

1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 21 December 1989

*(Minister for Employment, Education and Training)*

## 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 etc.**

5     **1.** (1) This Act may be cited as the *Overseas Students Charge Collection Amendment Act 1989*.

      (2) In this Act, "Principal Act" means the *Overseas Students Charge Collection Act 1979*<sup>1</sup>.

#### **Commencement**

10     **2.** This Act commences, or is to be taken to have commenced, on 1 January 1990.

**Title**

3. The title of the Principal Act is amended by omitting “**the charge imposed by the Overseas Students Charge Act 1979.**” and substituting “**charges imposed by the Overseas Students Charge Act 1979 and the Overseas Students (Instalment Payments) Charge Act 1989**”. 5

4. Sections 3 and 4 of the Principal Act are repealed and the following sections are substituted:

**Interpretation**

“3. (1) In this Act, unless the contrary intention appears:  
‘**Charge Act**’ means the *Overseas Students Charge Act 1979*; 10  
‘**Instalment Act**’ means the *Overseas Students (Instalment Payments) Charge Act 1989*;  
‘**instalment charge**’ means the charge imposed by the Instalment Act;  
‘**overseas student charge**’ means the charge imposed by the Charge Act;  
‘**charge**’ means the overseas student charge or the instalment charge. 15

“(2) Unless the contrary intention appears, an expression to which a particular meaning has been given by the Charge Act has the same meaning when used in this Act.

**Payment of overseas student charge**

“4. (1) Subject to section 7, the overseas student charge in respect of the enrolment of an overseas student for a year is payable in accordance with this section. 20

“(2) A full-year charge is to be paid in accordance with the following provisions:

- (a) where the liability day is earlier than, or the same day as, the first payment day: 25
  - (i) the charge may be paid in full on or before the first payment day; or
  - (ii) the charge may, subject to subparagraph (iii), be paid in 2 equal instalments respectively payable on the first payment day and the second payment day; or 30
  - (iii) if, as at the day after the first payment day, an amount equal to more than half of the amount of the charge remains unpaid, the full amount of the charge must be paid immediately; 35
- (b) where the liability day is later than the first payment day but earlier than the second payment day:
  - (i) the charge may be paid in full on or before the liability day; or
  - (ii) the charge may, subject to subparagraph (iii), be paid in 2 equal instalments respectively payable on the liability day and the second payment day; or 40

- (iii) if, as at the day after the liability day, an amount equal to more than half the amount of the charge remains unpaid, the full amount of the charge must be paid immediately.

5 “(3) A half-year charge is to be paid in accordance with the following provisions:

- (a) where the liability day is earlier than, or the same day as, the first payment day, the charge must be paid on or before the first payment day;
- 10 (b) where the liability day is later than the first payment day, the charge must be paid on or before:
  - (i) the liability day; or
  - (ii) the second payment day;whichever is later.

15 “(4) This section does not apply in relation to a charge the responsibility for the payment of which has been accepted by the Commonwealth.

“(5) In this section:

20 **‘first payment day’**, in respect of a year, means the earlier date specified in relation to that year in a determination made by the Minister under subparagraph 18 (1) (e) (i) of the *Higher Education Funding Act 1988*;

**‘full-year charge’** means an overseas student charge payable by an overseas student that is not a half-year charge;

**‘half-year charge’** means an overseas student charge payable by an overseas student the amount of which is, under the regulations, half the amount of the charge imposed by the Charge Act;

25 **‘liability day’**, in respect of an enrolment of an overseas student for a year, means:

- (a) where the enrolment commences on a day in that year—that day, or 15 March in that year, whichever is later; or
- 30 (b) where the enrolment commenced on a day before that year—15 March in that year;

**‘second payment day’**, in respect of a year, means the later date specified in relation to that year in a determination made by the Minister under subparagraph 18 (1) (e) (i) of the *Higher Education Funding Act 1988*.

#### **Payment of instalment charge**

35 “4AA. The instalment charge in respect of an instalment payable on the second payment day in a year is payable by the student concerned on that day.”.

#### **Exemption from overseas student charge**

40 5. Section 4A of the Principal Act is amended by inserting in subsection (1) “overseas student” before “charge” (first occurring).

**Grant of visas and temporary entry permits to overseas students**

6. Section 6 of the Principal Act is amended:

- (a) by omitting from subsection (1) “an officer shall not grant under that Act a temporary entry permit” and substituting “neither a visa nor a temporary entry permit is to be granted under that Act”; 5
- (b) by omitting from subsection (1) “the officer” and substituting “the person proposing to grant the visa or temporary entry permit”;
- (c) by inserting after paragraph (1) (a) the following word and paragraph:
  - “or (aa) where the student is liable to pay a full-year charge— 10
  - there has been paid to the Commonwealth, in accordance with the regulations and on or before the first payment day, an amount equal to at least half of the amount of the charge payable by the student in respect of his or her enrolment at the institution for that year; or”; 15
- (d) by omitting subsection (1A) and substituting the following subsection:
  - “(1A) Subsection (1) does not prohibit the grant to an overseas student of a visa or temporary entry permit relating to that part of a year that occurs before the liability day in respect of the enrolment of the overseas student for that year.”; 20
- (e) by omitting subsections (3) and (4) and substituting the following subsection:
  - “(3) In this section:
  - ‘charge’ means overseas student charge;
  - ‘first payment day’ has the same meaning as it has in section 4; 25
  - ‘full-year charge’ has the same meaning as it has in section 4;
  - ‘liability day’ has the same meaning as it has in section 4.”.

**Special arrangements for discharge of liability for overseas student charge**

7. Section 7 of the Principal Act is amended:

- (a) by inserting in paragraph (1) (d) “or (aa)” after “6 (1) (a)”; 30
- (b) by inserting in subparagraph (2) (b) (i) “or (aa)” after “6 (1) (a)”.

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**NOTE**

- 1. No. 120, 1979, as amended. For previous amendments, see No. 23, 1982; No. 165, 1984; No. 139, 1986; and No. 140, 1988.

