

1985-86

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 19 August 1986

(Minister representing the Minister for Education)

A BILL

FOR

An Act to amend the *Overseas Students Charge Collection Act 1979*

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

Short title, &c.

1. (1) This Act may be cited as the *Overseas Students Charge Collection Amendment Act 1986*.

(2) The *Overseas Students Charge Collection Act 1979*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which the *Overseas Students Charge Amendment Act 1986* comes into operation.

3. After section 4 of the Principal Act the following section is inserted:

Exemption from charge

“4A. (1) Each of the following students is exempt from payment of the charge:

- (a) a postgraduate student who is the holder of a scholarship awarded by an institution before 1 January 1987 for study at that institution and who commenced that study before that date, being a scholarship that entitles the holder to an amount by way of living allowance of at least \$3,500 per annum, not including any amount payable in respect of the holder's dependants;

- (b) a student who is enrolled in a course at an institution as a result of a reciprocal exchange agreement between that institution and an overseas tertiary education institution, being an agreement specified by an authorised officer for the purposes of this paragraph;
- (c) a student who is enrolled in a course of external study conducted by an institution, being a course that requires a period of study at the institution of not more than 6 weeks in a year; 5
- (d) a student who is—
 - (i) the holder of a scholarship awarded by the Commonwealth, a specialised agency of the United Nations Organization or the government of another country, being a scholarship that entitles the holder to an amount by way of living allowance of at least \$3,500 per annum, not including any amount payable in respect of the holder's dependants; and 10
 - (ii) enrolled in a course offered by an institution, being a course that is offered by the institution as the result of an arrangement entered into between the institution and the Commonwealth, a specialised agency of the United Nations Organization or the government of another country and that is specified by an authorised officer for the purposes of this paragraph; 15 20
- (e) a student in respect of whom an officer of the Department of Immigration and Ethnic Affairs authorised by the Minister for Education for the purpose has issued a certificate stating that the student is a refugee or a stateless person; 25
- (f) a student who—
 - (i) was, at the time of enrolment in a prescribed course for a year, a person to whom paragraph (b) or (c) of the definition of 'overseas student' in sub-section 4 (1) of the *Overseas Students Charge Act 1979* applied in relation to that course; and 30
 - (ii) during that year, ceases to be such a person;
- (g) a student who—
 - (i) before 1 October 1979, entered Australia in order to undertake the final year or the final 2 years of a secondary education course; 35
 - (ii) completed that course in the year 1979, 1980 or 1981; and
 - (iii) enrolled in a prescribed course in the year next succeeding that completion;
- (h) a student who— 40
 - (i) entered Australia to undertake an intensive English course before enrolling in a prescribed course;
 - (ii) during the period that commenced on 1 January 1979 and ended on 1 October 1979, commenced an intensive English course in Australia and successfully completed the course; 45
 - and
 - (iii) enrolled in a prescribed course in 1980 or 1981;

5 (j) a student who undertakes a prescribed course (not being a declared course) for which the institution at which the course is undertaken charges a fee the amount of which is, in the opinion of the Minister, greater than or equal to the whole of the cost of that course; and

(k) a student who is exempted from payment of the charge by the regulations.

“(2) An authorised officer shall not specify an agreement for the purposes of paragraph (1) (b) unless—

10 (a) the number of overseas students enrolled as a result of the agreement at the institution in Australia is similar to the number of Australian students enrolled as a result of the agreement at the overseas tertiary education institution; and

15 (b) the courses offered, and the financial arrangements made in respect of travel, maintenance and tuition, by the institution in Australia as a result of the agreement are similar to the courses offered, and the financial arrangements made in respect of travel, maintenance and tuition, by the overseas tertiary education institution as a result of the agreement.

20 “(3) The exemption conferred on a student under paragraph (1) (g) or (h) extends to enrolment in respect of each succeeding year of the prescribed course referred to in that paragraph.

25 “(4) Where a student who is exempt from charge under paragraph (1) (g) or (h) enrolls in a prescribed course that, under sub-section 7 (2) or 7A (3) of the *Overseas Students Charge Act 1979*, is to be treated as the same course as another course, the student is exempt from charge in respect of his or her enrolment in the first-mentioned course.

“(5) Where—

30 (a) the enrolment in a prescribed course of a student who is exempt from charge under paragraph (1) (g) or (h) is interrupted by a period of deferment approved by the institution offering the course; and

35 (b) the enrolment is resumed in accordance with the terms of the approval as specified at the time of giving the approval, the student shall be deemed to be enrolled in respect of that course during that interruption.”.

Special arrangements for discharge of liability

4. Section 7 of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph:

40 “(b) a Department or authority of the Commonwealth has, before 1 January 1987, granted a postgraduate scholarship or like award to a person for the purpose of assisting the person to undertake a prescribed course in a year and the person commenced the prescribed course before that date.”.

4 *Overseas Students Charge Collection Amendment No. , 1986*

NOTE

1. No. 120, 1979, as amended. For previous amendments, see No. 23, 1982; and No. 165, 1984.