

**COMMONWEALTH OF AUSTRALIA**

***Higher Education Support Act 2003***

**OS-HELP GUIDELINES 2007**

Revocation and Making of Guidelines made pursuant to section 238-10 of the *Higher Education Support Act 2003*

I, JULIE BISHOP, Minister for Education, Science and Training, revoke all previous OS-HELP Guidelines and, pursuant to section 238-10 of the *Higher Education Support Act 2003* ("the Act"), make the attached OS-HELP Guidelines 2007 for the purposes of Part 3-4 of the Act.

Dated this.....23<sup>rd</sup> .....day of.....January .....2007.

JULIE BISHOP  
Minister for Education, Science & Training

**(i) CITATION**

These guidelines may be cited as the 'OS-HELP Guidelines 2007'.

**(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 the day after the day on which they are registered on the Federal Register of Legislative Instruments.

**(iv) REVOCATION**

The OS-HELP Guidelines registered on 9 August 2005 (see F2005L02268) are revoked.

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***Higher Education Support Act 2003***

**OS-HELP GUIDELINES**

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## **CHAPTER 1 INTRODUCTION**

### **1.1 PURPOSE**

- 1.1.1 The purpose of these guidelines is to set out:
- (a) 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) how the number of students whom higher education providers may select for receipt of OS-HELP assistance is determined (subsection 118-15(4)(b) 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 section 73-10 of *the Act*; and
- Department*** means the Department of Education, Science and Training; 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 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 In selecting students for receipt of OS-HELP assistance, a higher education provider must be satisfied that the student meets the provisions for entitlement to OS-HELP assistance in section 118-1 of *the Act*.
- 2.5.20 In order for a higher education provider to be satisfied that a student meets the provisions for entitlement to OS-HELP assistance 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 determine, on a date which is not more than six weeks before the commencement of the second six month period, that the student meets the provisions for entitlement to OS-HELP assistance in section 118-1 of *the Act*.

## **CHAPTER 3 ADMINISTERING OS-HELP**

### **3.1 PURPOSE**

- 3.1.1 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*.

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

- 3.5.1 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.
- 3.5.5 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.
- 3.5.10 If a higher education provider has offered OS-HELP assistance to a student, but has not yet paid the OS-HELP amount to the student, then the higher education provider must withdraw the offer of OS-HELP assistance to a student if the higher education provider determines that the student will not meet the provisions for entitlement to OS-HELP assistance in section 118-1 of *the Act*.
- 3.5.15 If a provider knows or has reason to believe that a student in receipt of OS-HELP assistance has provided false or misleading information to the provider in their application for OS-HELP assistance, the provider must immediately notify the *Department* of the suspected offence, and provide the *Department's* National Investigations Unit with the student's original application and any other relevant information or material requested by the Unit. The matter should not be discussed with the student unless advice to the contrary is provided by the *Department*.
- 3.5.20 In determining whether a student meets the overseas study requirements under section 118-10(a)(i) of *the Act*, a student is to be considered enrolled with an overseas higher education institution if:
- (a) the student is studying at the overseas higher education institution; or
  - (b) the overseas higher education institution has accepted the student for enrolment and the *home provider* considers that the student has completed sufficient steps towards enrolling with that institution to demonstrate that they intend to complete their enrolment with the overseas higher education institution.

## **CHAPTER 4 NUMBER OF STUDENTS TO BE SELECTED**

### **4.1 PURPOSE**

- 4.1.1 The purpose of this chapter is to set out how the number of students whom higher education providers may select for receipt of OS-HELP assistance is determined (section 118-15(4) of *the Act*).

### **4.5 HOW THE NUMBER OF STUDENTS WHOM HIGHER EDUCATION PROVIDERS MAY SELECT FOR RECEIPT OF OS-HELP ASSISTANCE IS DETERMINED**

- 4.5.1 The number of students whom higher education providers may select for receipt of OS-HELP assistance in a given year is determined by the higher education provider. In determining the number of students to select for OS-HELP assistance in a given year, higher education providers must ensure that the total OS-HELP loan amounts paid to all students selected for receipt of OS-HELP assistance is in accordance with the following formula:

$$\begin{array}{|c|} \hline \text{Total OS-HELP} \\ \text{loan amounts} \\ \text{paid to students} \\ \hline \end{array} \leq \begin{array}{|c|} \hline \text{Maximum} \\ \text{OS-HELP} \\ \text{amount} \\ \hline \end{array} \times \begin{array}{|c|} \hline \text{Number of} \\ \text{notional loans} \\ \text{allocated} \\ \hline \end{array}$$

- 4.5.5 Each higher education provider will be allocated a number of notional loans. A notional loan is valued at the maximum OS-HELP amount as specified in section 121-5 of *the Act*.
- 4.5.10 The number of notional loans allocated to each higher education provider will depend on:
- (a) the number of notional loans available; and
  - (b) requests received by higher education providers for an allocation of a number of notional loans; and
  - (c) the eligible load at the higher education provider worked out under paragraph 4.5.15 of these guidelines.
- 4.5.13 For the purposes of paragraph 4.5.10(b), higher education providers can request an allocation of OS-HELP loans in two ways:
- (a) in response to an annual request round conducted by the *Department*; and
  - (b) other valid requests following the annual request round.

- 4.5.15 For the purposes of paragraph 4.5.10(c), the eligible load at a higher education provider is, in the year for which the most recent data is available, the sum of the amount of study for one year (expressed in *EFTSL*) undertaken by any:
- (a) *Commonwealth supported students* who were Australian citizens enrolled in an undergraduate course of study.
- .
- 4.5.20 The number of notional loans allocated to each higher education provider will be determined in one of two ways:
- (a) if the sum of the numbers of notional loans requested by each higher education provider in response to the annual request round is less than or equal to the number of notional loans available, then the procedure outlined in paragraph 4.5.22 of these guidelines will be used; or
  - (b) if the sum of the numbers of notional loans requested by each higher education provider in response to the annual request round is more than the number of notional loans available, then the procedure outlined in paragraph 4.5.25 of these guidelines will be used.
- 4.5.22 Step 1: Each higher education provider will be allocated the number of notional loans that it requested in response to the annual request round.
- Step 2: A higher education provider that submits a valid request for notional loans following the annual request round will receive the additional number of notional loans requested until all the notional loans available have been allocated. Notional loans allocated in response to valid requests for notional loans following the annual request round will be allocated in the order they are received by the *Department*.
- 4.5.23 For the purposes of Step 2 of paragraph 4.5.22, a valid request for notional loans is a request that is sent:
- (a) to an email address specified, in writing, by the *Department*;
  - (b) by a person authorised by the higher education provider to make such a request; and
  - (c) after the *Department* has advised higher education providers that notional loans are available for allocation following the annual request round.
- 4.5.24 The time and date receipt indicated by the *Department's* email system is the time of receipt used to determine the order in which valid requests for notional loans are received under paragraph 4.5.22.

- 4.5.25 Step 1: An initial pro-rata share of loans is calculated for each higher education provider as:

$$\frac{\text{Eligible load at the higher education provider}}{\text{Total eligible load at all providers}} \times \text{Number of notional loans available}$$

- Step 2: Higher education providers that request a number of notional loans less than or equal to their initial pro-rata share of loans, will be allocated the number of notional loans requested.
- Step 3: The pro-rata shares calculated in Step 1 will be recalculated for the remaining higher education providers using the remaining notional loans available.
- Step 4: The allocation and calculation process in Steps 2 and 3 will be repeated until the number of notional loans requested by all the remaining higher education providers exceeds each higher education provider's pro-rata share of loans. The remaining notional loans will then be allocated to the remaining higher education providers according to their pro-rata share of loans.
- Step 5: No loans will be allocated in response to requests under 4.5.13(b).