



Higher Education Funding Amendment Act (No. 2) 1991

No. 177 of 1991

An Act to amend the *Higher Education Funding Act 1988*

[Assented to 25 November 1991]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Higher Education Funding Amendment Act (No. 2) 1991*.

(2) In this Act, "Principal Act" means the *Higher Education Funding Act 1988*¹.

Commencement

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

(2) Section 12 commences on 1 January 1992.

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Definitions

3. Section 3 of the Principal Act is amended:

- (a) by omitting “building project (other than a minor building project)” from the definition of “capital expenditure” and substituting “capital project”;
- (b) by omitting “, McAuley College” from the definition of “prescribed non-government institution”;
- (c) by omitting “or the year 1993” from paragraph (b) of the definition of “year to which this Chapter applies” and substituting “, the year 1993 or the year 1994”;
- (d) by inserting the following definitions:
 - “ **‘capital project’** means a building project (other than a minor building project), or a non-building capital project;
 - “ **‘non-building capital project’**, in relation to an institution, means a project that satisfies the criteria set out in guidelines issued by the Minister under section 26A;”.

4. After section 18 of the Principal Act the following section is inserted:

Grants to maintain or enhance the quality of higher education

“18A.(1) The Minister may approve an amount of financial assistance for an institution to which this section applies in respect of a year to which this Chapter applies if the Minister is satisfied that the assistance will be used to maintain or enhance the quality of higher education provided by the institution.

“(2) The Minister may give approval under subsection (1) subject to conditions.

“(3) Subject to subsection (4), if the Minister approves an amount of financial assistance for an institution in respect of a year under subsection (1), the amount payable under section 15 or 16, as the case requires, in relation to the institution in respect of the year is to be increased from 1 January in that year by the amount of the approved financial assistance.

“(4) The total of the amounts approved by the Minister under subsection (1) for 1994 must not exceed \$74,956,000.”.

5. After section 23 of the Principal Act the following sections are inserted:

Grants for advanced engineering centres

“23A.(1) The Minister may approve a proposal for expenditure as a proposal deserving financial assistance under this section in respect of a year to which this Chapter applies if:

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- (a) the proposal is for expenditure by an institution to which this section applies; and
- (b) the proposal is for expenditure upon a centre that, in the opinion of the Minister, is an advanced engineering centre.

“(2) In forming his or her opinion under paragraph (1)(b), the Minister must have regard to the following matters:

- (a) the quality of the undergraduate and post-graduate training courses offered by the proposed centre;
- (b) whether the functions of the proposed centre include the provision of:
 - (i) specialist engineering short courses for persons engaged in industry; or
 - (ii) continuing education and retraining in engineering; or
 - (iii) short courses in engineering for post-secondary teachers, including teachers of technical and further education;
- (c) the extent to which the proposed centre is able and willing to provide, under contract, engineering research and design services for industry;
- (d) the degree of support which industry is prepared to provide to the proposed centre.

“(3) The Minister may give approval under subsection (1) subject to conditions.

“(4) If the Minister approves a proposal in respect of a year:

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

“(5) There is payable to a State in which an institution to which an approved proposal relates is situated an amount equal to the amount of approved expenditure determined by the Minister in relation to the proposal.

“(6) The amount payable to a State under subsection (5) is for financial assistance in respect of expenditure incurred or to be incurred by the institution:

- (a) in connection with the proposal; and
- (b) in respect of the year to which the proposal relates.

“(7) The total of the amounts of approved expenditure approved by the Minister under subsection (4) must not exceed:

- (a) for the year 1992—\$4,885,000; and
- (b) for the year 1993—\$3,560,000; and

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(c) for the year 1994—\$1,490,000.

Conditions of grants for advanced engineering centres

“23B.(1) A State is granted financial assistance under section 23A in relation to an approved proposal of an institution in respect of a year on the conditions set out in this section.

“(2) The State must pay each amount of the financial assistance received by it to the institution without undue delay.

“(3) The State must ensure that the total amount spent by the institution in connection with the proposal during the year is not less than the total amount of the financial assistance paid to the State under section 23A in relation to the proposal.

“(4) For the purposes of subsection (3), the total amount spent by the institution includes amounts spent by the institution after the end of the year in respect of commitments entered into before the end of the year.

“(5) The State must ensure that the institution gives to the Minister a statement by a qualified auditor of the amounts spent by the institution as described in subsection (3).

“(6) The statement by the auditor in respect of the year to which the proposal relates must:

- (a) be in the approved form; and
- (b) be given to the Minister not later than 30 September in the year following the end of that year.”.

Grants for capital projects

6. Section 26 of the Principal Act is amended by omitting “building” (wherever occurring) and substituting “capital”.

7. After section 26 of the Principal Act the following section is inserted:

Guidelines for non-building capital projects

“26A. The Minister may issue guidelines that set out criteria which are to be applied in deciding whether a proposal is a proposal for a non-building capital project.”.

Conditions attaching to capital grants

8. Section 27 of the Principal Act is amended by omitting “building project” and substituting “capital project”.

Grants for capital projects

9. Section 31 of the Principal Act is amended by omitting “building” (wherever occurring) and substituting “capital”.

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Conditions attaching to capital grants

10. Section 33 of the Principal Act is amended by omitting “building project” and substituting “capital project”.

Interpretation

11. Section 34 of the Principal Act is amended by omitting “, McAuley College or Signadou College of Education” from paragraph (d) of the definition of “designated course of study” in subsection (1).

Annual course contribution

12. Section 40 of the Principal Act is amended:

- (a) by omitting from subsection (1) “1989” and “\$1,800” and substituting “1992” and “\$2,250” respectively;
- (b) by omitting from subsections (2), (5) and (7) “1989” and substituting “1992”;
- (c) by omitting from subsection (4) “1988” and substituting “1991”.

Disallowable instruments

13. Section 110 of the Principal Act is repealed and the following section is substituted:

“110. The following are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*:

- (a) a declaration made by the Minister under subsection 4(2);
- (b) a determination made by the Minister under section 15, 16, 24, 25, 26, 31, 32, 100 or 101;
- (c) guidelines issued under section 26A.”.

Maximum amounts

14. The Principal Act is amended as set out in the Schedule.

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SCHEDULE

Section 14

OTHER AMENDMENTS OF PRINCIPAL ACT

Section 17:

Add at the end:
“; and (f) in the case of the year 1994—\$2,882,159,000.”.

Paragraph 17(c):

Omit “\$2,567,853,000”, substitute “\$2,651,470,000”.

Paragraph 17(d):

Omit “\$2,619,349,000”, substitute “\$2,778,413,000”.

Paragraph 17(e):

Omit “\$2,706,961,000”, substitute “\$2,867,949,000”.

Paragraph 19(4)(d):

Omit “\$24,107,000”, substitute “\$29,024,000”.

Subsection 20(3):

Add at the end:
“; and (f) in the case of the year 1994—\$52,885,000.”.

Paragraph 20(3)(c):

Omit “\$59,782,000”, substitute “\$40,979,000”.

Paragraph 20(3)(d):

Omit “\$67,923,000”, substitute “\$52,885,000”.

Paragraph 20(3)(e):

Omit “\$67,923,000”, substitute “\$52,885,000”.

Subsection 21(3):

Add at the end:
“; and (f) in the case of the year 1994—\$38,748,000.”.

Paragraph 21(3)(c):

Omit “\$30,258,000”, substitute “\$30,877,000”.

Paragraph 21(3)(d):

Omit “\$31,260,000”, substitute “\$32,285,000”.

Paragraph 21(3)(e):

Omit “\$32,146,000”, substitute “\$33,181,000”.

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SCHEDULE—continued

Subsection 22(5):

Add at the end:

“; and (f) in the case of the year 1994—\$3,926,000.”.

Paragraph 22(5)(d):

Omit “\$1,600,000”, substitute “\$1,814,000”.

Paragraph 22(5)(e):

Omit “\$3,712,000”, substitute “\$3,926,000”.

Subsection 23(4):

Add at the end:

“; and (f) in the case of the year 1994—\$274,723,000.”.

Paragraph 23(4)(c):

Omit “\$216,648,000”, substitute “\$221,929,000”.

Paragraph 23(4)(d):

Omit “\$229,012,000”, substitute “\$253,444,000”.

Paragraph 23(4)(e):

Omit “\$231,326,000”, substitute “\$268,367,000”.

Subsection 24(3):

Add at the end:

“; and (f) in the case of the year 1994—\$4,396,000.”.

Paragraph 24(3)(c):

Omit “\$4,156,000”, substitute “\$4,258,000”.

Paragraph 24(3)(d):

Omit “\$4,156,000”, substitute “\$4,396,000”.

Paragraph 24(3)(e):

Omit \$4,156,000”, substitute “\$4,396,000”.

Subsection 26(5):

Add at the end:

“; and (f) in the case of the year 1994—\$277,550,000.”.

Paragraph 26(5)(d):

Omit “\$106,514,000”, substitute “\$162,665,000”.

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SCHEDULE—continued

Paragraph 26(5)(e):

Omit “\$216,706,000”, substitute “\$218,123,000”.

NOTE

1. No. 2, 1989, as amended. For previous amendments, see No. 138, 1988; Nos. 80, 168 and 179, 1989; No. 122, 1990; and No. 53, 1991.

*[Minister's second reading speech made in—
House of Representatives on 17 October 1991
Senate on 12 November 1991]*