



Higher Education Support (OS-HELP) Guidelines 2023

I, Jason Clare, Minister for Education, make the following guidelines.

Dated 29 September 2023

Jason Clare
Minister for Education

Contents

Chapter 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	1
Chapter 2—Principles and procedures for selecting students	2
6 Purpose	2
7 Principles and procedures for selecting students for receipt of OS-HELP assistance	2
8 Principles and procedures for selecting students for receipt of supplementary amounts for Asian language study.....	4
9 Number of students a higher education provider may select for receipt of OS-HELP assistance in a year	5
Chapter 3—Definition of Asia	6
10 Determining whether overseas study is undertaken in Asia	6
Schedule 1—Repeals	7
<i>OS-HELP Guidelines 2013</i>	7

Chapter 1—Preliminary

1 Name

This instrument is the *Higher Education Support (OS-HELP) Guidelines 2023*.

2 Commencement

This instrument commences on the day after this instrument is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under section 238-10 of the *Higher Education Support Act 2003*.

4 Definitions

Note: A number of expressions used in this instrument are defined in Schedule 1 to the Act, including the following:

- (a) course of study;
- (b) higher education award;
- (c) higher education provider;
- (d) FEE-HELP assistance
- (e) OS-HELP assistance;
- (f) student;
- (g) supplementary amount for Asian language study.

In this instrument:

Act means the *Higher Education Support Act 2003*.

Guidelines means these *Higher Education Support (OS-HELP) Guidelines 2023*.

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.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Chapter 2—Principles and procedures for selecting students

6 Purpose

This chapter sets out, for the purposes of subsection 118-15(1) of the Act, principles and procedures that higher education providers must follow in deciding whether to select students for receipt of OS-HELP assistance and supplementary amounts for Asian language study.

7 Principles and procedures for selecting students for receipt of OS-HELP assistance

OS-HELP assistance policy

- (1) A higher education provider must maintain an OS-HELP assistance 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.
- (2) A higher education provider's OS-HELP assistance policy must include information on:
 - (a) how students may apply for OS-HELP assistance, including application opening and closing dates, and what information a student must provide in support of their application to meet the assessment criteria in the provider's policy and the eligibility criteria in the Act;
 - (b) the criteria the provider will use to assess students' applications for OS-HELP assistance and to establish an order of merit for receipt of OS-HELP assistance;
 - (c) how the provider will determine the amount of OS-HELP assistance to be paid to each selected student, including, if applicable, the minimum amount of OS-HELP assistance a student may receive;
 - (d) how and when payments of OS-HELP assistance will be made to selected students, including any restrictions on payment dates;
 - (e) requirements relating to the OS-HELP debt confirmation form, including what information must be given by selected students in the form and when the form must be signed and given by students to the provider; and
 - (f) whether any conditions will apply to students in receipt of OS-HELP assistance and how and when selected students will be informed of these conditions.
- (3) A higher education provider must select students for OS-HELP assistance in accordance with the provider's OS-HELP assistance policy.
- (4) 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.

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- (5) 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.

OS-HELP debt confirmation form

- (6) A higher education provider must require that a student selected to receive OS-HELP assistance give to the provider a signed and completed OS-HELP debt confirmation form, prior to making a payment of OS-HELP assistance to the student. The provider must require the student to complete the form at the time specified in its OS-HELP assistance policy.
- (7) A higher education provider must require the selected student to give the following information in the OS-HELP debt confirmation form:
- (a) the amount of OS-HELP assistance the student will receive;
 - (b) the commencement date for the period of six months in relation to which the student is entitled to receive OS-HELP assistance;
 - (c) the date on which the student will begin overseas study; and
 - (d) any other information specified in the provider's OS-HELP assistance policy.
- (8) A higher education provider must ensure that a student does not specify a commencement date in their OS-HELP debt confirmation form that is before the date on which the student begins overseas study.

Students undertaking a second six-month study period that is a continuation of a six-month period

- (9) A higher education provider must not select a student 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.
- (10) A higher education provider must determine that the period of six months in relation to which a student is entitled to receive OS-HELP assistance begins on the commencement date specified by a student in their OS-HELP debt confirmation form.
- (11) 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, a higher education provider must not determine that the student meets the requirements 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.

Administrative procedures

- (12) 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.

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- (13) A higher education provider must advise a selected student, in writing, of the offer of OS-HELP assistance and the conditions of receiving the assistance.
 - (14) Where a higher education provider has offered OS-HELP assistance to a student, and subsequently determines that the student is not entitled to OS-HELP assistance under section 118-1 of the Act, the 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.
 - (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 by the Department.
 - (16) A higher education provider must pay the amount of OS-HELP assistance to a selected student in a single payment unless the student is also eligible for receipt of a supplementary amount of Asian language study then the provider may pay that supplementary amount in another payment.
 - (17) A higher education provider must not pay OS-HELP assistance to a selected student more than six months earlier than the commencement of the six month period to which the OS-HELP assistance relates.

8 Principles and procedures for selecting students for receipt of supplementary amounts for Asian language study

- (1) A higher education provider must not select a student for receipt of supplementary amounts for Asian language study who is taking Asian language study 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) Prior to selecting a student for receipt of supplementary amounts for Asian language study, the higher education provider must be satisfied that the Asian language study provides appropriate preparation for the student's overseas study in Asia with respect to course requirements and the skills and knowledge the student will need to allow them to successfully complete their overseas study.
- (3) A higher education provider must only select a student for receipt of supplementary amounts for Asian language study if the language study the student is undertaking relates to the overseas study in Asia for which the student is receiving OS-HELP assistance.
- (4) 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 provider must require the student to provide evidence that they are undertaking the Asian language study at another higher education provider, which could include:
 - (a) proof of the student's enrolment in the language course;
 - (b) proof of the student's application for enrolment in the language course;

(c) a signed declaration from the student detailing the language study the student is undertaking.

9 Number of students a higher education provider may select for receipt of OS-HELP assistance in a year

A higher education provider must not, in a year, select a number of students for receipt of OS-HELP assistance in excess of the number of loans for overseas study as advised in writing to the provider by the Department.

Note: The total number of loans for overseas study for a year will not exceed 20,000 for all higher education providers.

Chapter 3—Definition of Asia

10 Determining whether overseas study is undertaken in Asia

For the purposes of subsection 121-5(2) of the Act, a student is undertaking overseas study in Asia if the student is undertaking study in one of the following countries:

- (a) Bangladesh;
- (b) Bhutan;
- (c) Brunei Darussalam;
- (d) Cambodia;
- (e) China (excludes Special Administrative Regions (SARs) and Taiwan);
- (f) Hong Kong (SAR of China);
- (g) India;
- (h) Indonesia;
- (i) Japan;
- (j) Korea, Democratic People’s Republic of (North);
- (k) Korea, Republic of (South);
- (l) Laos;
- (m) Macau (SAR of China);
- (n) Malaysia;
- (o) Maldives;
- (p) Mongolia;
- (q) Myanmar;
- (r) Nepal;
- (s) Pakistan;
- (t) Philippines;
- (u) Singapore;
- (v) Sri Lanka;
- (w) Taiwan;
- (x) Thailand;
- (y) Timor-Leste; and
- (z) Vietnam.

Note: The countries are listed as described in the Australian Bureau of Statistics’ Standard Australian Classification of Countries.

Schedule 1—Repeals

OS-HELP Guidelines 2013

1 The whole of the instrument

Repeal the instrument