

Universities Accord (Student Support and Other Measures) (Adelaide University) Transitional Rules 2025

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

Dated 26/08/2025

Jason Clare

Minister for Education

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1 Name

This instrument is the *Universities Accord (Student Support and Other Measures) (Adelaide University) Transitional Rules 2025*.

2 Commencement

(1) Each provision of this instrument 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. The whole of this instrument | The later of the following:  (a) the day after this instrument is registered;  (b) immediately after the commencement of the Proclamation fixing the commencement day for Schedule 5 to the Act. |  |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under item 1 of Schedule 6 to the *Universities Accord (Student Support and Other Measures) Act 2024*.

4 Definitions

Note: A number of expressions used in this instrument are defined in item 4 of Schedule 5 to the Act, including the following:

(a) merger time;

(b) merging university.

In this instrument:

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

***enabling course*** has the meaning given by Schedule 1 to the *Higher Education Support Act 2003*.

***course of study*** has the meaning given by Schedule 1 to the *Higher Education Support Act 2003*.

***funding agreement*** means an agreement of a kind mentioned in section 30-25 of the *Higher Education Support Act 2003*.

***higher degree by research*** means an HDR as defined in the *Commonwealth Scholarships Guidelines (Research) 2017,* as in force at the time this instrument was made.

***unit of study*** has the meaning given by Schedule 1 to the *Higher Education Support Act 2003*.

5 Transitional rules in relation to funding agreement for Adelaide University

Purpose of this section

(1) For the purposes of subitems 1(1) and (2) of Schedule 6 to the Act, this section:

(a) prescribes matters of a transitional nature relating to the amendments and repeals made by the Act; and

(b) prescribes modifications of sections 30-25 and 30-28 of the *Higher Education Support Act 2003* to the extent necessary to give effect to those prescriptions.

Minister may enter pre-commencement funding agreement

(2) The Minister may, on behalf of the Commonwealth:

(a) enter into a funding agreement with Adelaide University before the merger time; and

(b) unilaterally vary that agreement for the purposes of paragraph (3)(c).

Note: This subsection modifies subsection 30-25(1) of the *Higher Education Support Act 2003*, which only permits the Minister to enter a funding agreement with a “higher education provider”. Adelaide University will not become a higher education provider until the merger time, but this subsection permits the Minister to enter an agreement beforethe merger time.

(3) That agreement:

(a) may only commence on and from the merger time; and

(b) must expire at the end of 2026; and

(c) may be entered in an incomplete or provisional form, but must be varied under paragraph (2)(b) into a complete and final form before the merger time.

Note: For paragraph (c)—for example, the maximum basic grant amounts to be specified in the agreement for a grant year must ultimately be the amounts mentioned in section 30‑27 of the *Higher Education Support Act 2003* as modified by subitem 11(1) of Schedule 5 to the Act. However, the final amount need not be included in the agreement until Adelaide University becomes a Table A provider. As such, this part of the agreement could be left blank in the interim, or a provisional amount could be included.

(4) If an agreement is entered in an incomplete or provisional form in accordance with paragraph (3)(c), then despite section 30-28 of the *Higher Education Support Act 2003*, the Secretary must instead cause a copy of the funding agreement to be published on the Department’s website within 28 days after the Minister has varied that agreement into a complete and final form.

6 Transitional rules in relation to transfer of enrolments

Purpose of this section

(1) For the purposes of subitems 1(1) and (2) of Schedule 6 to the Act, this section:

(a) prescribes matters of a transitional nature relating to the amendments and repeals made by the Act; and

(b) prescribes modifications of items 7 and 8 of Schedule 5 to the Actto the extent necessary to give effect to those prescriptions.

Students who will not transfer on 1 January 2026

(2) Subsection (3) applies to a student (a ***relevant student***) who:

(a) is enrolled in a course of study (***current course***) with a merging university immediately before the merger time; or

(b) is a grandfathered student under the *Higher Education Support Act 2003* in relation to a course of study (***current course***) with a merging university immediately before the merger time.

(3) Items 7 and 8 of Schedule 5 to the Act do not apply in respect of a relevant student who, immediately before 1 January 2026:

(a) has:

(i) where their current course is an enabling course—completed all of the requirements of that course; or

(ii) in any other case—met all the requirements for the conferral of a higher education award in their current course; or

(b) is enrolled in and has commenced undertaking a unit of study as part of their current course, but has not met all of the requirements to complete that unit; or

(c) both:

(i) is enrolled in a higher degree by research at a merging university; and

(ii) has submitted a thesis for examination that remains under examination.

Students whose transfer will be delayed to 24 March 2026

(4) Subsection (5) applies to a relevant student who:

(a) by reason of subsection (3), remains enrolled in a current course with a merging university immediately before 24 March 2026; and

(b) has not, immediately before that date:

(i) where their current course is an enabling course—completed all of the requirements of that course; or

(ii) in any other case—met all the requirements for the conferral of a higher education award in their current course.

(5) Despite subsection (3), items 7 and 8 of Schedule 5 to the Act apply to the student as if the reference to the merger time were a reference to 24 March 2026.