

**COMMONWEALTH OF AUSTRALIA**

***Higher Education Support Act 2003***

**OS-HELP GUIDELINES 2013**

I, KIM CARR, Minister for Higher Education, pursuant to section 238-10 of the *Higher Education Support Act 2003* ('the Act'), make the attached OS-HELP Guidelines 2013, which provide for matters under Part 3-4 in Chapter 3 of the Act.

Dated this .....2nd.....day of.....September 2013

KIM CARR

KIM CARR  
Minister for Higher Education

**COMMONWEALTH OF AUSTRALIA**  
***Higher Education Support Act 2003***  
**OS-HELP GUIDELINES 2013**

**(i) CITATION**

These guidelines may be cited as the 'OS-HELP Guidelines 2013'.

**(ii) AUTHORITY**

These guidelines are made under section 238-10 of the *Higher Education Support Act 2003*.

**(iii) DATE OF EFFECT**

These guidelines take effect on 1 January 2014.

**(iv) REVOCATION**

The OS-HELP Guidelines 2007 made on 23 January 2007 (see F2007L00339) (the Former Guidelines) are revoked.

**5 TRANSITIONAL ARRANGEMENTS**

The revocation of the Former Guidelines does not affect the validity of a payment or decision made under those guidelines. A decision made under the Former Guidelines is taken to continue to have effect as if it were made under the *OS-HELP Guidelines 2013*.

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## **CHAPTER 1 INTRODUCTION**

### **1.1 PURPOSE**

- 1.1.1 The purpose of these guidelines is to set out:
- (a) principles and procedures that higher education providers must follow in deciding whether to select students for receipt of OS-HELP assistance (subsection 118-15(1) of *the Act*);
  - (b) procedures that higher education providers must follow in administering OS-HELP assistance (subsection 238-10(1)(b) of *the Act*); and
  - (c) the definition of Asia (subsection 121-5(2) of *the Act*).

### **1.5 INTERPRETATION**

- 1.5.1 Unless the contrary intention appears, the terms within the OS-HELP Guidelines have the same meaning as in the *Higher Education Support Act 2003*.
- 1.5.5 In these guidelines, unless the contrary intention appears:
- EFTSL*** means equivalent full-time student load as defined in paragraph 169-27(1) of the Act;
- Department*** means the department responsible for administering and funding OS-HELP;
- overseas study*** means study undertaken outside of Australia that counts towards the course requirements of the course of study in which the student is enrolled with their home provider; and
- the Act*** means the *Higher Education Support Act 2003*.
- 1.5.10 Terms used in these guidelines that are in *italics* have the meaning stated in paragraph 1.5.5 of these guidelines.

## **CHAPTER 2 SELECTING STUDENTS**

### **2.1 PURPOSE**

- 2.1.1 The purpose of this chapter is to set out procedures that higher education providers must follow in deciding whether to select students for receipt of OS-HELP assistance in accordance with subsection 118-15(1) of *the Act*.

### **2.5 PRINCIPLES AND PROCEDURES THAT HIGHER EDUCATION PROVIDERS MUST FOLLOW IN DECIDING WHETHER TO SELECT STUDENTS FOR RECEIPT OF OS-HELP ASSISTANCE**

- 2.5.1 A higher education provider must maintain an OS-HELP policy, which is publicly available and accords with these Guidelines and the fairness requirements in subdivision 19-D of part 2-1 of *the Act* as in force from time to time. A higher education provider must select students for OS-HELP assistance in accordance with the provider's OS-HELP policy.
- 2.5.5 A higher education provider must be responsible for its own application and selection process and must be the first point of contact for students interested in applying for OS-HELP assistance.
- 2.5.10 A higher education provider must make information about the application, selection and offer processes, selection policy and conditions of OS-HELP assistance available to all students who may be interested in applying for OS-HELP assistance.
- 2.5.15 A student cannot be selected for receipt of OS-HELP assistance in relation to a six month period that overlaps with another six month period for which the student has received OS-HELP assistance. For example, if a student has received OS-HELP assistance on 1 January, the student may not then be selected to receive assistance before 2 July of that year.
- 2.5.20 The period of six months in relation to which a student is entitled to OS-HELP assistance begins on the commencement date specified by a student in their OS-HELP debt confirmation form.
- 2.5.25 A student cannot specify a commencement date in their OS-HELP debt confirmation form that is before the date on which the student begins the overseas study.
- 2.5.30 In relation to a six month period that is a continuation of a six month period for which the student has already received OS-HELP assistance, the higher education provider must not determine that the student meets the provisions for entitlement to OS-HELP assistance in section 118-1 of *the Act* more than *six weeks* before the commencement of the second six month period.
- ### **2.10 PRINCIPLES AND PROCEDURES FOR SELECTING STUDENTS FOR RECEIPT OF SUPPLEMENTARY AMOUNTS FOR ASIAN LANGUAGE STUDY**

- 2.10.1 The Asian language study must not be taken as part of a course of study leading to a higher education award in respect of which the student is Commonwealth supported or in receipt of FEE-HELP assistance.
- 2.10.5 The higher education provider must be satisfied that the language study is appropriate preparation for the student's overseas study in Asia with respect to course requirements and the skills and knowledge students will need to allow them to successfully complete their *overseas study*.
- 2.10.10 If a student's Asian language study is not undertaken at the higher education provider through which the student receives the OS-HELP assistance, the higher education provider must require the student to provide evidence that they are undertaking the Asian language study.

**2.15 NUMBER OF TIMES A HIGHER EDUCATION PROVIDER MAY SELECT STUDENTS FOR RECEIPT OF OS-HELP ASSISTANCE IN A YEAR**

- 2.15.1 The number of students selected for receipt of OS-HELP assistance in relation to a period must be such that the number of loans for *overseas study* does not exceed the number advised in writing to the higher education provider by the *Department*.
- 2.15.5 The *Departmental* employee responsible for the OS-HELP funding must ensure that the total of all the numbers advised to higher education providers under 2.15.1 for a year does not exceed 20,000.

## **CHAPTER 3 DEFINITION OF ASIA**

### **3.1 PURPOSE**

- 3.1.1 This chapter specifies the countries considered to be Asia for the purpose of these guidelines.

### **3.5 DETERMINING WHETHER OVERSEAS STUDY IS UNDERTAKEN IN ASIA**

- 3.5.1 A student is undertaking overseas study in Asia if the student is undertaking study in a country listed in the Australian Bureau of Statistics' Standard Australian Classification of Countries under the minor groups: Mainland South-East Asia, Maritime South-East Asia, Chinese Asia, Japan and the Koreas, and Southern Asia.

## **CHAPTER 4 ADMINISTERING OS-HELP**

### **4.1 PURPOSE**

- 4.1.1 The purpose of this chapter is to set out procedures that higher education providers must follow in administering OS-HELP assistance. These guidelines are made under section 238-10(1)(b) of *the Act*.

### **4.5 PROCEDURES THAT HIGHER EDUCATION PROVIDERS MUST FOLLOW IN ADMINISTERING OS-HELP ASSISTANCE**

- 4.5.1 A higher education provider must notify students who apply for OS-HELP assistance of the outcome of the selection process, in writing, either within two months of receiving the application or within two months of the application closing date, whichever is later.
- 4.5.5 When a higher education provider offers a student OS-HELP assistance, the higher education provider must offer OS-HELP assistance to the student in writing and advise the student, in writing, of the assistance to which they are entitled and the conditions of receiving OS-HELP assistance.
- 4.5.10 Where a higher education provider has offered OS-HELP assistance to a student, and subsequently determines that the student will not meet the provisions for entitlement to OS-HELP assistance in section 118-1 of *the Act*, the higher education provider must withdraw the offer of OS-HELP assistance if the student has not yet been paid and must notify the student of this in writing.
- 4.5.15 Where a higher education provider knows, or has reason to suspect that a student in receipt of OS-HELP assistance has provided false or misleading information on their application for OS-HELP assistance, the provider must immediately notify the *Department* of the suspected offence, and provide the student's application and any other relevant information or material requested.
- 4.5.20 The amount of OS-HELP assistance may be paid in:
- (a) a single payment of the entire amount; or
  - (b) two payments.
- 4.5.25 If the amount of OS-HELP assistance is paid in two payments, one payment must be the amount determined for the *overseas study* and the other amount must be the supplementary amount determined by the higher education provider for the Asian language study.
- 4.5.30 A provider must not pay OS-HELP assistance more than six months earlier than the commencement of the six month period to which the OS-HELP assistance relates.