



Universities Accord (Student Support and Other Measures) Act 2024

No. 108, 2024

**An Act to amend the *Higher Education Support Act
2003*, 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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Universities Accord (Student Support and Other Measures) Act 2024

No. 108, 2024

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

[Assented to 5 December 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Universities Accord (Student Support and Other Measures) Act 2024*.

No. 108, 2024 *Universities Accord (Student Support and Other Measures) Act* 1
2024

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.	5 December 2024
2. Schedule 1, Part 1	The day this Act receives the Royal Assent.	5 December 2024
3. Schedule 1, Part 2	1 June 2025.	1 June 2025
4. Schedule 1, Part 3	The day this Act receives the Royal Assent.	5 December 2024
5. Schedule 1, Part 4	1 June 2025.	1 June 2025
6. Schedule 1, Part 5	The day this Act receives the Royal Assent.	5 December 2024
7. Schedule 2	1 January 2025.	1 January 2025
8. Schedule 3	1 January 2025.	1 January 2025
9. Schedule 4	The day this Act receives the Royal Assent.	5 December 2024
10. Schedule 5	A single day to be fixed by Proclamation. However, if the provisions do not commence before 31 March 2026, they commence on that day.	
11. Schedule 6	The day this Act receives the Royal Assent.	5 December 2024

Note: This table relates only to the provisions of this Act as originally enacted.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.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—HELP indexation

Part 1—Main amendments relating to HELP indexation

Higher Education Support Act 2003

1 Paragraph 140-1(2)(a)

After “Index”, insert “and the Wage Price Index”.

2 Paragraph 140-10(1)(b)

Omit “worked out as follows:”, substitute “that is the lower of the *CPI indexation factor for 1 June in the financial year (see subsection (1B)) and the *WPI indexation factor for 1 June in the financial year (see subsection (1C)).”.

3 Subsection 140-10(1) (method statement)

Repeal the method statement.

4 Subsection 140-10(1A) (definition of A)

Omit “worked out using the method statement in subsection (1)”, substitute “within the meaning of paragraph (1)(b)”.

5 After subsection 140-10(1A)

Insert:

- (1B) The *CPI indexation factor* for 1 June in a financial year is worked out using the following method statement:

Method statement

Step 1. Add:

- (a) the *CPI index number for the *quarter ending on 31 March in that financial year; and
- (b) the CPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 2. Add:

- (a) the *CPI index number for the *quarter ending on 31 March in the immediately preceding financial year; and
- (b) the CPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 3. The ***CPI indexation factor*** for 1 June in the financial year is the amount under step 1 divided by the amount under step 2, rounded to 3 decimal places.

(1C) The ***WPI indexation factor*** for 1 June in a financial year is worked out using the following method statement:

Method statement

Step 1. Add:

- (a) the *WPI index number for the *quarter ending on 31 March in that financial year; and
- (b) the WPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 2. Add:

- (a) the *WPI index number for the *quarter ending on 31 March in the immediately preceding financial year; and
- (b) the WPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 3. The ***WPI indexation factor*** for 1 June in the financial year is the amount under step 1 divided by the amount under step 2, rounded to 3 decimal places.

6 Section 140-20

Omit “worked out using the method statement in subsection 140-10(1)”, substitute “within the meaning of paragraph 140-10(1)(b)”.

7 Subsection 154-25(1) (formula)

Repeal the formula, substitute:

The sum of the *CPI index numbers for the *quarter ending on
31 December immediately before the income year
and the 3 quarters immediately preceding that quarter

The sum of the *CPI index numbers for the *quarter ending on
31 December immediately before the 2019-20 income year
and the 3 quarters immediately preceding that quarter

8 Subclause 1(1) of Schedule 1

Insert:

CPI index number has the meaning given by subclause 2(1) of this Schedule.

CPI indexation factor has the meaning given by subsection 140-10(1B).

9 Subclause 1(1) of Schedule 1 (definition of *index number*)

Repeal the definition, substitute:

index number has the meaning given by section 198-20.

10 Subclause 1(1) of Schedule 1

Insert:

WPI index number has the meaning given by subclause 2(1A) of this Schedule.

WPI indexation factor has the meaning given by subsection 140-10(1C).

11 Clause 2 of Schedule 1 (heading)

Repeal the heading, substitute:

2 Meanings of *CPI index number* and *WPI index number*

12 Subclause 2(1) of Schedule 1

Repeal the subclause, substitute:

- (1) The *CPI index number* for a *quarter is the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the *Australian Statistician in respect of that quarter.
- (1A) The *WPI index number* for a *quarter is the Wage Price Index (quarterly index/total hourly rates of pay excluding bonuses/Australia/private and public/all industries) number published by the Australian Statistician in respect of that quarter.

13 Paragraph 2(2)(a) of Schedule 1

Omit “an *index number”, substitute “a *CPI index number or a *WPI index number”.

14 Paragraph 2(2)(b) of Schedule 1

Omit “that index number is in substitution for an index number”, substitute “that CPI index number or WPI index number is in substitution for a CPI index number or WPI index number”.

15 Subclause 2(2) of Schedule 1

Omit “the later index number”, substitute “the later CPI index number or WPI index number”.

16 Subclause 2(3) of Schedule 1

After “Consumer Price Index”, insert “or the Wage Price Index”.

17 Subclause 2(3) of Schedule 1

Omit “*index numbers”, substitute “*CPI index numbers or *WPI index numbers, as the case requires,”.

Part 2—Change of indexation calculation method

Higher Education Support Act 2003

18 Section 140-10

Omit “31 March” (wherever occurring), substitute “31 December”.

19 Application of amendment

The amendment made by this Part applies on and from 1 June 2025.

Part 3—Consequential amendments relating to Part 1 of this Schedule

Australian Apprenticeship Support Loans Act 2014

20 Section 5

Insert:

CPI indexation factor has the meaning given by
subsection 32(1A).

WPI index number has the meaning given by subsection 33(1A).

WPI indexation factor has the meaning given by
subsection 32(1B).

21 Subsection 32(1)

Omit “worked out as follows:”, substitute “that is the lower of the CPI
indexation factor for 1 June in the financial year (see subsection (1A))
and the WPI indexation factor for 1 June in the financial year (see
subsection (1B)).”.

22 Subsection 32(1) (method statement)

Repeal the method statement.

23 After subsection 32(1)

Insert:

(1A) The *CPI indexation factor* for 1 June in a financial year is worked
out using the following method statement:

Method statement

Step 1. Add:

- (a) the index number for the quarter ending on
31 March in that financial year; and
- (b) the index numbers for the 3 quarters that
immediately preceded that quarter.

Schedule 1 HELP indexation

Part 3 Consequential amendments relating to Part 1 of this Schedule

Step 2. Add:

- (a) the index number for the quarter ending on 31 March in the immediately preceding financial year; and
- (b) the index numbers for the 3 quarters that immediately preceded that quarter.

Step 3. The ***CPI indexation factor*** for 1 June in the financial year is the amount under step 1 divided by the amount under step 2, rounded to 3 decimal places.

(1B) The ***WPI indexation factor*** for 1 June in a financial year is worked out using the following method statement:

Method statement

Step 1. Add:

- (a) the WPI index number for the quarter ending on 31 March in that financial year; and
- (b) the WPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 2. Add:

- (a) the WPI index number for the quarter ending on 31 March in the immediately preceding financial year; and
- (b) the WPI index numbers for the 3 quarters that immediately preceded that quarter.

Step 3. The ****WPI indexation factor*** for 1 June in the financial year is the amount under step 1 divided by the amount under step 2, rounded to 3 decimal places.

24 Section 33 (heading)

Repeal the heading, substitute:

33 Meanings of *index number* and *WPI index number*

25 After subsection 33(1)

Insert:

- (1A) The *WPI index number* for a quarter is the Wage Price Index (quarterly index/total hourly rates of pay excluding bonuses/Australia/private and public/all industries) number published by the Australian Statistician for the quarter.

26 Paragraph 33(2)(a)

After “an index number”, insert “or a WPI index number”.

27 Paragraph 33(2)(b)

Omit “that index number is in substitution for an index number”, substitute “that index number or WPI index number is in substitution for an index number or WPI index number, as the case requires,”.

28 Subsection 33(2)

After “the later index number”, insert “or WPI index number”.

29 Subsection 33(3)

After “Consumer Price Index”, insert “or the Wage Price Index”.

30 Subsection 33(3)

After “index numbers”, insert “or WPI index numbers, as the case requires,”.

Social Security Act 1991

31 Subsection 19AB(2)

Insert:

WPI index number for a quarter means the Wage Price Index (quarterly index/total hourly rates of pay excluding

bonuses/Australia/private and public/all industries) number published by the Australian Statistician in respect of that quarter.

32 Subsection 1061ZZCH(2) (definition of *indexation factor*)

Omit “worked out using the method statement in subsection (3)”, substitute “that is the lower of the CPI indexation factor for the test period (see subsection (3)) and the WPI indexation factor for the test period (see subsection (3A))”.

33 Subsection 1061ZZCH(3)

Repeal the subsection, substitute:

- (3) The *CPI indexation factor* for the test period is worked out using the following method statement:

Method statement

- Step 1. Work out the total of the index number for the March quarter in the later reference period and the index numbers for the 3 immediately preceding quarters.
- Step 2. Work out the total of the index number for the March quarter in the earlier reference period and the index numbers for the 3 immediately preceding quarters.
- Step 3. The *CPI indexation factor* for the test period is the total under step 1 divided by the total under step 2, rounded to 3 decimal places.

- (3A) The *WPI indexation factor* for the test period is worked out using the following method statement:

Method statement

- Step 1. Work out the total of the index number for the March quarter in the later reference period and the index numbers for the 3 immediately preceding quarters.

Step 2. Work out the total of the index number for the March quarter in the earlier reference period and the index numbers for the 3 immediately preceding quarters.

Step 3. The *WPI indexation factor* for the test period is the total under step 1 divided by the total under step 2, rounded to 3 decimal places.

34 Subsection 1061ZZCH(4)

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.

35 Subsection 1061ZZCH(5)

Omit “an indexation factor worked out under subsection (3)”, substitute “a CPI indexation factor or a WPI indexation factor worked out under subsection (3) or (3A)”.

36 Subsection 1061ZZET(1)

Omit “worked out using the following Method statement”, substitute “the lower of the CPI indexation factor for the relevant year (see subsection (1A)) and the WPI indexation factor for the relevant year (see subsection (1B)).”.

37 Subsection 1061ZZET(1) (method statement)

Repeal the method statement.

38 After subsection 1061ZZET(1)

Insert:

(1A) The *CPI indexation factor* for the relevant year is worked out using the following method statement:

Method statement

Step 1. Work out the total of the index number for the March quarter in the relevant year and the index numbers for the 3 quarters that immediately preceded that quarter.

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Part 3 Consequential amendments relating to Part 1 of this Schedule

- Step 2. Work out the total of the index number for the March quarter immediately before the relevant year and the index numbers for the 3 immediately preceding quarters.
- Step 3. The ***CPI indexation factor*** for the relevant year is the total under step 1 divided by the total under step 2, rounded to 3 decimal places.

- (1B) The ***WPI indexation factor*** for the relevant year is worked out using the following method statement:

Method statement

- Step 1. Work out the total of the WPI index number for the March quarter in the relevant year and the WPI index numbers for the 3 quarters that immediately preceded that quarter.
- Step 2. Work out the total of the WPI index number for the March quarter immediately before the relevant year and the WPI index numbers for the 3 immediately preceding quarters.
- Step 3. The ***WPI indexation factor*** for the relevant year is the amount under step 1 divided by the amount under step 2, rounded to 3 decimal places.

39 Subsection 1061ZZET(2)

Omit “an indexation factor worked out using the Method statement”, substitute “a CPI indexation factor or a WPI indexation factor worked out under subsection (1A) or (1B)”.

Student Assistance Act 1973

40 Subsection 3(1)

Insert:

WPI index number, in relation to a quarter, means the Wage Price Index (quarterly index/total hourly rates of pay excluding

bonuses/Australia/private and public/all industries) number
published by the Australian Statistician in respect of that quarter.

41 Subsection 12X(4) (definition of *indexation factor*)

After “means”, insert “the lower of the WPI indexation factor and”.

42 Subsection 12X(4)

Insert:

WPI indexation factor means the number worked out to 3 decimal
places in relation to the relevant 12 months using the formula:

$$\frac{\text{The sum of the WPI index number for the March quarter in the
later reference period and the WPI index numbers
for the 3 immediately preceding quarters}}{\text{The sum of the WPI index number for the March quarter in the
earlier reference period and the WPI index numbers
for the 3 immediately preceding quarters}}$$

43 Subsection 12X(5)

After “an indexation factor”, insert “or a WPI indexation factor”.

44 Subsection 12ZF(6)

Before “the number”, insert “the lower of the WPI indexation factor
(see subsection (6A)) and”.

45 After subsection 12ZF(6)

Insert:

(6A) The *WPI indexation factor* is the number worked out to 3 decimal
places using the formula:

$$\frac{\text{The sum of the WPI index number for the March quarter in the
relevant year and the WPI index numbers for the
3 immediately preceding quarters}}{\text{The sum of the WPI index number for the March quarter in the
year immediately before the relevant year
and the WPI index numbers for the
3 immediately preceding quarters}}$$

46 Subsection 12ZF(7)

Omit “an indexation factor calculated in accordance with subsection (6)”, substitute “an indexation factor or a WPI indexation factor calculated in accordance with subsection (6) or (6A)”.

VET Student Loans Act 2016

47 Section 23CA (paragraph (a) (first occurring) of the simplified outline)

After “Consumer Price Index”, insert “and the Wage Price Index”.

Part 4—Consequential amendments relating to change of indexation calculation method

Australian Apprenticeship Support Loans Act 2014

48 Section 32

Omit “31 March” (wherever occurring), substitute “31 December”.

Social Security Act 1991

49 Subsections 1061ZZCH(3) and (3A)

Omit “March quarter” (wherever occurring)”, substitute “December quarter”.

50 Subsections 1061ZZET(1A) and (1B)

Omit “March quarter” (wherever occurring)”, substitute “December quarter”.

Student Assistance Act 1973

51 Subsection 12X(4) (formula in the definition of *indexation factor*)

Repeal the formula, substitute:

$$\frac{\text{The sum of the index number for the December quarter in the later reference period and the index numbers for the 3 immediately preceding quarters}}{\text{The sum of the index number for the December quarter in the earlier reference period and the index numbers for the 3 immediately preceding quarters}}$$

52 Subsection 12X(4) (definition of *WPI indexation factor*)

Repeal the formula, substitute:

Schedule 1 HELP indexation

Part 4 Consequential amendments relating to change of indexation calculation method

The sum of the WPI index number for the December quarter in the later reference period and the WPI index numbers for the 3 immediately preceding quarters

The sum of the WPI index number for the December quarter in the earlier reference period and the WPI index numbers for the 3 immediately preceding quarters

53 Subsection 12ZF(6) (formula)

Repeal the formula, substitute:

The sum of the index number for the December quarter in the relevant year and the index numbers for the 3 immediately preceding quarters

The sum of the index number for the December quarter in the year immediately before the relevant year and the index numbers for the 3 immediately preceding quarters.

54 Subsection 12ZF(6A) (formula)

Repeal the formula, substitute:

The sum of the WPI index number for the December quarter in the relevant year and the WPI index numbers for the 3 immediately preceding quarters

The sum of the WPI index number for the December quarter in the year immediately before the relevant year and the WPI index numbers for the 3 immediately preceding quarters

55 Application of amendments

The amendments made by this Part apply on and from 1 June 2025.

Part 5—Application of amendments made by Parts 1 and 3 of this Schedule

Division 1—Amendment of the Higher Education Support Act 2003

56 Application of amendments of the *Higher Education Support Act 2003*

- (1) The amendments of the *Higher Education Support Act 2003* made by Part 1 of this Schedule apply for the purposes of working out a person's *accumulated HELP debt and a person's *former accumulated HELP debt for the financial year ending on 30 June 2023 and each subsequent financial year.
- (2) For the purposes of applying subitem (1) to the financial years ending on 30 June 2023 and 30 June 2024, a person's *accumulated HELP debt and a person's *former accumulated HELP debt are to be recalculated.
- (3) The transitional rules under Schedule 6 may specify how a recalculation under subitem (2) is to occur.

57 When refunds are required

If:

- (a) the *Higher Education Support Act 2003* as amended by this Schedule applies for the purposes of working out the following for a person:
 - (i) an *accumulated HELP debt;
 - (ii) a *former accumulated HELP debt; and
- (b) because of the operation of item 56 of this Schedule, the amount previously paid by the person to the Commonwealth under Division 151 or 154 of Chapter 4 of the *Higher Education Support Act 2003* as in force immediately before the commencement of Part 1 of this Schedule exceeds the sum of:
 - (i) the amount required immediately before that commencement to discharge the total debt that the person owes to the Commonwealth under Chapter 4 of

Schedule 1 HELP indexation

Part 5 Application of amendments made by Parts 1 and 3 of this Schedule

the *Higher Education Support Act 2003* as amended by this Schedule; and

- (ii) the total amount of the person's primary tax debts immediately before that commencement (within the meaning of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest may be payable if the Commonwealth is late in paying refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

58 Meaning of expressions

Expressions used in this Division have the same meanings as they have in the *Higher Education Support Act 2003*.

Division 2—Amendment of the Australian Apprenticeship Support Loans Act 2014

59 Application of amendments of the *Australian Apprenticeship Support Loans Act 2014*

- (1) The amendments of the *Australian Apprenticeship Support Loans Act 2014* made by Part 3 of this Schedule apply for the purposes of working out a person's accumulated AASL debt and a person's former accumulated AASL debt for the financial year ending on 30 June 2023 and each subsequent financial year.
- (2) For the purposes of applying subitem (1) to the financial years ending on 30 June 2023 and 30 June 2024, a person's accumulated AASL debt and a person's former accumulated AASL debt are to be recalculated.
- (3) The transitional rules under Schedule 6 may specify how a recalculation under subitem (2) is to occur.

60 When refunds are required

If:

- (a) the *Australian Apprenticeship Support Loans Act 2014*, as amended by this Schedule applies for the purposes of working out the following for a person:
 - (i) an accumulated AASL debt;
 - (ii) a former accumulated AASL debt; and
- (b) because of the operation of item 59 of this Schedule, the amount previously paid by the person to the Commonwealth under Chapter 3 of the *Australian Apprenticeship Support Loans Act 2014*, as in force immediately before the commencement of Part 3 of this Schedule exceeds the sum of:
 - (i) the amount required immediately before that commencement to discharge the total debt that the person owes to the Commonwealth under Chapter 3 of the *Australian Apprenticeship Support Loans Act 2014*, as amended by this Schedule; and
 - (ii) the total amount immediately before that commencement of the person's primary tax debts

Schedule 1 HELP indexation

Part 5 Application of amendments made by Parts 1 and 3 of this Schedule

(within the meaning of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest may be payable if the Commonwealth is late in paying refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

61 Meaning of expressions

Expressions used in this Division have the same meanings as they have in the *Australian Apprenticeship Support Loans Act 2014*.

Division 3—Amendment of the Social Security Act 1991

62 Application of amendments of the *Social Security Act 1991*

- (1) The amendments of the *Social Security Act 1991* made by Part 3 of this Schedule apply for the purposes of working out:
 - (a) a person's FS debt and a person's accumulated FS debt for the financial year ending on 30 June 2023 and each subsequent financial year; and
 - (b) the amount outstanding under a person's FS contract for the financial year ending on 30 June 2023 and each subsequent financial year; and
 - (c) a person's accumulated SSL debt and a person's former accumulated SSL debt for the financial year ending on 30 June 2023 and each subsequent financial year.
- (2) For the purposes of applying subitem (1) to the financial years ending on 30 June 2023 and 30 June 2024:
 - (a) a person's FS debt and a person's accumulated FS debt are to be recalculated; and
 - (b) the amount outstanding under a person's FS contract is to be recalculated; and
 - (c) a person's accumulated SSL debt and a person's former accumulated SSL debt are to be recalculated.
- (3) The transitional rules under Schedule 6 may specify how a recalculation under subitem (2) is to occur.

63 When refunds are required

If:

- (a) the *Social Security Act 1991*, as amended by this Schedule applies for the purposes of working out the following for a person:
 - (i) an FS debt;
 - (ii) an accumulated FS debt;
 - (iii) the amount outstanding under an FS contract;
 - (iv) an accumulated SSL debt;
 - (v) a former accumulated SSL debt; and

Schedule 1 HELP indexation

Part 5 Application of amendments made by Parts 1 and 3 of this Schedule

(b) because of the operation of item 62 of this Schedule, the amount previously paid by the person to the Commonwealth under Chapter 2AA or 2B of the *Social Security Act 1991*, as in force immediately before the commencement of Part 3 of this Schedule exceeds the sum of:

- (i) the amount required immediately before that commencement to discharge the total debt or amount that the person owes to the Commonwealth under Chapter 2AA or 2B of the *Social Security Act 1991*, as amended by this Schedule; and
- (ii) the total amount immediately before that commencement of the person's primary tax debts (within the meaning of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest may be payable if the Commonwealth is late in paying refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

64 Meaning of expressions

Expressions used in this Division have the same meanings as they have in the *Social Security Act 1991*.

Division 4—Amendment of the Student Assistance Act 1973

65 Application of amendments of the *Student Assistance Act 1973*

- (1) The amendments of the *Student Assistance Act 1973* made by Part 3 of this Schedule apply for the purposes of working out:
 - (a) a person's FS debt and a person's accumulated FS debt for the financial year ending on 30 June 2023 and each subsequent financial year; and
 - (b) the amount outstanding under a person's FS contract for the financial year ending on 30 June 2023 and each subsequent financial year; and
 - (c) a person's accumulated ABSTUDY SSL debt and a person's former accumulated ABSTUDY SSL debt for the financial year ending on 30 June 2023 and each subsequent financial year.
- (2) For the purposes of applying subitem (1) to the financial years ending on 30 June 2023 and 30 June 2024:
 - (a) a person's FS debt and a person's accumulated FS debt are to be recalculated; and
 - (b) the amount outstanding under a person's FS contract is to be recalculated; and
 - (c) a person's accumulated ABSTUDY SSL debt and a person's former accumulated ABSTUDY SSL debt are to be recalculated.
- (3) The transitional rules under Schedule 6 may specify how a recalculation under subitem (2) is to occur.

66 When refunds are required

If:

- (a) the *Student Assistance Act 1973*, as amended by this Schedule applies for the purposes of working out the following for a person:
 - (i) an FS debt;
 - (ii) an accumulated FS debt;

Schedule 1 HELP indexation

Part 5 Application of amendments made by Parts 1 and 3 of this Schedule

- (iii) the amount outstanding under a person's FS contract;
- (iv) an accumulated ABSTUDY SSL debt;
- (v) a former accumulated ABSTUDY SSL debt; and
- (b) because of the operation of item 65 of this Schedule, the amount previously paid by the person to the Commonwealth under Part 2 or 4A of the *Student Assistance Act 1973*, as in force immediately before the commencement of Part 3 of this Schedule exceeds the sum of:
 - (i) the amount required immediately before that commencement to discharge the total debt or amount that the person owes to the Commonwealth under Part 2 or 4A of the *Student Assistance Act 1973*, as amended by this Schedule; and
 - (ii) the total amount immediately before that commencement of the person's primary tax debts (within the meaning of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest may be payable if the Commonwealth is late in paying refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

67 Meaning of expressions

Expressions used in this Division have the same meanings as they have in the *Student Assistance Act 1973*.

Division 5—Amendment of the VET Student Loans Act 2016

68 Application of amendment of the VET Student Loans Act 2016

- (1) The amendment of the *VET Student Loans Act 2016* made by Part 3 of this Schedule applies for the purposes of working out a person's accumulated VETSL debt and a person's former accumulated VETSL debt for the financial year ending on 30 June 2023 and each subsequent financial year.
- (2) For the purposes of applying subitem (1) to the financial years ending on 30 June 2023 and 30 June 2024, a person's accumulated VETSL debt and a person's former accumulated VETSL debt are to be recalculated.
- (3) The transitional rules under Schedule 6 may specify how a recalculation under subitem (2) is to occur.

69 When refunds are required

If:

- (a) the *VET Student Loans Act 2016* as amended by this Schedule applies for the purposes of working out the following for a person:
 - (i) an accumulated VETSL debt;
 - (ii) a former accumulated VETSL debt; and
- (b) because of the operation of item 68 of this Schedule, the amount previously paid by the person to the Commonwealth under Part 3A of the *VET Student Loans Act 2016*, as in force immediately before the commencement of Part 3 of this Schedule exceeds the sum of:
 - (i) the amount required immediately before that commencement to discharge the total debt that the person owes to the Commonwealth under Part 3A of the *VET Student Loans Act 2016*, as amended by this Schedule; and
 - (ii) the total amount immediately before that commencement of the person's primary tax debts

Schedule 1 HELP indexation

Part 5 Application of amendments made by Parts 1 and 3 of this Schedule

(within the meaning of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest may be payable if the Commonwealth is late in paying refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

70 Meaning of expressions

Expressions used in this Division have the same meanings as they have in the *VET Student Loans Act 2016*.

Schedule 2—SSAF changes

Higher Education Support Act 2003

1 After section 19-38

Insert:

19-39 At least 40% of student services and amenities fees must be allocated to student led organisations

- (1) A higher education provider must allocate an amount that is equal to, or greater than, 40% of the total amount paid to the provider as *student services and amenities fees in respect of each calendar year, to one or more *student led organisations that relate to the higher education provider for the calendar year, for the purposes of providing student services and amenities.
- (2) Amounts must be allocated under subsection (1) before the end of the calendar year in respect of which the *student services and amenities fees were paid to the higher education provider.
- (3) An organisation is a *student led organisation* that relates to a higher education provider for a particular calendar year if:
 - (a) the majority of the persons constituting the governing body (however described) of the organisation are either or both of the following:
 - (i) students enrolled in a *course of study with the higher education provider during the calendar year;
 - (ii) students who have been enrolled in a *course of study with the higher education provider during any of the 3 immediately preceding calendar years; and
 - (b) the majority of the persons constituting the governing body (however described) of the organisation have been democratically elected by students enrolled in a *course of study with the higher education provider when the student votes in the election; and
 - (c) the organisation satisfies the requirements (if any) specified in the Student Services, Amenities, Representation and Advocacy Guidelines for the purposes of this paragraph.

Note: The Student Services, Amenities, Representation and Advocacy Guidelines are made by the Minister under section 238-10.

19-40 Higher education provider may make application in relation to transitional arrangements for student led organisations

- (1) The Secretary may, on application under subsection (4), determine that a *Table A provider:
 - (a) is not required to allocate an amount to one or more student led organisations, in respect of up to 3 calendar years, that would otherwise be required by section 19-39 to be allocated; or
 - (b) may allocate an amount specified in the determination to one or more student led organisations, in respect of up to 3 calendar years, being an amount lower than would otherwise be required by section 19-39 to be allocated.
- (2) The Secretary may, on application under subsection (4), determine that a higher education provider that is not a *Table A provider:
 - (a) is not required to allocate an amount to one or more student led organisations, in respect of up to 5 calendar years, that would otherwise be required by section 19-39 to be allocated; or
 - (b) may allocate an amount specified in the determination to one or more student led organisations, in respect of up to 5 calendar years, being an amount lower than would otherwise be required by section 19-39 to be allocated.
- (3) The Secretary must not make a determination under subsection (1) or (2) unless the Secretary is satisfied:
 - (a) that unless the Secretary makes the determination, the higher education provider concerned would not be able to maintain key services at an appropriate level for the calendar year or years to which the determination relates; and
 - (b) that the higher education provider has in place a transition plan that will enable it to comply with section 19-39 after the end of the calendar year or years specified in the determination.
- (4) A higher education provider may make an application under this subsection:

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- (a) in a form approved by the Secretary; and
 - (b) in accordance with the requirements that the Secretary determines in writing; and
 - (c) within the period (if any) specified in the Student Services, Amenities, Representation and Advocacy Guidelines for the purposes of this paragraph.

Note: The Student Services, Amenities, Representation and Advocacy Guidelines are made by the Minister under section 238-10.

- (5) A determination made under this section is not a legislative instrument.

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

Insert:

1ABA	<p>A decision not to make a determination that a higher education provider:</p> <ul style="list-style-type: none"> (a) is not required to allocate an amount than would otherwise be required; or (b) may allocate an amount lower than would otherwise be required. 	19-40	the *Secretary
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3 Subsection 238-10(1) (table item 10A)

Omit “19-67”, substitute “19-39, 19-40 and 19-67”.

4 Subclause 1(1) of Schedule 1

Insert:

student led organisation has the meaning given by subsection 19-39(3).

Schedule 3—FEE-FREE Uni Ready courses

Higher Education Support Act 2003

1 Section 30-15 (at the end of the table)

Add:

- 5 *FEE-FREE Uni Ready courses

2 Subparagraph 30-25(3)(a)(iv)

Omit “*enabling courses”, substitute “*FEE-FREE Uni Ready courses”.

3 Subsection 33-10(1) (at the end of the table)

Add:

- 5 *FEE-FREE Uni Ready courses \$18,278

4 Subsection 33-10(2) (at the end of the table)

Add:

- 8 *FEE-FREE Uni Ready courses \$18,278

5 Paragraph 36-10(1)(d)

Omit “an *enabling course”, substitute “a *FEE-FREE Uni Ready course”.

6 Section 70-1 (paragraph beginning “A person’s SLE amount”)

Omit “an enabling course”, substitute “a FEE-FREE Uni Ready course”.

7 Paragraph 76-1(1)(a)

Omit “an *enabling course”, substitute “a *FEE-FREE Uni Ready course”.

8 Subsection 93-5(3)

Omit “an *enabling course”, substitute “a *FEE-FREE Uni Ready course”.

9 Subclause 1(1) of Schedule 1

Insert:

FEE-FREE Uni Ready course means an *enabling course undertaken by a *Commonwealth supported student.

10 Application of amendments

The amendments made by this Schedule apply to units of study that have a census date on or after 1 January 2025.

Schedule 4—Commonwealth Prac Payments

Higher Education Support Act 2003

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

Add:

- | | | |
|----|--|---|
| 15 | Grants to assist higher education providers to provide payments to students who are undertaking mandatory practicums as part of their *course of study | *Table A providers, *Table B providers and bodies corporate that are specified in the Other Grants Guidelines for the purposes of this item |
|----|--|---|

2 Review of amendments

- (1) The Minister must cause an independent review to be conducted of the operation of the amendments made by this Schedule and any Guidelines, regulations or other legislative instruments made for the purposes of those amendments.
- (2) Without limiting subsection (1), the review must consider:
 - (a) the effectiveness of payments provided to students undertaking courses in teaching, nursing (including midwifery) or social work; and
 - (b) the appropriateness of expanding payments to students undertaking courses that require university placements, including allied health courses.
- (3) The review is to start as soon as practicable after the third anniversary of the day that this Schedule commences.
- (4) The persons who conduct the review must give the Minister a written report of the review within 6 months after the commencement of the review.
- (5) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sittings days of that House after the report is given to the Minister.

Schedule 5—Adelaide University

Part 1—Main amendments

Higher Education Support Act 2003

1 Subsection 16-15(1) (before table item dealing with Australian National University)

Insert “Adelaide University”.

2 Subsection 16-15(1) (table item dealing with The University of Adelaide)

Repeal the table item.

3 Subsection 16-15(1) (table item dealing with University of South Australia)

Repeal the table item.

Part 2—Application and transitional provisions

4 Definitions in this Part

- (1) Expressions used in this Part have the same meanings as they have in the *Higher Education Support Act 2003*.
- (2) In this Part:

corresponding course, in relation to a course of study or an accelerator program course at a merging university, means:

- (a) a course of study or an accelerator program course at Adelaide University that corresponds (within the ordinary meaning of that expression) to the course of study or accelerator program course; or
- (b) if the transitional rules made under Schedule 6 of this Act specify a course of study or an accelerator program course to be a corresponding course at Adelaide University—the specified course of study or accelerator program course.

merger time means the commencement of this Schedule.

merging university means the following universities:

- (a) The University of South Australia;
- (b) University of Adelaide.

5 Vesting of liabilities

At the merger time, debts owed to the Commonwealth by a merging university under the *Higher Education Support Act 2003* immediately before the merger time:

- (a) cease to be debts owed to the Commonwealth by the merging university under the *Higher Education Support Act 2003*; and
- (b) become debts owed to the Commonwealth by Adelaide University under the *Higher Education Support Act 2003* without any conveyance, transfer or assignment, and Adelaide University becomes the successor in law in relation to the debts.

6 Vesting of amounts payable

At the merger time, amounts payable by the Commonwealth to a merging university under the *Higher Education Support Act 2003* immediately before the merger time:

- (a) cease to be amounts payable to the merging university under the *Higher Education Support Act 2003*; and
- (b) become amounts payable to Adelaide University under the *Higher Education Support Act 2003* without any conveyance, transfer or assignment and Adelaide University becomes the successor in law in relation to the amounts.

7 Enrolled students

If a student is enrolled in a course of study or an accelerator program course (the *current course*) with a merging university immediately before the merger time then, for the purposes of the *Higher Education Support Act 2003*, on and after the merger time:

- (a) the student is taken to be enrolled in the corresponding course with Adelaide University; and
- (b) any HELP debt incurred by the student in relation to the current course is taken to be incurred in relation to the corresponding course with Adelaide University.

8 Grandfathered students

A student who is a grandfathered student under the *Higher Education Support Act 2003* in relation to a course of study (the *current course of study*) with a merging university immediately before the merger time is taken, for the purposes of the *Higher Education Support Act 2003*, on and after the merger time, to be a grandfathered student under the *Higher Education Support Act 2003* in relation to the corresponding course of study with Adelaide University.

9 Conditions and obligations

Conditions imposed, etc.

- (1) Any conditions imposed on, or obligations owed by, a merging university under the *Higher Education Support Act 2003* immediately before the merger time including, but not limited to, under an

instrument or agreement (however described) are taken to be conditions imposed on, or obligations owed by, Adelaide University under the *Higher Education Support Act 2003* on and from the merger time.

Failure to comply with conditions imposed, etc.

- (2) Any failure by a merging university before the merger time to comply with one or more conditions imposed on, or to satisfy one or more obligations owed by, the merging university under the *Higher Education Support Act 2003*, including, but not limited to, under an instrument or agreement (however described) is taken, on and from the merger time, to be a failure by Adelaide University to comply with the condition or conditions or to satisfy the obligation or obligations, as the case requires.

10 Reporting requirements

If, on or after the merger time, a provision of the *Higher Education Support Act 2003* requires a higher education provider to provide information in relation to matters or things that occurred before the merger time, the requirement is taken to be imposed on Adelaide University under the *Higher Education Support Act 2003*, in respect of those matters or things, in relation to the merging universities.

11 Grants etc. before the merger time

- (1) For the purposes of the application of paragraph 30-27(3)(b) of the *Higher Education Support Act 2003* to Adelaide University on and after the merger time, the reference to the maximum basic grant amount payable to the provider for a grant year is taken to be a reference to the sum of the maximum basic grant amounts payable to the merging universities for the grant year preceding the merger time.
- (2) A grant made under the *Higher Education Support Act 2003* to a merging university before the merger time is taken, on and from the merger time, to have been made to Adelaide University.

Schedule 6—Transitional rules

1 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.
- (2) Without limiting subitem (1), rules made under this item before the day on which Schedule 5 commences (whether or not the rules relate to Schedule 5) may provide that provisions of this Act, or any other Act or instrument, have effect with any modifications prescribed by the rules. Those provisions then have effect as if they were so modified.
- (3) Without limiting subitem (1), rules made under this item may make provision for and in relation to the recalculation of debts or amounts owing as mentioned in Part 5 of Schedule 1 to this Act including, but not limited to, specifying how a recalculation takes account of debts waived (whether in whole or part) before the recalculation.
- (4) Without limiting subitem (1), rules made under this item may specify a course of study or an accelerator program course (within the meaning of the *Higher Education Support Act 2003*) at a merging university (within the meaning of Part 2 of Schedule 5 to this Act) to be a corresponding course at Adelaide University for the purposes of that Part.
- (5) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of an Act.
- (6) Despite subsection 14(2) of the *Legislation Act 2003*, rules made under this item may make provision in relation to a matter by applying,

Schedule 6 Transitional rules

adopting or incorporating, with or without modification, any matter contained in a document as in force or existing from time to time.

- (7) This Act (other than subitem (5)) does not limit the rules that may be made under this item.
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*[Minister's second reading speech made in—
House of Representatives on 15 August 2024
Senate on 18 November 2024]*

(92/24)
