

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 15 October 1981

(*Minister for Education*)

## A BILL

FOR

### **An Act to amend the *Australian National University Act 1946***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title, &c.**

5       1. (1) This Act may be cited as the *Australian National University Amendment Act (No. 2)* 1981.

      (2) The *Australian National University Act 1946*<sup>1</sup> is in this Act referred to as the Principal Act.

#### **Commencement**

10       2. This Act shall come into operation on the day on which it receives the Royal Assent.

#### **Constitution of Council**

      3. Section 11 of the Principal Act is amended by omitting paragraphs (1) (k) and (l) and substituting the following paragraphs:

15       “(k) a student of the University elected from among their number by the students of the University who are enrolled for study for degrees other than degrees of Bachelor or for the degree of Bachelor of Letters or who, not being so enrolled, are not included among students to whom paragraph (1) applies;

“(1) 2 students of the University elected from among their number by the students of the University who are enrolled for study for degrees of Bachelor (other than the degree of Bachelor of Letters) or who, not being enrolled for degrees of Bachelor, are students declared by the Statutes to be students to whom this paragraph applies;”.

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### Statutes

4. Section 27 of the Principal Act is amended—

(a) by omitting paragraph (1) (m) and substituting the following paragraphs:

“(m) The admission of persons who are undertaking or have undertaken studies at another institution to any corresponding status or of persons who hold degrees, diplomas or other awards granted by other institutions to any corresponding degree, diploma or other award without examination;

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“(ma) The exemption of persons undertaking a course leading to a degree, diploma or other award from the requirement to undertake particular work that would otherwise be required to be undertaken for the purposes of that course, whether or not on condition that other work be undertaken in the place of the work the subject of the exemption;”;

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and

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(b) by inserting after paragraph (1) (n) the following paragraph:

“(na) The payment to the University of tuition fees by such persons, and at such rates or of such amounts, as are provided for in a determination or determinations in force under section 28A;”.

5. After section 28 of the Principal Act the following section is inserted:

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### Determinations with respect to fees

“28A. (1) Subject to this section, the Minister may, by instrument in writing signed by him, determine that each student who, after the instrument takes effect, undertakes at the University studies of a kind specified in the determination is liable to pay to the University, for each year in respect of which he undertakes studies of that kind, tuition fees at such rate (not exceeding \$1,000 per annum), or of such amount (not exceeding \$1,000), as is specified in, or calculated in accordance with, the determination.

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“(2) A determination under sub-section (1) in relation to the undertaking of studies of a particular kind by students shall be so expressed as not to apply in respect of—

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(a) the undertaking in a particular year of studies by students who, at the time of their enrolling to undertake those studies in that year, do not hold—

(i) a degree or diploma of a university or college of advanced education that is situated in Australia; or

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(ii) an award of any educational institution that is deemed by a determination in force under sub-section (3) to be equivalent to such a degree or diploma;

5 (b) the undertaking, at any time, of studies that lead to a particular degree, diploma or award by students who first commenced to undertake studies leading to that degree, diploma or award before 1 January 1982; or

10 (c) the undertaking in a particular year of studies by students who, in respect of any studies undertaken, or to be undertaken, during that year, have paid, or are liable to pay, charges imposed by the *Overseas Students Charge Act 1979*, or would have paid, or been liable to pay, such charges but for the discharge of their liability under section 7 of the *Overseas Students Charge Collection Act 1979*,

15 and may be expressed so as not to apply in respect of the undertaking of studies of a particular kind by students in such other circumstance as is, or such other circumstances as are, specified in the determination.

20 “(3) The Minister may, by instrument in writing signed by him, determine, for the purposes of determinations in force under sub-section (1), that a specified award or an award included in a specified class of awards (not being a degree or diploma of a university or college of advanced education that is situated in Australia) shall, or shall in such circumstances as are specified in the determination, be deemed to be equivalent to a specified degree or diploma granted by such a university or college.

25 “(4) Where, at any time after 1 January 1982, the Minister makes a determination under sub-section (1), or varies a determination in force under that sub-section, so as to make tuition fees payable in respect of the undertaking, at the University, of studies of a particular kind, being studies of a kind in respect of the undertaking of which tuition fees were not payable before the instrument of determination or of variation takes effect, the instrument shall be so expressed as not to apply in respect of the undertaking, at any time, of studies that lead to a particular degree, diploma or award by a student who was enrolled at the University to undertake, and who first commenced to undertake, studies that lead to that degree, diploma or award before the instrument takes effect.

35 “(5) A copy of each instrument signed by the Minister under this section shall be published in the *Gazette* and the instrument takes effect on the date of publication or, where another date is specified in the instrument, on the date so specified.

40 “(6) The Council shall take such action as is necessary to ensure that each student who is liable to pay tuition fees to the University by reason of a determination in force under this section pays those fees to the University.

“(7) The Minister may, by notice in writing given to the Council, require the Council to give to him, at such times as are specified in the notice, such information as is specified in the notice in relation to studies undertaken at the University during a period specified in the notice and in relation to tuition fees paid or payable to the University during that period, and the Council shall comply with the requirements of any notice so given.

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“(8) A person who has completed all the requirements specified by an educational institution for the conferring on him by that institution of a degree, diploma or other award, but has not had the degree, diploma or other award conferred on him, shall be deemed, for the purposes of this section, to hold that degree, diploma or other award.”.

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**Payment of fees**

6. Section 29 of the Principal Act is amended—

- (a) by inserting “, other than tuition fees,” after “Fees”; and
- (b) by adding at the end thereof the following sub-section:

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“(2) Tuition fees are not payable to the University except as provided by section 28A.”.

**NOTE**

1. No. 22, 1946, as amended. For previous amendments, see Nos. 21 and 56, 1947; No. 3, 1960; No. 9, 1963; No. 108, 1965; No. 93, 1966; No. 65, 1967; No. 1, 1971; No. 96, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 94, 1975; No. 36, 1978; No. 190, 1979; and No. 106, 1981.