

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Employment, Education and Training)*

**HIGHER EDUCATION FUNDING AMENDMENT  
BILL (NO. 3) 1995**

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**SCHEDULE**

**AMENDMENTS OF THE HIGHER EDUCATION FUNDING ACT 1988**



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## A BILL

FOR

**An Act to amend the *Higher Education Funding Act 1988*,  
and for related purposes**

The Parliament of Australia enacts:

**Short title**

1. This Act may be cited as the *Higher Education Funding Amendment Act (No. 3) 1995*.

5 **Commencement**

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Items 1, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35 and 37 of the Schedule commence on 1 June 1996.

### **Schedule**

3. The *Higher Education Funding Act 1988* is amended in accordance with the Schedule.

5

### **Transitional**

4. Despite the amendments of section 101 of the *Higher Education Funding Act 1988* made by this Act, section 101 of that Act as in force immediately before 1 June 1996 continues to apply to a client:

- (a) who is enrolled to undertake an approved course in the study period that commences in June 1996; and 10
  - (b) for whom, but for the amendments made by this Act, that study period would be the second study period in a semester within the meaning of that Act as so in force.
-

**SCHEDULE**

Section 3

**AMENDMENTS OF THE HIGHER EDUCATION FUNDING  
ACT 1988**

**1. Amendment of several provisions:**

The provisions set out below are amended by omitting “semester” (wherever occurring) and substituting “study period”:

subsection 99(1) (definition of *census date*)

subsection 99(2)

subsection 105(2)

subsection 106(2)

subsection 106B(1)

section 106K

Note: The heading to section 106K is altered by omitting “semester” and substituting “study period”.

subsection 106L(2)

Note: The heading to section 106L is altered by omitting “semester”.

**2. Section 3 (definition of *qualified accountant*):**

Omit from paragraph (b) “Australian Society of Accountants”, substitute “Australian Society of Chartered Practising Accountants”.

**3. Subsection 4(1):**

Omit the subsection, substitute:

“(1) Subject to this section, in this Act, unless the contrary intention appears, *institution* means any of the institutions of higher education specified in the following tables:

**SCHEDULE—continued**

<b>TABLE A</b>
Australian Catholic University
Charles Sturt University
Southern Cross University
Macquarie University
The University of New England
The University of New South Wales
The University of Newcastle
The University of Sydney
University of Technology, Sydney
University of Western Sydney
University of Wollongong
Deakin University
La Trobe University
Monash University
Royal Melbourne Institute of Technology
Swinburne University of Technology
The University of Melbourne
University of Ballarat
Victorian University of Technology
Central Queensland University
Griffith University
James Cook University of North Queensland
Queensland University of Technology
The University of Queensland
University of Southern Queensland
Curtin University of Technology
Edith Cowan University
Murdoch University
The University of Western Australia
The Flinders University of South Australia
The University of Adelaide
University of South Australia
University of Tasmania
Northern Territory University
The Australian National University
University of Canberra
Australian Maritime College

**SCHEDULE—continued**

TABLE B
Avondale College
Marcus Oldham Farm Management College
Batchelor College

”.

**4. Paragraphs 17(h), (i) and (j):**

Omit the paragraphs, substitute:

- “(h) in the case of the year 1996—\$3,803,407,000; and
- (i) in the case of the year 1997—\$3,855,658,000; and
- (j) in the case of the year 1998—\$3,864,850,000”.

**5. Paragraphs 20(3)(h), (i) and (j):**

Omit the paragraphs, substitute:

- “(h) in the case of the year 1996—\$59,757,000; and
- (i) in the case of the year 1997—\$59,757,000; and
- (j) in the case of the year 1998—\$59,757,000”.

**6. Section 20A:**

Repeal the section, substitute:

**Advances for operating purposes**

“20A.(1) There is payable to an institution, as financial assistance in relation to the expenditure of the institution for such operating purposes or limited operating purposes in a year as the Minister determines, such amount (the *advance*) as the Minister determines.

“(2) The total of the advances in a year must not exceed the amount set out in section 17 in respect of the following year.

“(3) If the Minister determines an advance for an institution in respect of a year:

- (a) the amounts determined to be payable to the institution under section 15 or 16 in respect of the year next following the first-mentioned year are reduced by amounts that equal in total the amount of the advance; or
- (b) the amounts determined to be payable to the institution under section 15 or 16 in respect of the 2 years or 3 years next following the first-mentioned year are respectively reduced by amounts that equal in total the amount of the advance.

“(4) Determinations under subsection (1) and reductions under subsection (3) must be in accordance with the guidelines issued under section 20B.

**SCHEDULE—continued**

**Guidelines for advances for operating purposes**

“20B. The Minister may issue guidelines setting out criteria for the advance and recovery of amounts under section 20A.”.

**7. Subsection 21(3):**

Omit the subsection, substitute:

“(3) If the Minister approves a proposal under subsection (1) in respect of a year, then, subject to section 23C:

- (a) the Minister must determine an amount as the estimated total expenditure on the proposal for the year; and
- (b) the Minister must determine an amount of approved expenditure in relation to the proposal; and
- (c) the amount of approved expenditure must not be greater than the amount of estimated expenditure.”.

**8. Paragraph 22A(5)(d):**

Omit the paragraph, substitute:

“(d) in the case of the year 1996—\$12,632,000”.

**9. Subsection 23(1):**

Omit the subsection, substitute:

“(1) The Minister may approve a proposal, whether by an institution or otherwise, for expenditure by an institution to which this section applies on:

- (a) a research program; or
- (b) a program that supports:
  - (i) research training; or
  - (ii) the conduct of research programs;

as a proposal deserving financial assistance under this section in respect of a year to which this Chapter applies subject to such conditions as the Minister determines.”.

**10. Subsection 23(1A):**

Omit “an institution, for purposes that will assist programs of research undertaken by institutions to which this section applies, as a proposal”, substitute:

“an institution, on:

- (a) a research program; or
- (b) a program that supports:
  - (i) research training; or



**SCHEDULE—continued**

(ii) the conduct of research programs;  
to be undertaken by the body as a proposal”.

**11. Subsection 23(2):**

Omit the subsection, substitute:

“(2) If the Minister approves a proposal under subsection (1) or (1A) in respect of a year:

- (a) the Minister must determine an amount as the estimated total expenditure on the proposal for the year; and
- (b) the Minister must determine an amount of approved expenditure in relation to the proposal; and
- (c) the amount of approved expenditure must not be greater than the amount of estimated expenditure.”.

**12. Subsection 23A(4):**

Omit the subsection, substitute:

“(4) If the Minister approves a proposal in respect of a year, then, subject to section 23C:

- (a) the Minister must determine an amount as the estimated total expenditure on the proposal for the year; and
- (b) the Minister must determine an amount of approved expenditure in relation to the proposal; and
- (c) the amount of approved expenditure must not be greater than the amount of estimated expenditure.”.

**13. Paragraphs 23C(2)(c), (d) and (e):**

Omit the paragraphs, substitute:

- “(c) in the case of the year 1996—\$493,665,000; and
- (d) in the case of the year 1997—\$477,779,000; and
- (e) in the case of the year 1998—\$454,531,000”.

**14. Paragraphs 24(3)(h), (i) and (j):**

Omit the paragraphs, substitute:

- “(h) in the case of the year 1996—\$4,738,000; and
- (i) in the case of the year 1997—\$4,738,000; and
- (j) in the case of the year 1998—\$4,738,000”.

**15. Paragraphs 27A(6)(c), (d) and (e):**

Omit the paragraphs, substitute:

**SCHEDULE—continued**

“(c) in the case of the year 1996—\$36,927,000; and

(d) in the case of the year 1997—\$36,927,000; and

(e) in the case of the year 1998—\$36,927,000”.

**16. Subsection 99(1) (definition of *OL semester debt*):**

Omit the definition, substitute:

“*OL study period debt* has the meaning given by section 106K.”.

**17. Subsection 99(1) (definition of *semester*):**

Omit the definition.

**18. Section 101:**

Omit “semester” (first and fifth occurring), substitute “study period”.

**19. Paragraph 101(a):**

Omit the paragraph, substitute:

“(a) as at the census date for the study period, the client is enrolled to undertake at least 2 units of study for the purposes of an approved course of study in the study period; and”.

**20. Section 103:**

Repeal the section, substitute:

**Standard study load**

“103. The standard study load of an eligible client of the Agency for a study period for which the client enrolls for the purposes of the course of study he or she is undertaking is the number of units of study that, together with the number of other units of study (if any) for which he or she was enrolled for the purposes of the course in previous study periods having census dates occurring in the same calendar year as the census date for the first-mentioned study period, equals 8.”.

**21. Subsection 104(3):**

Omit the subsection, substitute:

“(3) The Minister must publish in the *Gazette*, before the beginning of December in each year, the amount that constitutes the basic charge in respect of a unit of study undertaken by an eligible client of the Agency in a study period beginning in December of that year or in March, June or September of the next year.”.

**22. Subsection 106(1):**

Omit “for the semester in which the study period is included”, substitute “for the study period”.

**SCHEDULE—continued**

**23. Subsection 106AA(1):**

Omit “the Agency must notify the Minister in writing that the client does not appear to have a tax file number”, substitute “the Agency may cancel the client’s enrolment in the course.”.

**24. Section 106AB:**

Omit “Where the Agency notifies the Minister under section 106AA that a client does not appear to have a tax file number”, substitute “If the circumstances mentioned in paragraphs 106AA(1)(a) and (b) apply”.

**25. Subsection 106D(1):**

Omit “semester” (first occurring), substitute “study period”.

**26. Subsection 106D(1):**

Omit “a study period included in the semester”, substitute “the study period”.

**27. Section 106E:**

Omit “any information in its possession relating to clients undertaking units of study in a semester”, substitute “any statistical and other information relating to clients undertaking units of study in a study period”.

**28. Part 5.4:**

Repeal the Part.

**29. Subsection 106H(1) (definition of *OL semester debt*):**

Omit the definition, substitute:

“*OL study period debt* has the meaning given by section 106K.”.

**30. Subsection 106H(1) (paragraph (b) of the definition of *semester debt*):**

Omit the paragraph, substitute:

“(b) an *OL study period debt*.”.

**31. Subsection 106M(1):**

Omit “semester debt”, substitute “HEC semester debt or *OL study period debt*”.

**32. Subsection 106N(1):**

Omit the subsection, substitute:

“(1) If a person incurred an HEC semester debt or debts, or an *OL study period debt* or debts, or both, before 1 June in a year (*relevant date*) but after 1 June in the immediately preceding year, the person incurs on the relevant date an accumulated HEC debt to the Commonwealth of an amount equal to:

**SCHEDULE—continued**

- (a) that HEC semester debt or OL study period debt; or
- (b) the total of those debts;

less any amounts paid before the relevant date in reduction of that debt or those debts.”.

**33. Paragraphs 106N(2)(a) and (b):**

Omit the paragraphs, substitute:

- “(a) an HEC semester debt or debts, or an OL study period debt or debts, incurred before 1 June in the immediately preceding year (*earlier date*); and
- (b) a debt or debts of that kind incurred after the earlier date;”.

**34. Paragraph 106N(2)(d):**

Omit “semester”.

**35. Paragraph 106O(1)(b):**

Omit “semester debt”, substitute “HEC semester debt or OL study period debt”.

**36. Section 106S:**

Repeal the section.

**37. Subparagraph 106Y(2)(e)(i):**

Omit “semester debt”, substitute “HEC semester debt or OL study period debt”.

**38. Paragraph 110(b):**

After “16,” insert “20A,”.

**39. Paragraph 110(c):**

After “section” insert “20B,”.









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