



Australian National University Amendment Act 1987

No. 128 of 1987

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

[Assented to 16 December 1987]

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

Short title etc.

1. (1) This Act may be cited as the *Australian National University Amendment Act 1987*.

(2) In this Act, "Principal Act" means the *Australian National University Act 1946*¹.

Commencement

2. (1) Section 1 and this section shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions shall come into operation immediately after the commencement of the *States Grants (Tertiary Education Assistance) Act 1987*.

Statutes

3. Section 27 of the Principal Act is amended:

- (a) by omitting from subparagraph (1) (o) (v) “or” (last occurring);
- (b) by omitting from subparagraph (1) (o) (vi) “(ca) of the definition of ‘fees’ in subsection 3 (1) of the *States Grants (Tertiary Education Assistance) Act 1984*,” and substituting “(d) of the definition of ‘fees’ in subsection 3 (1) of the *States Grants (Tertiary Education Assistance) Act 1987*; or”; and
- (c) by adding at the end of paragraph (1) (o) the following subparagraph:
 - “(vii) fees payable, by a person who possesses educational qualifications and has earned a living at any time, in respect of undertaking, for the purpose of acquiring further qualifications, a post-graduate course specified under subsection 29 (2);”.

Fees

4. Section 29 of the Principal Act is amended by adding at the end the following subsection:

“(2) On application by the University, the Minister may specify, by notice published in the *Gazette*, post-graduate courses for the purposes of subparagraph 27 (1) (o) (vii).”.

Higher education administration charge

5. Section 29A of the Principal Act is amended:

- (a) by omitting from paragraph (a) of the definition of “relevant enrolment” in subsection (1) “1984” and substituting “1987”;
- (b) by omitting paragraph (c) of the definition of “relevant enrolment” in subsection (1);
- (c) by omitting paragraph (d) of the definition of “relevant enrolment” in subsection (1) and substituting the following paragraph:
 - “(d) the enrolment of:
 - (i) a person who at any time in that year has been in receipt of a pension, benefit or allowance from the Commonwealth, being a person specified for the purposes of subparagraph (c) (i) of the definition of ‘relevant enrolment’ in subsection 3 (1) of the *States Grants (Tertiary Education Assistance) Act 1987*; or
 - (ii) a person who at any time in that year has been the spouse of, and dependent on, another person specified for the purposes of subparagraph (c) (i) and subparagraph (c) (ii) of the definition of ‘relevant enrolment’ in subsection 3 (1) of that Act;”;

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- (d) by inserting in paragraph (e) of the definition of “relevant enrolment” in subsection (1) “or exemption was provided” after “imposed”;
- (e) by inserting in subsection (1) the following definitions:
 - “ ‘charge’ means higher education administration charge;
 - ‘relevant date’ means a date specified by the Minister by notice published in the *Gazette*;”;
- (f) by omitting subsection (2) and substituting the following subsections:

“(2) The University shall, in relation to the year commencing on 1 January 1987 and each subsequent year, impose in respect of that year an amount of charge as provided by this section in respect of each student liable to charge.

“(2A) Subject to this section, the student is liable to charge if:

- (a) the student becomes enrolled, by a relevant enrolment, at the University during the year; or
- (b) is undertaking a course or part of a course at the University at a relevant date in the year, although not enrolled at the University.

“(2B) Subject to this section, the student is liable to charge under subsection (2A):

- (a) if paragraph (2A) (a) applies—on the date of enrolment; or
- (b) if paragraph (2A) (b) applies—on the relevant date referred to in that paragraph.

“(2C) A student is not liable to charge on a date in the year if the student has become liable to charge on an earlier date in the year in respect of the University.

“(2D) A student is not liable to charge under paragraph (2A) (b) in respect of the University where the student would be a person of a kind referred to in paragraph (b) or (d) of the definition of ‘relevant enrolment’ in subsection (1) if the student were enrolled at the University.

“(2E) Where:

- (a) at any time during the year, a student would be liable to charge in respect of the University but is not liable because the student is a person of a kind referred to in paragraph (b) or (d) of the definition of ‘relevant enrolment’ in subsection (1); and
- (b) at a later time in the year, the student is not such a person; the student is not liable to charge in respect of the University in that year.

“(2F) The amount of charge to which a student becomes liable in the year is the amount of charge in respect of a relevant

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enrolment in the year determined under section 4D of the *States Grants (Tertiary Education Assistance) Act 1984.*”;

- (g) by omitting from subsection (3) “higher education administration”; and
- (h) by adding at the end of subsection (4) “except where that course is of less than 12 months’ duration and the person undertakes that course continuously”.

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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; Nos. 96 and 216, 1973; No. 94, 1975; No. 37, 1976; No. 36, 1978; No. 190, 1979; Nos. 61, 106 and 166, 1981; Nos. 76 and 95, 1984; Nos. 65 and 161, 1985; and No. 135, 1986.

[*Minister's second reading speech made in—
House of Representatives on 5 November 1987
Senate on 19 November 1987*]