in those courses in respect of *grandfathered students, multiply:

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(a) the *number of Commonwealth supported places provided by the provider in those courses in that grandfathered funding cluster part in respect of those students; by

(b) the *grandfathered Commonwealth contribution amount for a place in that grandfathered funding cluster part.

Step 4. Add together all of the amounts worked out under steps 1, 2 and 3.

(6) If a *maximum basic grant amount for the year for the *demand driven higher education courses is not specified in the *Table A provider's funding agreement, the amount for those courses is the amount worked out for the year using the method statement set out in paragraph (5)(b).

Total basic grant amount for non-Table A providers

(7) Subject to subsection (8), the ***total basic grant amount*** for a higher education provider (other than a *Table A provider) for a year is the lesser of:

(a) the *maximum basic grant amount for the year that is specified in the provider's funding agreement; and

(b) the amount worked out for the year using the following method statement.

Method statement

Step 1. For each *funding cluster in which the provider has provided places in respect of *non-grandfathered students, multiply the *Commonwealth contribution amount for a place in that funding cluster by the lesser of the following:

(a) the *number of Commonwealth supported places provided by the provider in that funding cluster in respect of those students;

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(b) the number of Commonwealth supported places allocated to the provider for that funding cluster in respect of those students.

Step 2. For each *funding cluster (other than the *first funding cluster and the *second funding cluster) in which the provider has provided places in respect of *grandfathered students, multiply the *Commonwealth contribution amount for a place in that funding cluster by the lesser of the following:

(a) the *number of Commonwealth supported places provided by the provider in that funding cluster in respect of those students;

(b) the number of Commonwealth supported places allocated to the provider for that funding cluster in respect of those students.

Step 3. For each *grandfathered funding cluster part in which the provider has provided places in respect of *grandfathered students, multiply the *grandfathered Commonwealth contribution amount for a place in that grandfathered funding cluster part by the lesser of the following:

(a) the *number of Commonwealth supported places provided by the provider in that part in respect of those students;

(b) the number of Commonwealth supported places allocated to the provider for that part in respect of those students.

Step 4. Add together all of the amounts worked out under steps 1, 2 and 3.

(8) If a *maximum basic grant amount for the year is not specified in the funding agreement of the higher education provider referred to in subsection (7), the ***total basic grant amount*** for the provider is

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the amount worked out for the year using the method statement set out in paragraph (7)(b).

14 Section 33-10

Repeal the section, substitute:

33-10 Commonwealth contribution amounts and grandfathered Commonwealth contribution amounts

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

Commonwealth contribution amounts		
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, Professional Pathway Psychology, Professional Pathway Social Work	$13,250
3	Nursing, Foreign Languages, Engineering, Surveying, Environmental Studies, Science	$16,250
4	Agriculture, Medicine, Dentistry, Veterinary Science, Pathology	$27,000

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

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

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Grandfathered Commonwealth contribution amounts		
Item	**For a place in this grandfathered funding cluster part:**	**The amount is:**
1	Law, Accounting, Administration, Economics or Commerce	$2,237
2	Communications	$13,547
3	The Social Studies or Behavioural Science subpart of the Society and Culture part of the first funding cluster	$11,015
4	Any other subpart of the Society and Culture part of the first funding cluster	$6,226
5	Education, Clinical Psychology, English, Mathematics, Statistics, Allied Health, Other Health, Built Environment or Computing	$13,250
6	Visual and Performing Arts	$13,547
7	Professional Pathway Psychology or Professional Pathway Social Work	$11,015

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

15 Subsection 33-30(1)

After "has provided", insert "in respect of *non-grandfathered students".

16 Subsection 33-30(1) (method statement)

Omit "a unit of study that wholly consists of *work experience in industry", substitute "any unit that is an *ineligible work experience unit for a *non-grandfathered student".

17 Subsection 33-30(1) (method statement, paragraph (b) of step 1)

Omit "persons", substitute "non-grandfathered students".

18 After subsection 33-30(1)

Insert:

(1A) The ***number of Commonwealth supported places*** that a higher education provider has provided in respect of *grandfathered

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students during a particular year is a number equal to the number worked out as follows:

Method statement

Step 1. For each unit of study (other than any unit that is an *ineligible work experience unit for a *grandfathered student) that the provider provided that had its *census date during the year, multiply:

(a) the *EFTSL value of the unit; by

(b) the number of grandfathered students enrolled with the provider in that unit as *Commonwealth supported students.

Step 2. Add together all of the amounts worked out under step 1.

19 Subsection 33-30(3)

Before "to the units", insert "or (1A) (as the case requires)".

20 Subsection 33-30(3) (table)

Repeal the table, substitute:

Working out the number of Commonwealth supported places provided		
Item	**Column 1** **To work out the number of Commonwealth supported places provided in …**	**Column 2** **apply the method statement in subsection (1) or (1A) (as the case requires) to …**
1	a *funding cluster or a *grandfathered funding cluster part	units provided by the provider in the funding cluster or the grandfathered funding cluster part.
2	*higher education courses in a *funding cluster or a *grandfathered funding cluster part	units provided by the provider in the funding cluster, or the grandfathered funding cluster part, in those courses.
3	*designated higher education courses in a *funding cluster	units provided by the provider in the funding cluster in those courses.

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Working out the number of Commonwealth supported places provided		
Item	**Column 1** **To work out the number of Commonwealth supported places provided in …**	**Column 2** **apply the method statement in subsection (1) or (1A) (as the case requires) to …**
4	*demand driven higher education courses in a *funding cluster or a *grandfathered funding cluster part	units provided by the provider in the funding cluster, or the grandfathered funding cluster part, in those courses.

21 Subsection 33-37(1)

Omit "*basic grant amount for the grant year", substitute "*total basic grant amount for a year".

22 Subsection 33-37(1)

Omit "grant" (second and third occurring).

23 Subsection 33-37(2) (definition of *total places provided*)

Repeal the definition, substitute:

total places provided is the sum of the following:

(a) the *number of Commonwealth supported places that the higher education provider has provided in respect of *non-grandfathered students for the year;

(b) the number of Commonwealth supported places that the higher education provider has provided in respect of *grandfathered students for the year.

24 Paragraph 33-37(4)(d)

Omit "*basic grant amount for the grant year", substitute "*total basic grant amount for the year".

25 Subsection 33-37(6)

Omit "*basic grant amount for a grant year", substitute "*total basic grant amount for a year".

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26 Subsection 198-5(1) (table item 1)

Repeal the item, substitute:

1	*Commonwealth contribution amount	Subsection 33-10(1)
2A	*Grandfathered Commonwealth contribution amount	Subsection 33-10(2)

27 Paragraph 238-10(1)(a)

Omit "Chapter, Part or section", substitute "provision (or a term defined in the Dictionary in Schedule 1 that is required for the purposes of the provision)".

28 Paragraph 238-10(1)(b)

Omit "Chapter, Part or section", substitute "provision".

29 Subsection 238-10(1) (table, heading to column headed "Chapter/Part/section")

Repeal the heading, substitute:

Provision

30 Subsection 238-10(1) (table item 1)

After "section 19-37;", insert "section 33-30;".

31 Subclause 1(1) of Schedule 1 (definition of *basic grant amount*)

Repeal the definition.

32 Subclause 1(1) of Schedule 1 (definition of *Commonwealth contribution amount*)

Omit "section 33-10", substitute "subsection 33-10(1)".

33 Subclause 1(1) of Schedule 1

Insert:

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

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(a) is undertaken by an *eligible Indigenous person for the course of study with a *Table A provider; and
(b) is leading to a *higher education award that is a bachelor degree or bachelor honours degree; and
(c) is not a *designated higher education course.

34 Subclause 1(1) of Schedule 1 (definition of *designated courses of study*)

Repeal the definition.

35 Subclause 1(1) of Schedule 1

Insert:

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

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

first funding cluster means the *funding cluster referred to in item 1 of the table in section 30-15.

grandfathered Commonwealth contribution amount has the meaning given by subsection 33-10(2).

grandfathered funding cluster part means:
(a) any part of the *first funding cluster other than the Society and Culture part of that cluster; or
(b) the Social Studies or Behavioural Science subpart of the Society and Culture part of the first funding cluster; or
(c) any other subpart of the Society and Culture part of the first funding cluster; or
(d) any part of the *second funding cluster.

grandfathered student: a person is a ***grandfathered student*** if:
(a) any of the following apply in relation to the person:

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(i) the person commenced a *course of study (the ***ongoing course***) with a higher education provider before 1 January 2021 but has not completed the ongoing course immediately before that day;

(ii) the person completed a course of study (the ***earlier course***) with a higher education provider before 1 January 2021 and, on or after that day, the person commences another course of study (the ***honours course***) that relates to the earlier course and that is leading to a *higher education award that is an honours degree;

(iii) the person was undertaking, in 2020, an *enabling course and, on or after 1 January 2021, the person commences another course of study (the ***later course***) that is leading to a higher education award;

(iv) the person was undertaking, in 2020, a course of study (the ***UC course***) leading to a higher education award that is an undergraduate certificate and, on or after 1 January 2021, the person commences another course of study (the ***higher qualification course***) that relates to the UC course and that is leading to a higher education award that is a bachelor degree; and

(b) the person was, at any time before 1 January 2021, a *Commonwealth supported student in relation to a unit of study in the ongoing course, earlier course, enabling course or UC course (as the case may be); and

(c) the person undertakes a unit of study as part of the ongoing course, honours course, later course or higher qualification course (as the case may be) that has a *census date that is on or after 1 January 2021.

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

grant year has the meaning given by subsection 30-25(1).

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

(a) a course of study that is a *designated higher education course;

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(b) a course of study that is a *demand driven higher education course.

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

ineligible work experience unit for a *non-grandfathered student or a *grandfathered student means a unit of study that the student is enrolled in that meets the following conditions:

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

(b) either:

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

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

36 Subclause 1(1) of Schedule 1 (definition of *maximum basic grant amount*)

Omit "subsection 30-27(1)", substitute "section 30-27".

37 Subclause 1(1) of Schedule 1 (definition of *non-designated courses of study*)

Repeal the definition.

38 Subclause 1(1) of Schedule 1

Insert:

non-grandfathered student means a person other than a *grandfathered student.

39 Subclause 1(1) of Schedule 1 (definition of *number of Commonwealth supported places*)

Repeal the definition, substitute:

number of Commonwealth supported places means:

(a) in relation to an allocation of a number of Commonwealth supported places for a *funding cluster or a *grandfathered funding cluster part—the number of places allocated under

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section 30-10 for that funding cluster or that grandfathered funding cluster part; or

(b) in relation to the provision of a number of Commonwealth supported places in respect of *non-grandfathered students—the number worked out under subsection 33-30(1); or

(c) in relation to the provision of a number of Commonwealth supported places in respect of *grandfathered students—the number worked out under subsection 33-30(1A).

40 Subclause 1(1) of Schedule 1

Insert:

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

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

second funding cluster means the *funding cluster referred to in item 2 of the table in section 30-15.

total basic grant amount has the meaning given by section 33-5.

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Part 2—Application provisions

41 Application of amendments

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

(a) funding agreements entered into under Part 2-2 of that Act in respect of 2021 and later calendar years;

(b) grants payable under that Part for 2021 and later calendar years.

42 Indexation

Despite anything in Division 198 of Part 5-6 of the *Higher Education Support Act 2003*, an amount specified in subsection 33-10(1) or (2) of that Act, as amended by this Schedule, is not to be indexed on 1 January 2021.

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Schedule 2—Maximum student contribution amounts for places

Part 1—Amendments commencing day after Royal Assent

Division 1—Amendments

Higher Education Support Act 2003

1 Section 33-35

Repeal the section, substitute:

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

The Commonwealth Grant Scheme Guidelines may specify:

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

(b) the particular funding cluster, or the particular part of a particular funding cluster, in which a particular unit is included for the purposes of this Act.

2 Section 87-5 (note 1)

Omit "Note 1", substitute "Note".

3 Section 87-5 (note 2)

Repeal the note.

4 At the end of subsection 93-5(2)

Add "that applies in respect of that person".

5 Section 93-10

Repeal the section, substitute:

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93-10 Maximum student contribution amount for a place

The ***maximum student contribution amount for a place*** in a unit of study is the amount specified in respect of a person in the following table in relation to the *funding cluster in which the unit is included.

Maximum student contribution amounts for a place

Item	For a place in a unit of study included in this funding cluster:	The amount in respect of a non-grandfathered student is:	The amount in respect of a grandfathered student is:
1	Law, Accounting, Administration, Economics, Commerce, Communications, Society and Culture	$14,500.	(a) for a place in a unit in Law, Accounting, Administration, Economics or Commerce—$11,355; or (b) for a place in a unit in Communications or Society and Culture—$6,804.
2	Education, Clinical Psychology, English, Mathematics, Statistics, Allied Health, Other Health, Built Environment, Computing, Visual and Performing Arts, Professional Pathway Psychology or Professional Pathway Social Work	(a) for a place in a unit in Education, Clinical Psychology, English, Mathematics or Statistics—$3,950; or (b) for a place in a unit in Allied Health, Other Health, Built Environment, Computing, Visual and Performing Arts, Professional Pathway Psychology or Professional Pathway Social Work—$7,950.	(a) for a place in a unit in Education, Clinical Psychology, English, Mathematics or Statistics—$3,950; or (b) for a place in a unit in Allied Health, Other Health, Built Environment or Computing—$7,950; or (c) for a place in a unit in Visual and Performing Arts, Professional Pathway Psychology or Professional Pathway Social Work—$6,804.

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Maximum student contribution amounts for a place			
Item	**For a place in a unit of study included in this funding cluster:**	**The amount in respect of a non-grandfathered student is:**	**The amount in respect of a grandfathered student is:**
3	Nursing, Foreign Languages, Engineering, Surveying, Environmental Studies, Science	(a) for a place in a unit in Nursing or Foreign Languages—$3,950; or (b) for a place in a unit in Engineering, Surveying, Environmental Studies or Science—$7,950.	(a) for a place in a unit in Nursing or Foreign Languages—$3,950; or (b) for a place in a unit in Engineering, Surveying, Environmental Studies or Science—$7,950.
4	Agriculture, Medicine, Dentistry, Veterinary Science, Pathology	(a) for a place in a unit in Agriculture—$3,950; or (b) for a place in a unit in Medicine, Dentistry or Veterinary Science—$11,300; or (c) for a place in a unit in Pathology—$7,950.	(a) for a place in a unit in Agriculture—$3,950; or (b) for a place in a unit in Medicine, Dentistry or Veterinary Science—$11,300; or (c) for a place in a unit in Pathology—$7,950.

Note 1: The Commonwealth Grant Scheme Guidelines may specify how to determine the funding cluster, or the part of a funding cluster, in which units of study are included or the particular funding cluster, or the particular part of a particular funding cluster, in which a particular unit of study is included: see section 33-35.

Note 2: Maximum student contribution amounts for places are indexed under Part 5-6.

6 Subsection 198-5(1) (table item 3)

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

7 Subsection 238-10(1) (table item 2)

Omit “; section 93-10”.

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8 Subclause 1(1) of Schedule 1 (definition of *maximum student contribution amount for a place*)

Omit "subsection 93-10(1)", substitute "section 93-10".

Division 2—Application provisions

9 Application of amendments

Sections 93-5 and 93-10 of the *Higher Education Support Act 2003*, as amended by this Schedule, apply in relation to a unit of study that has a census date that is on or after 1 January 2021 (whether the unit of study is part of a course of study commenced before, on or after that day).

10 Indexation

Despite anything in Division 198 of Part 5-6 of the *Higher Education Support Act 2003*, an amount specified in section 93-10 of that Act, as amended by this Schedule, is not to be indexed on 1 January 2021.

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Part 2—Amendments commencing 1 January 2021

Higher Education Support Amendment (2009 Budget Measures) Act 2009

11 Item 3 of Schedule 5

Repeal the item.

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Schedule 3—Other grants

Part 1—Amendments commencing day after Royal Assent

Higher Education Support Act 2003

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

Insert:

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

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

2 Application of amendment

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

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Part 2—Amendments commencing 1 January 2021

Higher Education Support Act 2003

3 After subparagraph 2-1(b)(iii)

Insert:

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

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

Repeal the paragraphs.

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

Repeal the subparagraphs.

6 Subsection 41-10(1) (cell at table item 1, column headed "Who is eligible")

Repeal the cell, substitute:

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

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

Add:

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

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Schedule 4—Student protection

Part 1—Amendments commencing 1 January 2021

Division 1—Amendments

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

1 At the end of Part 2 of Schedule 3

Add:

45 Further application of amendments—listed providers and Table C providers

(1) In this item:

Act means the *Higher Education Support Act 2003*.

commencement day means 1 January 2021.

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

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

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

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

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(6) The amendments of sections 19-75, 19-77, 19-78, 19-80, 19-82 and 19-95 of the Act made by this Schedule apply on and after the commencement day in relation to higher education providers taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

(7) The amendments of section 104-1 of the Act made by this Schedule apply in relation to a unit of study if:

(a) the unit of study is undertaken as part of a course of study; and

(b) the student enrolled in the course of study on or after the commencement day; and

(c) the unit of study has a census date that occurs on or after that day; and

(d) the unit is provided by a higher education provider taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

(8) Sections 104-43 and 104-44 of the Act, as inserted by this Schedule, apply on and after the commencement day in relation to higher education providers taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

(9) Section 169-17 of the Act, as inserted by this Schedule, applies in relation to students enrolled in units of study:

(a) with census dates that occur on or after the commencement day (whether the units of study are part of a course of study commenced before, on or after that day); and

(b) that are provided by higher education providers taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

(10) The amendments of sections 169-25 and 174-5 of the Act made by this Schedule apply on and after the commencement day in relation to higher education providers taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

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Higher Education Support Act 2003

2 Paragraph 19-10(2)(ab)

Before "comply", insert "must".

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

Repeal the subparagraph, substitute:

(i) under subsection 36-12(2) or 36-20(1); or

4 Paragraph 19-45(4)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2) or 36-20(1); or

5 Paragraph 19-50(1)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2) or 36-20(1); or

6 Paragraph 19-50(2)(c)

Repeal the paragraph, substitute:

(c) under subsection 36-12(2) or 36-20(1); or

7 Subsection 19-60(1)

Omit "section 36-20", substitute "subsection 36-12(2) or 36-20(1)".

8 Section 19-80 (heading)

Omit "**—provider (other than Table A provider)**".

9 Subsection 19-80(1)

Omit "(other than a *Table A provider)".

10 Paragraph 36-5(1)(b)

Omit ", under section 36-10 or 36-15, or both,", substitute "under this Subdivision".

11 At the end of section 36-5

Add:

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(5) In addition, the person is not a *Commonwealth supported student in relation to the unit of study if the *Secretary determines that the person is not a genuine student in relation to the unit.

(6) In determining whether a person is a genuine student for the purposes of subsection (5), the *Secretary must have regard to the matters (if any) specified in the Higher Education Provider Guidelines.

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

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

Add "**—general**".

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

Insert:

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

14 After section 36-10

Insert:

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

(1) A higher education provider must not advise a person that the person is a *Commonwealth supported student in relation to a unit of study (the ***new unit***) if the sum of the following amounts is more than 2:

(a) the *EFTSL value of the new unit;

(b) the sum of the EFTSL values of each other unit of study:

(i) that has a *census date during the 12 month period ending on the census date for the new unit; and

(ii) for which the person is entitled to *HECS-HELP assistance or *FEE-HELP assistance, or would be so entitled but for the previous operation of this section, or section 104-1AA, in relation to the other unit of study.

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(2) Subsection (1) does not apply if the higher education provider determines that undertaking the new unit will not impose an unreasonable study load on the person, having regard to:
  (a) whether the person has the demonstrated capacity and capability to successfully complete units of study that have a total EFTSL value of more than 2; and
  (b) the matters (if any) specified by the Higher Education Provider Guidelines for the purposes of this paragraph.

(3) A decision of a higher education provider under subsection (2) must be in accordance with the requirements (if any) specified in the Higher Education Provider Guidelines.

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

15 At the end of section 36-15

Add:

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

16 Section 36-24C

Omit “subsection 36-20(1)”, substitute “subsection 36-12(2) or 36-20(1)”.

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

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

18 Paragraph 36-30(1)(b)

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

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

Add:

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

20 Section 90-1

Omit "Subject to section 90-10, a student", substitute "A student".

21 Section 90-10

Repeal the section.

22 At the end of Division 96

Add:

96-5 Effect of HELP balance being re-credited

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

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

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

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

(b) the person enrolled in the unit in circumstances that make it a replacement unit within the meaning of the *tuition protection requirements.

(3) The Higher Education Provider Guidelines may, in setting out the *tuition protection requirements, specify, in relation to the re-crediting of a person's *HELP balance in circumstances to which subsection (2) applies:

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(a) the amount (if any) that is to be paid to the Commonwealth; and
(b) the person (if any) who is to pay the amount.

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

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

23 At the end of Division 97

Add:

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

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

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

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

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

(1) A higher education provider must, on the *Secretary's behalf, re-credit a person's *HELP balance with an amount equal to the amounts of *HECS-HELP assistance that the person received for a

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unit of study if the provider or the Secretary is satisfied that the person was not entitled to receive HECS-HELP assistance for the unit of study with the provider.

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

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

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

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

24 Subsection 104-1(1)

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

25 Paragraph 104-1(1)(ab)

Repeal the paragraph.

26 Subsection 104-1(1A)

Repeal the subsection, substitute:

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

(1AB) In determining whether a student is a genuine student for the purposes of subsection (1AA), the *Secretary must have regard to the matters (if any) specified in the Higher Education Provider Guidelines.

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

27 After section 104-1

Insert:

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104-1AA Student has unreasonable study load

(1) A student is not entitled to *FEE-HELP assistance for a unit of study (the ***new unit***) provided, or to be provided, by a higher education provider if the sum of the following amounts is more than 2:
  (a) the *EFTSL value of the new unit;
  (b) the sum of the EFTSL values of each other unit of study:
    (i) that has a *census date during the 12 month period ending on the census date for the new unit; and
    (ii) for which the person is entitled to *HECS-HELP assistance or *FEE-HELP assistance, or would be so entitled but for the previous operation of this section, or section 36-12, in relation to the other unit of study.

(2) Subsection (1) does not apply if the higher education provider determines that undertaking the new unit will not impose an unreasonable study load on the person, having regard to:
  (a) whether the person has the demonstrated capacity and capability to successfully complete units of study that have a total EFTSL value of more than 2; and
  (b) the matters (if any) specified by the Higher Education Provider Guidelines for the purposes of this paragraph.

(3) A decision of a higher education provider under subsection (2) must be in accordance with the Higher Education Provider Guidelines.

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

28 At the end of Subdivision 104-A

Add:

104-12 Secretary may act if provider is unable to

If a higher education provider is unable to act for the purposes of subsection 104-1AA(2), the *Secretary may act as if one or more of the references in that provision to a higher education provider were a reference to the Secretary.

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29 Paragraph 104-43(1)(b)

Repeal the paragraph, substitute:

(b) the Secretary has determined under subsection 104-1(1AA) that the student is not a genuine student in relation to the unit.

30 At the end of Division 110

Add:

110-10 Implications for student's liability to higher education provider for student tuition fee

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

31 Subsection 137-5(5)

Omit "section 97-25, 97-27 or 97-42", substitute "Division 97".

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

Insert:

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(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

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

Insert:

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
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(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	A decision that section 104-30 does not apply to a person	subsection 104-1A(2)	the higher education provider with whom the student is enrolled in the unit

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34 Section 206-1 (note 1)

Repeal the note, substitute:

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

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

Omit "section 36-20", substitute "subsection 36-12(2) or 36-20(1)".

36 Paragraph 238-1(2)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2) or 36-20(1); or

37 Subsection 238-10(1) (table item 6)

Omit "section 104-1;", substitute "Division 36; section 96-5; Subdivision 104-A; section 110-5;".

Division 2—Application provision

38 Application of amendments

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

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

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

(4) Section 110-10 of the *Higher Education Support Act 2003*, as inserted by this Part, applies in relation to any unit of study in respect of which a

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student becomes liable, on or after 1 January 2021, to pay a tuition fee (whether the unit of study is part of a course of study commenced before, on or after that day).

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Part 2—Amendments commencing 1 January 2022

Division 1—Amendments

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

39 After subitem 45(7) of Part 2 of Schedule 3

Insert:

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

(a) the unit of study is undertaken as part of a course of study; and

(b) the student enrolled in the course of study on or after 1 January 2022; and

(c) the unit of study has a census date that occurs on or after that day; and

(d) the unit is provided by a higher education provider taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

Higher Education Support Act 2003

39A Subparagraph 19-45(1)(c)(i)

Repeal the subparagraph, substitute:

(i) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39B Paragraph 19-45(4)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39C Paragraph 19-50(1)(a)

Repeal the paragraph, substitute:

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(a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

39D Paragraph 19-50(2)(c)

Repeal the paragraph, substitute:

(c) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1)); or

39E Subsection 19-60(1)

Omit "subsection 36-12(2) or 36-20(1)", insert "subsection 36-12(2), paragraph 36-13(2)(b), subsection 36-20(1) or".

40 After section 36-12

Insert:

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

(1) A higher education provider must not advise a person that the person is a *Commonwealth supported student in relation to a unit of study if:

(a) in a case where the unit of study is part of a *course of study leading to a *higher education award that is a bachelor degree or higher qualification:

(i) the student has already undertaken 8 or more other units of study with that provider as part of that course of study; and

(ii) the student did not successfully complete at least 50% of those other units; or

(b) in any other case:

(i) the student has already undertaken 4 or more other units of study with that provider as part of a course of study; and

(ii) the student did not successfully complete at least 50% of those other units.

(2) In determining, for the purposes of subparagraphs (1)(a)(ii) and (b)(ii), the number of units the student did not successfully complete, disregard any units:

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(a) not completed by the student; and
(b) in respect of which the provider is satisfied that special circumstances apply in relation to the student (see subsection (3)).

(3) For the purposes of paragraph (2)(b), special circumstances apply in relation to the student in respect of a unit of study if, and only if, the higher education provider is satisfied that circumstances apply in relation to the student that:
(a) are beyond the student's control; and
(b) do not make their full impact on the student until on or after the *census date for the unit of study; and
(c) make it impracticable for the student to complete the requirements for the unit during the period during which the student undertook, or was to undertake, the unit.

(4) The Administration Guidelines may specify circumstances in which a higher education provider will be satisfied of a matter referred to in paragraph (3)(a) or (b).

(5) A higher education provider will be satisfied of the matter referred to in paragraph (3)(c) in relation to a unit of study if the provider is satisfied that any of the following circumstances apply in relation to a student:
(a) the student's medical condition changed or worsened to such an extent that the student was unable to complete the requirements for the unit;
(b) a member of the student's family died and it is unreasonable to expect the student to have completed the requirements for the unit;
(c) a member of the student's family had a serious medical condition and it is unreasonable to expect the student to have completed the requirements for the unit;
(d) financial difficulties experienced by the student, or a member of the student's family, are such that it is unreasonable to expect the student to have completed the requirements for the unit;
(e) the student's employment status or arrangements changed such that the student was unable to complete the requirements for the unit;

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(f) changes made in relation to the unit by the provider, or another higher education provider, disadvantaged the student;

(g) it is unreasonable to expect the student to have completed the requirements for the unit because of a natural disaster, or other emergency, that occurred in Australia;

(h) any other circumstances that the provider considers relevant;

(i) any other circumstances specified in the Administration Guidelines for the purposes of this paragraph.

(6) Without limiting paragraph (5)(i), the Administration Guidelines may specify circumstances relating to a matter mentioned in subsection (5).

(7) If the Administration Guidelines specify circumstances for the purposes of subsection (4) or paragraph (5)(i), a decision of a higher education provider under this section must be in accordance with those guidelines.

(8) If a higher education provider is unable to act for the purposes of this section (other than subsection (1)), the *Secretary may act as if one or more references in this section (other than subsection (1)) to a higher education provider were a reference to the Secretary.

40A Section 206-1 (before item 1A)

Insert:

1AE	A decision that special circumstances do not apply in relation to a person	paragraph 36-13(2)(b)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision that special circumstances do not apply—the Secretary

40B Subsection 209-1(2) (note 1)

Omit “subsection 36-12(2) or 36-20(1)”, insert “subsection 36-12(2), paragraph 36-13(2)(b), subsection 36-20(1)”.

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40C Paragraph 238-1(2)(a)

Repeal the paragraph, substitute:

(a) under subsection 36-12(2), paragraph 36-13(2)(b) or subsection 36-20(1); or

40D Subsection 238-10(1) (table item 1)

Before "section 36-21;", insert "section 36-13;".

Division 2—Application provision

41 Application of amendment

Section 36-13 of the *Higher Education Support Act 2003*, as inserted by this Part, applies in relation to a unit of study if:

(a) the unit of study is undertaken as part of a course of study; and

(b) the student enrolled in the course of study on or after 1 January 2022; and

(c) the unit of study has a census date that occurs on or after that day; and

(d) the unit is provided by a higher education provider taken to be approved under section 16-5 of the Act, whether taken to be approved before, on or after that day.

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Schedule 4A—Up-front payment discount

Higher Education Support Act 2003

1 At the end of Subdivision 36-D

Add:

36-50 Provider must not accept up-front payments of more than 90% of student contribution amounts

A higher education provider must not accept, from a person who:

(a) is enrolled in a unit of study with the provider; and

(b) is entitled to *HECS-HELP assistance for the unit;

*up-front payments in relation to the unit totalling more than 90% of the person's *student contribution amount for the unit.

Note: For entitlement to HECS-HELP assistance: see Division 90.

2 Paragraph 90-1(f)

Repeal the paragraph, substitute:

(f) the student either:

(i) *meets the tax file number requirements (see section 187-1); or

(ii) pays, as one or more *up-front payments in relation to the unit, 90% of the student's *student contribution amount for the unit; and

3 Subsection 93-15(1)

Omit "all or".

4 At the end of section 93-15

Add:

(3) A payment made in relation to a unit of study for which a person is liable to pay the person's *student contribution amount is not an ***up-front payment*** in relation to the unit to the extent that:

(a) the payment; or

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(b) if other such payments have already been made in relation to the unit—the sum of the payment and all of those other payments;

exceeds 90% of the person's *student contribution amount for the unit.

Note 1: For when the Commonwealth pays one-ninth of the up-front payments made in relation to a unit of study, see sections 96-2 and 96-3.

Note 2: It is a condition of grants under Part 2-2 that a higher education provider not accept, from a student who is entitled to HECS-HELP assistance for a unit of study, up-front payments in relation to the unit totalling more than 90% of a student's student contribution amount for the unit: see section 36-50.

5 Section 96-1 (at the end of the heading)

Add "**—no upfront payment of student contribution amount**".

6 Section 96-1

After "education provider", insert "and no *up-front payments are made in relation to the unit".

7 After section 96-1

Insert:

96-2 Payments to higher education providers—partial up-front payment of student contribution amount

Up-front payments made for one unit of study only

(1) If:

(a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study (the ***relevant unit***) in which the student is enrolled with a higher education provider; and

(b) one or more *up-front payments have been made in relation to the relevant unit; and

(c) both of the following apply:

(i) the amount of that up-front payment, or the sum of those up-front payments, is less than 90% of the student's *student contribution amount for the relevant unit;

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(ii) the amount of that up-front payment, or the sum of those up-front payments, is $500 or more; and

(d) either:

(i) the student is not enrolled with a provider as a *Commonwealth supported student in relation to any other units of study that have the same *census date as the relevant unit; or

(ii) if the student is so enrolled in relation to one or more such other units of study, no up-front payments have been made for any of those units;

the Commonwealth must pay the amount of HECS-HELP assistance for the relevant unit in accordance with subsections (3) and (4).

Up-front payments made for more than one unit of study

(2) If:

(a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study (the ***relevant unit***) in which the student is enrolled with a higher education provider; and

(b) one or more *up-front payments have been made in relation to the relevant unit; and

(c) the student is enrolled with the provider as a *Commonwealth supported student in relation to one or more other units of study that have the same *census date as the relevant unit; and

(d) one or more up-front payments have been made in relation to one or more of those other units; and

(e) both of the following apply:

(i) the sum of the up-front payments made in relation to the relevant unit and those other units is less than 90% of the sum of the student's *student contribution amounts for the relevant unit and those other units;

(ii) the sum of the up-front payments made in relation to the relevant unit and those other units is $500 or more;

the Commonwealth must pay the amount of HECS-HELP assistance for the relevant unit in accordance with subsections (3) and (4).

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Payment of loan amount

(3) The Commonwealth must:

(a) as a benefit to the student, lend to the student an amount equal to the difference between the amount of *HECS-HELP assistance for the relevant unit and the *HECS-HELP discount for the relevant unit; and

(b) pay to the provider the amount lent in discharge of that amount of the student's liability to pay the student's *student contribution amount for the relevant unit.

Payment of discount amount

(4) The Commonwealth must, as a benefit to the student, pay to the provider an amount equal to the *HECS-HELP discount for the relevant unit in discharge of that amount of the student's liability to pay the student's *student contribution amount for the relevant unit.

HECS-HELP discount

(5) The ***HECS-HELP discount*** for a unit of study is an amount equal to one-ninth of the *up-front payment, or the sum of all of the up-front payments made, in relation to the unit.

Example: Robert is required to pay a student contribution amount for a unit of study of $2,745 by 31 January 2021, and makes an up-front payment in relation to the unit of $900 on 20 January 2021.

Robert is entitled to HECS-HELP assistance for the unit of $1,845 ($2,745 minus $900), which the Commonwealth must pay to the higher education provider.

The up-front payment in relation to the unit exceeded $500 so there is a HECS-HELP discount of $100 (one-ninth of $900). The Commonwealth lends to Robert the remainder of the HECS-HELP assistance in relation to the unit, an amount of $1,745 ($1,845 minus $100).

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96-3 Payments to higher education providers—full up-front payment of student contribution amount

If:

(a) a student is entitled to an amount of *HECS-HELP assistance for a unit of study in which the student is enrolled with a higher education provider; and

(b) one or more *up-front payments have been made in relation the unit; and

(c) the amount of that up-front payment, or the sum of those up-front payments, is equal to 90% of the student's *student contribution amount for the unit;

the Commonwealth must, as a benefit to the student, pay to the provider the amount of HECS-HELP assistance for the unit in discharge of that amount of the student's liability to pay the student's student contribution amount for the unit.

Note: The student does not incur a HECS-HELP debt in relation to the amount of HECS-HELP assistance paid by the Commonwealth to the provider under this section.

8 Subsection 137-5(1)

After "section 96-1", insert "or 96-2".

9 Paragraph 193-1(5)(b)

Omit "for the unit have been made totalling 100%", substitute "in relation to the unit have been made totalling 90%".

10 Paragraph 193-5(1)(d)

After "to the unit,", insert "90% of".

11 Subclause 1(1) of Schedule 1

Insert:

HECS-HELP discount has the meaning given by subsection 96-2(5).

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12 Application of amendments

The amendments made by this Schedule apply in relation to an up-front payment made in relation to a unit of study that has a census date on or after 1 January 2021.

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Schedule 4B—Student learning entitlement

Higher Education Support Act 2003

1 At the end of section 3-10

Add:

Chapter 3 also deals with a person's Student Learning Entitlement.

2 After paragraph 36-10(1)(c)

Insert:

(d) if the course of study is a course of study other than an *enabling course—the unit is *covered by the person's Student Learning Entitlement; and

3 At the end of subsection 36-20(3)

Add:

; or (c) section 36-24BA applies in relation to the provider in relation to the unit.

4 After section 36-24B

Insert:

36-24BA Providers to repay amounts—person's SLE amount re-credited in special circumstances

(1) This section applies if:

(a) a person has been enrolled as a *Commonwealth supported student with a higher education provider in a unit of study; and

(b) the person's *SLE amount has been re-credited under section 79-1 with an amount equal to the *EFTSL value of the unit.

(2) The provider must:

(a) pay to the person an amount equal to the payment, or the sum of the payments, that the person made in relation to the person's *student contribution amount for the unit; and

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(b) pay to the Commonwealth an amount equal to any *HECS-HELP assistance to which the person was entitled for the unit.

5 Section 65-1

Omit:

> This Chapter provides for 4 kinds of assistance that the Commonwealth provides to students.
>
> Note: The Commonwealth meets all or part of the higher education costs of students who are enrolled in places funded under Part 2-2.

substitute:

> This Chapter deals with a person's Student Learning Entitlement and provides for 4 kinds of assistance that the Commonwealth provides to students.
>
> Note: The Commonwealth meets all or part of the higher education costs of students who are enrolled in places funded under Part 2-2.
>
> A person may be entitled to HECS-HELP assistance for a unit of study for which the person is a Commonwealth supported student if, among other things, the unit is covered by the person's Student Learning Entitlement. Part 3-1 deals with a person's Student Learning Entitlement.

6 Before Part 3-2

Insert:

Part 3-1—Student Learning Entitlement

Division 70—Introduction

70-1 What this Part is about

> A person may be entitled to HECS-HELP assistance for a unit of study for which the person is a Commonwealth supported student

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if, among other things, the unit is covered by the person's Student Learning Entitlement.

Broadly speaking, a person will start with an SLE amount that is equivalent to 7 years of full-time study. However, the person's SLE amount may be added to for the purposes of certain courses of study or in certain circumstances.

A person's SLE amount is reduced as the person undertakes units of study as a Commonwealth supported student. The person's SLE amount may also be re-credited in certain circumstances.

70-5 The Student Learning Entitlement Guidelines

*Student Learning Entitlement is also dealt with in the Student Learning Entitlement Guidelines. The provisions of this Part indicate when a particular matter is or may be dealt with in these Guidelines.

Note: The Student Learning Entitlement Guidelines are made by the Minister under section 238-10.

Division 73—Student Learning Entitlement and SLE amount

73-1 Student Learning Entitlement and SLE amount

(1) A person's ***Student Learning Entitlement*** is an entitlement that consists of:
  (a) *ordinary SLE that the person has; and
  (b) any *additional SLE that the person has; and
  (c) any *lifelong SLE that the person has.

(2) A person's ***SLE amount*** at a particular time is the sum of the following amounts:
  (a) the amount of *ordinary SLE that the person has under subsection 73-5(3);
  (b) the amount of any *additional SLE that the person has under subsection 73-10(3);

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(c) the amount of any *lifelong SLE that the person has under subsection 73-15(3);

taking into account any reduction that has occurred before that time under Division 76 and any re-crediting that has occurred before that time under amount Division 79.

73-5 Ordinary SLE

Persons who have ordinary SLE

(1) If a person is an *eligible person on 1 January 2022, the person has, on that day, ordinary SLE.

(2) If a person becomes (by birth or otherwise) an *eligible person on a day after 1 January 2022, the person has, on the earliest such day, ordinary SLE.

Amount of ordinary SLE

(3) The amount of *ordinary SLE that the person has on the day referred to in subsection (1) or (2) (as the case may be) is an amount equal to 7 *EFTSL.

Eligible person

(4) An ***eligible person*** is:
   (a) an Australian citizen; or
   (b) a citizen of New Zealand; or
   (c) a *permanent visa holder.

73-10 Additional SLE

(1) A person has additional SLE if:
   (a) the person is enrolled in a *course of study with a higher education provider; and
   (b) the course is specified, or is a course of a kind specified, in the Student Learning Entitlement Guidelines for the purposes of this paragraph; and
   (c) the person meets any other requirements specified in the Student Learning Entitlement Guidelines.

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(2) The person has *additional SLE on the day that the person enrols in the *course of study.

(3) The amount of *additional SLE that the person has on that day is an amount (expressed in *EFTSL) worked out in accordance with the Student Learning Entitlement Guidelines.

73-15 Lifelong SLE

(1) A person has lifelong SLE in the circumstances specified in the Student Learning Entitlement Guidelines.

(2) The person has *lifelong SLE on the day specified in the Student Learning Entitlement Guidelines.

(3) The amount of *lifelong SLE that a person has on that day is an amount (expressed in *EFTSL) worked out in accordance with the Student Learning Entitlement Guidelines.

73-20 Student Learning Entitlement is not transferable

A person's *Student Learning Entitlement cannot be transferred to, or used by, another person.

73-25 Ceasing to be an eligible person

(1) A person ceases to have *Student Learning Entitlement if the person ceases to be an *eligible person.

(2) If a person who ceased to be an *eligible person at a particular time (the ***cessation time***) becomes an eligible person again at a later time, the person has, at that later time, the same *SLE amount (if any) that the person had at the cessation time.

Division 76—Reduction of a person's SLE amount

76-1 Reduction of a person's SLE amount

(1) A higher education provider must, on the *Secretary's behalf, reduce a person's *SLE amount at a particular time if:

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(a) the person enrolled in a unit of study as part of a *course of study with the provider; and

(b) at the end of the *census date for the unit, the person remained so enrolled; and

(c) the person is a *Commonwealth supported student in relation to the unit; and

(d) the unit is not:

(i) an *ineligible work experience unit for the person; or

(ii) a *replacement unit; and

(e) the person has, on or before the census date for the unit, completed, signed and given to an *appropriate officer of the provider a *request for Commonwealth assistance in relation to:

(i) the unit; or

(ii) where the course of study of which the unit forms a part is undertaken with the provider—the course of study.

Note: A person's SLE amount must be re-credited in certain circumstances: see Division 79.

(2) The amount of the reduction is an amount equal to the *EFTSL value of the unit of study.

(3) The reduction takes effect immediately after the *census date for the unit of study.

(4) If a higher education provider reduces a person's *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary's behalf, reduce any one or more of the following amounts to take account of the reduction under that subsection:

(a) an amount of *ordinary SLE (if any) that the person has at that time;

(b) an amount of *additional SLE (if any) that the person has at that time;

(c) an amount of *lifelong SLE (if any) that the person has at that time.

(5) If a higher education provider is unable to act for the purposes of subsection (1) or (4), the *Secretary may act as if any one or more

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of the references in that subsection to the provider were a reference to the Secretary.

Division 79—Re-crediting a person's SLE amount

Subdivision 79-A—Re-crediting a person's SLE amount in special circumstances

79-1 Re-crediting a person's SLE amount if special circumstances apply to the person

(1) A higher education provider must, on the *Secretary's behalf, re-credit a person's *SLE amount at a particular time with an amount equal to the *EFTSL value of a unit of study if:

(a) the person has been enrolled in the unit with the provider; and

(b) the unit would, if completed, form part of a *course of study undertaken with that provider or another higher education provider; and

(c) the unit is not:

(i) an *ineligible work experience unit for the person; or

(ii) a *replacement unit; and

(d) the person has not completed the requirements for the unit during the period during which the person undertook, or was to undertake, the unit; and

(e) one or more *up-front payments have been made in relation to the unit and the amount of that payment, or the sum of those payments, is equal to 90% of the person's *student contribution amount for the unit; and

(f) the provider is satisfied that special circumstances apply to the person (see section 79-5); and

(g) the person applies, in writing, to the provider for the re-crediting of the person's SLE amount; and

(h) either:

(i) the application is made before the end of the application period for the application under section 79-10; or

(ii) the provider waives the requirement that the application be made before the end of that period on the ground that

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it would not be, or was not, possible for the application to be made before the end of that period.

Note: It is a condition of a grant to the provider under Part 2-2 that the provider repay certain amounts relating to the unit: see section 36-24BA.

(2) If a higher education provider re-credits a person's *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary's behalf, re-credit any one or more of the following amounts to take account of the re-credit under that subsection:

(a) an amount of *ordinary SLE (if any) that the person has at that time;

(b) an amount of *additional SLE (if any) that the person has at that time;

(c) an amount of *lifelong SLE (if any) that the person has at that time.

Note: A refusal to re-credit one or more of those amounts is reviewable under Part 5-7.

(3) If a higher education provider is unable to act for any one or more of the purposes of subsection (1) or (2), or section 79-5, 79-10 or 79-15, the *Secretary may act as if any one or more of the references in those provisions to the provider were a reference to the Secretary.

79-5 Special circumstances

(1) For the purposes of paragraph 79-1(1)(f), special circumstances apply to a person who made an application under paragraph 79-1(1)(g) for the re-crediting of the person's *SLE amount if, and only if, the higher education provider receiving the application is satisfied that circumstances apply to the person that:

(a) are beyond the person's control; and

(b) do not make their full impact on the person until on or after the *census date for the unit of study in question; and

(c) make it impracticable for the person to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit.

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(2) The Student Learning Entitlement Guidelines may specify circumstances in which a higher education provider will be satisfied of a matter referred to in paragraph (1)(a), (b) or (c). A decision of a higher education provider under subsection (1) must be in accordance with any such guidelines.

79-10 Application period

(1) If:

(a) the person who applied under paragraph 79-1(1)(g) for the re-crediting of the person's *SLE amount with an amount equal to the *EFTSL value of a unit of study has withdrawn the person's enrolment in the unit with a higher education provider; and

(b) the provider gives notice to the person that the withdrawal has taken effect;

the application period for the application is the period of 12 months after the day specified in the notice as the day the withdrawal takes effect.

(2) If subsection (1) does not apply, the application period for an application made under paragraph 79-1(1)(g) is the period of 12 months after the end of the period during which the applicant undertook, or was to undertake, the unit of study.

79-15 Dealing with applications

(1) If:

(a) an application is made to a higher education provider under paragraph 79-1(1)(g) before the end of the application period for the application under section 79-10; or

(b) a higher education provider waives the requirement that an application made to the provider under that paragraph be made before the end of that period on the ground that it would not be, or was not, possible for the application to be made before the end of that period;

the provider must, as soon as practicable, consider the application and notify the applicant of the decision on the application.

(2) The notice must include a statement of the reasons for the decision.

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Note: Refusals of applications are reviewable under Part 5-7.

Subdivision 79-B—Re-crediting a person's SLE amount if the person's HELP balance is re-credited

79-20 Re-crediting a person's SLE amount if the person's HELP balance is re-credited

(1) A higher education provider must, on the *Secretary's behalf, re-credit a person's *SLE amount at a particular time with an amount equal to the *EFTSL value of a unit of study if the person's *HELP balance is re-credited under any of the following provisions with an amount equal to the amount of *HECS-HELP assistance that the person received for the unit of study:

(a) subsection 97-25(2) (which deals with the main case of re-crediting a person's HELP balance);

(b) subsection 97-27(1) (which deals with the re-crediting of a person's HELP balance if the person does not have a tax file number);

(c) subsection 97-42(1) (which deals with the re-crediting of a person's HELP balance if a higher education provider defaults);

(d) subsection 97-45(1) (which deals with the re-crediting of a person's HELP balance if a higher education provider completes a *request for Commonwealth assistance);

(e) subsection 97-50(1) (which deals with the re-crediting of a person's HELP balance if the person was not entitled to assistance).

(2) If a higher education provider re-credits a person's *SLE amount at a particular time under subsection (1), the provider must, in accordance with the Student Learning Entitlement Guidelines and on the *Secretary's behalf, re-credit any one or more of the following amounts to take account of the re-credit under that subsection:

(a) an amount of *ordinary SLE (if any) that the person has at that time;

(b) an amount of *additional SLE (if any) that the person has at that time;

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(c) an amount of *lifelong SLE (if any) that the person has at that time.

(3) If a higher education provider is unable to act for the purposes of subsection (1) or (2), the *Secretary may act as if any one or more of the references in that subsection to the provider were a reference to the Secretary.

Division 82—Unit of study covered by a person's Student Learning Entitlement

82-1 Unit of study covered by a person's Student Learning Entitlement—person's SLE amount not exceeded at enrolment

Person enrolled in one unit of study only

(1) A unit of study is ***covered by a person's Student Learning Entitlement*** if:

(a) the person enrolled in the unit (the ***relevant unit***) as a part of a *course of study with a higher education provider; and

(b) at the time of that enrolment, the person had not enrolled in any other units of study as a part of that course, or as a part of another course of study, with that provider or with another higher education provider that have *census dates that will occur after that time; and

(c) the *EFTSL value of the relevant unit does not exceed the person's *SLE amount as at that time; and

(d) if:

(i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and

(ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;

the person enrolled in the relevant unit as a part of that particular course of study.

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Person enrolled in more than one unit of study

(2) A unit of study is ***covered by a person's Student Learning Entitlement*** if:

(a) the person enrolled in the unit (the ***relevant unit***) as a part of a *course of study with a higher education provider; and

(b) at the time of that enrolment, the person had also enrolled in one or more other units of study as a part of that course, or as a part of another course of study, with that provider or with another higher education provider; and

(c) those other units have *census dates that will occur after that time; and

(d) the person is a *Commonwealth supported student in relation to each of those other units; and

(e) the sum of the following does not exceed the person's *SLE amount as at that time:

(i) the *EFTSL value of the relevant unit;

(ii) the sum of the EFTSL values of each of those other units; and

(f) if:

(i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and

(ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;

the person enrolled in the relevant unit as a part of that particular course of study.

82-5 Unit of study covered by a person's Student Learning Entitlement—person's SLE amount exceeded at enrolment

(1) This section applies if:

(a) the person enrolled in unit of study (the ***relevant unit***) as a part of a *course of study with a higher education provider (the ***relevant provider***); and

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(b) at the time of that enrolment (the ***enrolment time***), the person had also enrolled in one or more other units of study as a part of that course, or as a part of another course of study, with the relevant provider or with another higher education provider; and

(c) those other units have *census dates that will occur after the enrolment time; and

(d) the person is a *Commonwealth supported student in relation to each of those other units; and

(e) the sum of the following exceeds the person's *SLE amount as at the enrolment time:

(i) the *EFTSL value of the relevant unit;

(ii) the sum of the EFTSL values of each of those other units.

(2) The relevant unit is ***covered by a person's Student Learning Entitlement*** if:

(a) the person notifies an *appropriate officer of the relevant provider that the person does not wish to be a *Commonwealth supported student in relation to one or more of those other units of study (the ***excluded units***); and

(b) the sum of the following does not exceed the person's *SLE amount as at the enrolment time:

(i) the *EFTSL value of the relevant unit;

(ii) the sum of the EFTSL values of each of those other units that are not excluded units; and

(c) if:

(i) the person's SLE amount as at that time includes an amount of *additional SLE in relation to a particular course of study; and

(ii) the EFTSL value of the relevant unit exceeds the amount worked out by subtracting that amount of additional SLE from the person's SLE amount as at that time;

the person enrolled in the relevant unit as a part of that particular course of study.

(3) A notice under paragraph (2)(a) must be given:

(a) in writing; and

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(b) on or before the *census date for the relevant unit.

7 Subsection 169-5(4)

After "this Act", insert "(including the person's *Student Learning Entitlement)".

8 At the end of subsection 169-10(5)

Add "(including the person's *Student Learning Entitlement)".

9 Section 206-1 (before table item 1B)

Insert:

1BA	Refusal to re-credit a person's *SLE amount with an amount equal to the *EFTSL value of a unit of study	subsection 79-1(1)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
1BB	Refusal to re-credit one or more of the amounts referred to in paragraphs 79-1(2)(a), (b) and (c) to take account of a re-credit of a person's *SLE amount under subsection 79-1(1)	subsection 79-1(2)	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary

10 Section 206-1 (note 1)

Before "1B,", insert "1BA, 1BB,".

11 Subsection 238-10(1) (after table item 8A)

Insert:

10	Student Learning Entitlement Guidelines	Part 3-1

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12 Subclause 1(1) of Schedule 1

Insert:

additional SLE means additional SLE that a person has under subsection 73-10(1).

covered by a person's Student Learning Entitlement has the meaning given by subsections 82-1(1) and (2) and 82-5(2).

eligible person has the meaning given by subsection 73-5(4).

lifelong SLE means lifelong SLE that a person has under subsection 73-15(1).

ordinary SLE means ordinary SLE that a person has under subsection 73-5(1) or (2).

SLE amount has the meaning given by subsection 73-1(2).

Student Learning Entitlement has the meaning given by subsection 73-1(1).

13 Application of amendments

(1) The amendments of the *Higher Education Support Act 2003* made by items 2, 3 and 4 of this Schedule apply in relation to a unit of study that has a census date that is on or after 1 January 2022 (whether the unit of study is part of a course of study commenced before, on or after that day).

(2) Divisions 76, 79 and 82 of the *Higher Education Support Act 2003*, as inserted by this Schedule, apply in relation to a unit of study that has a census date that is on or after 1 January 2022 (whether the unit of study is part of a course of study commenced before, on or after that day).

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Schedule 5—Other amendments

Part 1—Amendments commencing 1 January 2020

Higher Education Support Act 2003

1 Paragraph 142-1(2)(a)

Repeal the paragraph, substitute:

(a) an approved child care service (within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999)* that is a centre-based day care service;

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Part 2—Amendments commencing day after Royal Assent

Higher Education Support Act 2003

2 Subsection 16-22(1) (table)

Omit "University College London, a non-profit organisation established under United Kingdom law".

3 Section 27-5

Repeal the section, substitute:

27-5 Commonwealth Grant Scheme Guidelines

The grants payable under this Part are also dealt with in the Commonwealth Grant Scheme Guidelines. The provisions of this Part indicate when a particular matter is or may be dealt with in these Guidelines.

Note: The Commonwealth Grant Scheme Guidelines are made by the Minister under section 238-10.

4 Subsection 36-55(1) (not including the heading)

Repeal the subsection, substitute:

(1) A higher education provider must not determine, as a person's *tuition fee for a unit of study, an amount that is less than the highest *student contribution amount that the provider would charge any person who is a *Commonwealth supported student in relation to the unit.

5 Subsection 36-55(2)

Omit all the words after "is less", substitute "than the *student contribution amount referred to in subsection (1)".

6 Section 51-5

Repeal the section.

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7 Paragraph 54-5(f)

Repeal the paragraph.

8 Subsection 57-1(1)

Omit "(1)".

9 Subsections 57-1(2) and 57-5(3)

Repeal the subsections.

9A Subparagraph 137-10(2)(b)(i)

Omit "30 September 2020", substitute "30 June 2021".

9B After subparagraph 137-10(2)(b)(i)

Insert:

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

10 Subsection 238-10(1) (table items 9 and 11)

Repeal the items.

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Part 3—Amendments commencing 1 January 2021

Higher Education Support Act 2003

11 Subsection 16-15(1) (table)

Insert "Australian National University".

12 Subsection 16-15(1) (table)

Omit "The Australian National University".

13 Subsection 16-15(1) (table)

After "Catholic University", insert "Limited".

14 Subsection 16-20(1) (table)

After "Bond University", insert "Limited".

15 Subsection 16-20(1) (table)

After "University Australia", insert "Ltd".

Social Security Act 1991

17 Subparagraph 1061ZAAB(c)(i)

Omit "6 months", substitute "3 months".

18 Application of amendment

The amendment of subparagraph 1061ZAAB(c)(i) of the *Social Security Act 1991* made by item 17 of this Schedule applies in relation to the 2021 study year and later study years.

[*Minister's second reading speech made in—*
House of Representatives on 26 August 2020
Senate on 2 September 2020]

(107/20)

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