



# Higher Education Funding Legislation Amendment Act 1994

**No. 147 of 1994**

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# Higher Education Funding Legislation Amendment Act 1994

No. 147 of 1994

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**An Act relating to funding for higher education**

*[Assented to 8 December 1994]*

The Parliament of Australia enacts:

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Higher Education Funding Legislation Amendment Act 1994*.

### **Commencement**

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

*Higher Education Funding Legislation Amendment No. 147, 1994*

(2) The amendments made by paragraphs 5(b) and (c) commence on 1 January 1995.

(3) The repeal effected by section 13 is taken to have commenced on 1 January 1993, immediately after the commencement of Part 2 of the *Higher Education Funding Amendment Act (No. 2) 1992*.

(4) The amendments made by sections 14, 15, 16 and 17 are taken to have commenced on 1 January 1994, immediately after the commencement of Part 4 of the *Higher Education Funding Amendment Act (No. 2) 1992*.

(5) The amendment made by section 18 is taken to have commenced on 1 January 1993, immediately after the repeal effected by section 13 is taken to have commenced.

(6) The amendments made by Part 4 are taken to have commenced on 25 February 1994, immediately after the commencement of the *Higher Education Funding Amendment Act 1994*.

**PART 2—AMENDMENTS OF THE HIGHER EDUCATION  
FUNDING ACT 1988**

**Principal Act**

3. In this Part, “Principal Act” means the *Higher Education Funding Act 1988*<sup>1</sup>.

**Definitions**

4. Section 3 of the Principal Act is amended:

- (a) by omitting “representative; or” from paragraph (e) of the definition of “overseas student” and substituting “representative.”;
- (b) by omitting paragraph (f) of the definition of “overseas student”.

**Maximum grants**

5. Section 17 of the Principal Act is amended:

- (a) by omitting from paragraph (e) “\$2,936,081,000” and substituting “\$2,943,153,000”;
- (b) by omitting from paragraph (g) “\$3,565,351,000” and substituting “\$3,565,139,000”;
- (c) by omitting from paragraph (h) “\$3,616,156,000” and substituting “\$3,615,900,000”.

**Eligible clients**

6. Section 101 of the Principal Act is amended:

- (a) by omitting “(1) A client” and substituting “A client”;
- (b) by inserting in subparagraph (d)(ii) “(other than a New Zealand citizen)” after “person”.

**Repeal of section**

7. Section 102 of the Principal Act is repealed.

**Standard study load**

8.(1) Section 103 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) The standard study load of an eligible client of the Agency in respect of a semester for which the client enrolls for the purposes of the course of study undertaken by him or her is the number of units of study that, together with the number of units of study (if any) for which he or she was enrolled for the purposes of the course for the previous semester, equals 8.”.

(2) The amendment made by subsection (1) applies to an eligible client of the Agency in respect of the first semester for which he or she enrolls after the commencement of this section and in respect of all later semesters.

**Repeal of section and substitution of new section**

9.(1) Section 104 of the Principal Act is repealed and the following section is substituted:

**Basic charge**

“104.(1) In this section:

‘Agreement’ means:

- (a) subject to paragraph (b), the Agreement between the Commonwealth and the Agency referred to in section 100; or
- (b) if that Agreement has been or is amended—the Agreement as amended and in force from time to time.

“(2) A reference in this Part to the basic charge in respect of a unit of study for which an eligible client of the Agency is enrolled in a study period is a reference to the amount that, under the Agreement, the Agency may charge, in respect of the unit of study, for the materials, services and experiences that the Agency must provide to enable the client to enrol for, and complete, the unit of study.

“(3) The Minister must cause to be published in the *Gazette*, before the beginning of December in each year, the amounts that respectively constitute:

- (a) the basic charge in respect of a unit of study undertaken in a study period beginning in that month by an eligible client of the Agency:
  - (i) who is participating in the deferred payment scheme; and
  - (ii) for whom the study period is the second study period of a semester; and

- (b) the basic charge in respect of a unit of study undertaken in a study period beginning in that month by an eligible client of the Agency:
  - (i) who is participating in the deferred payment scheme; and
  - (ii) for whom the study period is the first study period of a semester; and
- (c) the basic charge in respect of a unit of study undertaken in a study period beginning in March, June or September in the following year by an eligible client of the Agency.”.

(2) If the Minister had not, before the commencement of this section, caused to be published in the *Gazette* under subsection 104(3) of the Principal Act the basic charge (within the meaning of that Act) in respect of the semesters in the year 1994, the Minister must cause that charge to be so published as soon as practicable after that commencement.

### **Eligible client who has joined scheme not to pay basic charges**

10. Section 106 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2), the Agency may not require an eligible client to pay the basic charge in respect of a unit of study for which the client has enrolled in a study period for the purposes of an approved course of study if, on the census date for the semester in which the study period is included, the client is participating in the deferred payment scheme provided under this Chapter.”.

### **Commonwealth to discharge clients’ liabilities**

11. Section 106D of the Principal Act is amended by omitting from subsection (1) “enrolled for the semester” and substituting “enrolled in a study period included in the semester”.

## **PART 3—AMENDMENTS OF THE HIGHER EDUCATION FUNDING AMENDMENT ACT (NO. 2) 1992**

### **Principal Act**

12. In this Part, “**Principal Act**” means the *Higher Education Funding Amendment Act (No. 2) 1992*<sup>2</sup>.

### **Repeal of section**

13. Section 36 of the Principal Act is repealed.

### **Amendment of section 51**

14. Section 51 of the Principal Act is amended by omitting “After section 25” and substituting “After section 25A”.

**Amendment of section 53**

15. Section 53 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) by omitting ‘, 26, 31 and 32’ from paragraph (b) and substituting ‘or 27A’;”.

**Amendment of section 57**

16. Section 57 of the Principal Act is amended by omitting “ ‘Parts 2.3 and 3.2’ ” and substituting “ ‘Part 2.3 or Part 3.2’ ”.

**Repeal of section and substitution of new section**

17. Section 58 of the Principal Act is repealed and the following section is substituted:

**Report by Minister**

“58. Section 119 of the Principal Act is amended by omitting ‘, 26, 29, 30, 31 and 32’ and substituting ‘and 27A’.”.

**Repeal of section and substitution of new section**

18. Section 70 of the Principal Act is repealed and the following section is substituted:

**Report by Minister**

“70. Section 119 of the Principal Act is amended by omitting all the figures and words after ‘sections’ and before ‘to be laid’ and substituting ‘15, 16, 18A, 19, 20, 21, 22, 22A, 23, 23A, 24, 25, 25A, 26, 29, 30, 31 and 32’.”.

**PART 4—AMENDMENTS OF THE HIGHER EDUCATION  
FUNDING AMENDMENT ACT 1994**

**Principal Act**

19. In this Part, “**Principal Act**” means the *Higher Education Funding Amendment Act 1994*<sup>3</sup>.

**Maximum grants**

20. Section 6 of the Principal Act is amended by omitting “(f) and (g)” and substituting “(f), (g) and (h)”.

**Grants for superannuation expenses**

21. Section 7 of the Principal Act is amended by omitting “(f) and (g)” and substituting “(f), (g) and (h)”.

**Grants to open learning organisations**

22. Section 9 of the Principal Act is amended by omitting “(b) and (c)” and substituting “(b), (c) and (d)”.

**Exempt students**

**23.** Section 10 of the Principal Act is amended by omitting from paragraph (b) “ ‘(7)’ ” and substituting “ ‘(8)’ ”.

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**NOTES**

1. No. 2, 1989, as amended. For previous amendments, see No. 138, 1988; Nos. 80, 168 and 179, 1989; No. 122, 1990; Nos. 53, 177 and 216, 1991; Nos. 74 and 158, 1992; No. 116, 1993; and No. 24, 1994.
2. No. 158, 1992.
3. No. 24, 1994.

*[Minister's second reading speech made in—  
House of Representatives on 21 September 1994  
Senate on 21 September 1994]*