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Committee Secretary  
Senate Education and Employment Legislation Committee  
Parliament House  
CANBERRA ACT 2600

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Dear Committee Secretary

**RE: Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 [Provisions]**

The Australian Chamber of Commerce and Industry (ACCI) appreciates this opportunity to provide comment on the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 [Provisions].

ACCI has been closely engaged with the Universities Accord review process through both our submission on the accord and an in-person appearance to the panel. Australia needs a vibrant, quality and sustainably funded post-secondary education sector as it is vital to meeting our knowledge and skills needs, now and in the future.

Overall ACCI is mostly supportive of this legislation, noting its aim to make higher education more accessible and supportive for all students, particularly those from underrepresented groups. However, there are three issues the bill does not address that do raise some concerns for our members that need to be resolved to ensure the best possible outcomes for students and the education sector as a whole.

While the Bill aims to promote equity by removing the pass rate requirement of 50 per cent and introduces a new requirement for higher education providers to establish and comply with a policy addressing the support they will provide to students. There is no implementation timeline which implies as soon as the legislation receives royal assent that higher education providers must have this new policy in place. There needs to be clear guidelines for implementation of these new requirements otherwise there could be confusion and inconsistencies in how they are applied across different institutions.

The bill introduces civil penalties of up to 60 units to providers who are deemed to not have complied with its support for students policy, yet with no transition period is an unnecessarily harsh punishment which is avoidable. There should be a six-month transition period after the bill receive royal assessment to allow for providers to be adequately prepared for these new requirements. Or alternately there could be a six-month period where no fines are imposed while providers develop new policy settings to assist students.

This bill will create new regulatory and compliance burdens as institutions adjust their operations to adhere to the new rules. Providers of higher education need to develop, document, and communicate a comprehensive policy that addresses student support

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mechanisms, early identification of struggling students, and various forms of assistance. This will be a heavy regulatory burden particularly on those providers that are a small or medium sized business.

Further, this new legislation could be considered an overlapping requirement of the National Code of Practice for Providers of Education and Training to Overseas Students 2018. The Code requires providers to deliver provide appropriate services to students including support services that allow the international student to enable them to achieve their expected learning outcomes. Education providers must comply with the National Code to maintain their registration to provide education services to overseas students. Any new legislation should not create duplication of regulatory requirements which are already operational. As it is not currently clear if this new legislation applies to domestic only or is it also for student visa holders. Moreover, will this legislation be applicable to students in receipt only of Commonwealth Government Support funding and/or funding under the HELP program, i.e. not domestic students who pay full fee upfront. These queries demonstrate the confusion the legislation in its lack of detail is causing.

Yours sincerely

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**Director – Skills, Employment and Small Business**