

Higher Education Support (Charges) Act 2019

No. 85, 2019

An Act to impose higher education provider charge, and for related purposes

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An Act to impose higher education provider charge, and for related purposes

[*Assented to 28 October 2019*]

The Parliament of Australia enacts:

1 Short title

 This Act is the *Higher Education Support (Charges) Act 2019.*

2 Commencement

 (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | 1 January 2020. | 1 January 2020 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

 (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Crown to be bound

This Act binds the Crown in each of its capacities.

4 Act does not impose tax on property of a State

 (1) This Act does not impose a tax on property of any kind belonging to a State.

 (2) ***Property of any kind belonging to a State*** has the same meaning as in section 114 of the Constitution.

5 Definitions

 In this Act:

***higher education provider*** has the same meaning as in the *Higher Education Support Act 2003*.

***higher education provider charge*** means charge imposed by section 6.

***property of any kind belonging to a State***: see subsection 4(2).

***year*** means calendar year.

6 Imposition of higher education provider charge

 A charge is imposed by this section on a body, for a year starting on or after the commencement of this section, if the body is a higher education provider at any time during the year.

7 Amount of higher education provider charge

(1) The amount of higher education provider charge for a year for a higher education provider is the amount (including a nil amount):

 (a) prescribed by the regulations for that year; or

 (b) worked out for that year in accordance with a method prescribed by the regulations.

 (2) Before the Governor‑General makes regulations for the purposes of subsection (1), the Minister must be satisfied that the effect of those regulations will be to recover no more than the Commonwealth’s likely costs in connection with the administration of the *Higher Education Support Act 2003*.

 (3) The regulations may provide for indexation of amounts specified in the regulations.

8 Exemptions from higher education provider charge

 The regulations may provide for exemptions from higher education provider charge.

9 Regulations

 The Governor‑General may make regulations prescribing matters:

 (a) required or permitted by this Act to be prescribed; or

 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[*Minister’s second reading speech made in—*

*House of Representatives on 4 July 2019*

*Senate on 11 September 2019*]

(101/19)