

2004-2005-2006-2007

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Higher Education Legislation  
Amendment (2007 Measures No. 1) Bill  
2007**

**No.     , 2007**

*(Education, Science and Training)*

**A Bill for an Act to amend the law relating to  
higher education, and for related purposes**

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1     **A Bill for an Act to amend the law relating to**  
2     **higher education, and for related purposes**

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act may be cited as the *Higher Education Legislation*  
6                     *Amendment (2007 Measures No. 1) Act 2007*.

7     **2 Commencement**

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

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	
3. Schedule 2	The day on which this Act receives the Royal Assent.	
4. Schedule 3, item 1	The day on which this Act receives the Royal Assent.	
5. Schedule 3, items 2 to 6	1 January 2008.	1 January 2008
6. Schedules 4 to 10	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally  
2 passed by both Houses of the Parliament and assented to. It will not be  
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not  
5 part of this Act. Information in this column may be added to or  
6 edited in any published version of this Act.

### 7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or  
9 repealed as set out in the applicable items in the Schedule  
10 concerned, and any other item in a Schedule to this Act has effect  
11 according to its terms.

1  
2 **Schedule 1—Approval and accreditation of**  
3 **higher education providers**  
4

5 *Higher Education Support Act 2003*

6 **1 Subsection 3-5(2)**

7 Omit “self-accrediting providers or non self-accrediting providers”,  
8 substitute “self-accrediting entities or non self-accrediting entities”.

9 **2 Section 8-1**

10 Omit “self-accrediting providers and non self-accrediting providers”,  
11 substitute “self-accrediting entities and non self-accrediting entities”.

12 **3 Section 13-1**

13 Omit “self-accrediting providers”, substitute “self-accrediting entities”.

14 **4 Subsection 16-25(1)**

15 Omit “(1)”.

16 **5 Paragraph 16-25(1)(b)**

17 Repeal the paragraph, substitute:

18 (b) the body is:

- 19 (i) an \*Australian university; or  
20 (ii) a \*self-accrediting entity; or  
21 (iii) a \*non self-accrediting entity; and

22 **6 Paragraph 16-25(1)(d)**

23 Repeal the paragraph, substitute:

24 (d) the body is in a State or Territory that the Minister is satisfied  
25 has legislation that complies with the \*National Protocols;  
26 and

27 (da) the body offers at least one \*course of study that leads to a  
28 \*higher education award; and

29 (db) if the body is a self-accrediting entity:

- 30 (i) the body is authorised by a \*government accreditation  
31 authority to accredit that course; or

- 1 (ii) the course is an \*accredited course; and  
2 (dc) if the body is a non self-accrediting entity—the course is an  
3 accredited course; and

4 **7 Subsections 16-25(2), (3) and (4)**

5 Repeal the subsections.

6 **8 Section 16-35**

7 Repeal the section.

8 **9 Paragraphs 19-15(2)(a) and (b)**

9 Repeal the paragraphs, substitute:

- 10 (a) the provider meets the requirements of section 19-20; and  
11 (b) if the provider is not a \*Table A provider—the provider  
12 meets the requirements of section 19-25; and  
13 (c) if the provider is a Table A provider—the provider meets the  
14 requirements of section 19-27.

15 **10 Section 19-20**

16 Omit “(other than a \*Table A provider)”.

17 Note: The heading to section 19-20 is altered by omitting “(other than Table A provider)”.

18 **11 Paragraph 19-20(a)**

19 Repeal the paragraph, substitute:

- 20 (a) be assessed, by a \*government accreditation authority, as  
21 meeting the relevant requirements set out in the \*National  
22 Protocols; and

23 **12 Paragraph 19-20(b)**

24 Omit “listed on the Australian Qualifications Framework Register”.

25 **13 After section 19-75**

26 Insert:

27 **19-77 Notice of events affecting accreditation**

28 A higher education provider must by writing inform the Minister of  
29 any event affecting:

- 30 (a) the provider; or
-

- 1 (b) a \*related body corporate of the provider;  
2 that relates to:  
3 (c) the provider's authority to accredit \*courses of study leading  
4 to \*higher education awards; or  
5 (d) the accreditation by a \*government accreditation authority, of  
6 such courses offered by the provider.

7 **14 Paragraph 22-7(b)**

8 Omit "16-25(1)(aa)", substitute "16-25(aa)".

9 **15 Paragraph 22-10(1)(a)**

10 Omit "a \*university", substitute "an \*Australian university".

11 Note 1: The heading to section 22-10 is replaced by the heading "**Revocation of approval if**  
12 **status or accreditation changes**".

13 Note 2: The heading to subsection 22-10(1) is replaced by the heading "*Bodies that cease to be*  
14 *Australian universities*".

15 **16 Paragraph 22-10(1)(b)**

16 Omit "a university", substitute "an Australian university".

17 **17 Paragraph 22-10(2)(a)**

18 Omit "provider" (first occurring), substitute "entity".

19 Note: The heading to subsection 22-10(2) is replaced by the heading "*Bodies that cease to be*  
20 *self-accrediting entities*".

21 **18 Paragraph 22-10(2)(b)**

22 Omit "provider", substitute "entity".

23 **19 After subsection 22-10(2)**

24 Insert:

25 *Self-accrediting entities that cease to have authority to accredit*  
26 *courses*

27 (2A) The Minister may revoke a body's approval as a higher education  
28 provider if:

- 29 (a) the body was a \*self-accrediting entity at the last time the  
30 body became a higher education provider; and



- 1 (b) the body is no longer authorised by a \*government  
2 accreditation authority to accredit a \*course of study that the  
3 body was authorised to accredit at that time; and  
4 (c) the Minister complies with the requirements of section 22-20.

5 **20 Paragraph 22-10(3)(a)**

6 Omit “provider” (first occurring), substitute “entity”.

7 Note: The heading to subsection 22-10(3) is replaced by the heading “*Bodies that cease to be*  
8 *non self-accrediting entities*”.

9 **21 Paragraph 22-10(3)(b)**

10 Omit “provider”, substitute “entity”.

11 **22 At the end of section 22-10**

12 Add:

13 *Bodies offering courses that cease to be accredited courses*

- 14 (4) The Minister may revoke a body’s approval as a higher education  
15 provider if:  
16 (a) the body was a \*self-accrediting entity or a \*non  
17 self-accrediting entity at the last time the body became a  
18 higher education provider; and  
19 (b) a \*course of study offered by the body that was an  
20 \*accredited course ceases to be an accredited course; and  
21 (c) the Minister complies with the requirements of section 22-20.

22 **23 Paragraph 104-10(1)(b)**

23 Repeal the paragraph, substitute:

- 24 (b) if the unit is being undertaken as part of a course of study  
25 with a higher education provider and the course is not a  
26 course that the provider is authorised by a \*government  
27 accreditation authority to accredit—the course is an  
28 \*accredited course.

29 **24 Section 206-1 (table items 5 to 10)**

30 Repeal the items, substitute:

5 A decision under Division 225 (other than section 225-25), in relation to an external Territory the Minister

1 **25 Section 217-1**

2 Repeal the section, substitute:

3 **217-1 What this Chapter is about**

4 This Chapter primarily provides for approval of universities,  
5 self-accrediting entities and non self-accrediting entities to operate  
6 in external Territories, and for accreditation of courses of study in  
7 those Territories.

8 **26 Section 222-1**

9 Repeal the section, substitute:

10 **222-1 What this Part is about**

11 Certain persons (other than natural persons) may apply for  
12 approval to operate in an external Territory as a university, as a  
13 self-accrediting entity, or as a non self-accrediting entity.

14 All courses of study offered in an external Territory that an  
15 approved person is not authorised to accredit must be accredited by  
16 the Minister.

17 Persons (including natural persons) who do not have approval or  
18 accreditation under this Part may commit an offence if they operate  
19 as a university or other provider, offer higher education awards or  
20 describe themselves as universities, in an external Territory.

21 **27 Subsection 225-1(1)**

22 Repeal the subsection, substitute:

23 (1) A person (other than a natural person) who wishes to \*operate in an  
24 external Territory as a university or other provider of \*courses of

1 study leading to \*higher education awards, may apply in writing to  
2 the Minister:

3 (a) for any of the following:

4 (i) approval to operate as a university in relation to that  
5 Territory;

6 (ii) approval to operate as a self-accrediting entity in  
7 relation to that Territory;

8 (iii) approval to operate as a non self-accrediting entity in  
9 relation to that Territory; and

10 (b) for accreditation, in relation to that Territory, of courses of  
11 study leading to higher education awards that the person  
12 proposes to offer in that Territory and is not authorised by a  
13 \*government accreditation authority to accredit.

14 Note: Division 228 contains offences for persons who operate as a university  
15 or other provider, offer higher education awards or describe  
16 themselves as universities, in an external Territory, without approval  
17 or accreditation under this Part.

18 Note: The heading to section 225-1 is altered by omitting “**as self-accrediting entity or for**  
19 **accreditation of course**” and substituting “**and accreditation**”.

## 20 **28 After subsection 225-1(2)**

21 Insert:

22 (2A) The Minister may request an applicant to give the Minister  
23 specified additional information to enable the Minister to decide  
24 the application.

## 25 **29 After section 225-1**

26 Insert:

### 27 **225-3 Approving a person to operate as a university in relation to an** 28 **external Territory**

29 (1) The Minister may approve a person to operate as a university in  
30 relation to an external Territory if:

31 (a) the person applies for approval, under section 225-1, to  
32 operate as a university; and

33 (b) the Minister is satisfied, following an assessment made  
34 having regard to the \*National Protocols and any matters set  
35 out in the Higher Education in External Territories  
36 Guidelines, that it is appropriate to approve the person to

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1 operate as a university in relation to the external Territory;  
2 and

3 (c) the person's principal purpose is either or both of the  
4 following:

5 (i) to provide education;

6 (ii) to conduct research.

7 Note: Refusal to approve a person to operate as a university is reviewable  
8 under Part 5-7.

9 (2) If the Minister approves a person to operate as a university in  
10 relation to an external Territory under subsection (1), he or she  
11 may, having regard to the \*National Protocols and any matters set  
12 out in the Higher Education in External Territories Guidelines,  
13 approve the person's use of:

14 (a) the word "university"; or

15 (b) the words "university college"; or

16 (c) any like word or words;

17 for the purpose of:

18 (d) identifying the person in the person's \*operation in the  
19 external Territory; or

20 (e) identifying the person's operation in the external Territory.

### 21 **30 Section 225-5**

22 Repeal the section, substitute:

#### 23 **225-5 Approving a person to operate as a self-accrediting entity in** 24 **relation to an external Territory**

25 (1) The Minister may approve a person to operate as a self-accrediting  
26 entity in relation to an external Territory if:

27 (a) the person applies for approval, under section 225-1, to  
28 operate as a self-accrediting entity in relation to that  
29 Territory; and

30 (b) the Minister is satisfied, following an assessment made  
31 having regard to the \*National Protocols and any matters set  
32 out in the Higher Education in External Territories  
33 Guidelines, that it is appropriate that the person be authorised  
34 to accredit \*courses of study leading to \*higher education  
35 awards in relation to that Territory; and

1 (c) the person's principal purpose is either or both of the  
2 following:

- 3 (i) to provide education;  
4 (ii) to conduct research.

5 Note: Refusal to approve a person to operate as a self-accrediting entity is  
6 reviewable under Part 5-7.

7 (2) The Minister must, having regard to the \*National Protocols and  
8 any matters set out in the Higher Education in External Territories  
9 Guidelines, specify in the approval:

- 10 (a) whether the person's authority to accredit \*courses of study  
11 leading to \*higher education awards in relation to that  
12 Territory is limited in any way; and  
13 (b) the nature of any such limitation.

14 Note 1: An authority may be limited, for example, by reference to a field of  
15 study or level of qualification.

16 Note 2: A decision to limit an authority is reviewable under Part 5-7.

17 *Minister may accredit courses that person is not authorised to*  
18 *self-accredit*

19 (3) If the Minister proposes to:

- 20 (a) approve under subsection (1) a person to operate as a  
21 self-accrediting entity in relation to an external Territory; and  
22 (b) limit under subsection (2) the person's authority to accredit  
23 \*courses of study leading to \*higher education awards in  
24 relation to that Territory;

25 the Minister may, when approving that person, accredit any course  
26 of study, in relation to that Territory, that the person proposes to  
27 offer in that Territory but would not be authorised to accredit  
28 because of that limitation.

29 (4) The Minister may only accredit a \*course of study under  
30 subsection (3) in relation to an external Territory if the Minister is  
31 satisfied, following an assessment made having regard to the  
32 \*National Protocols and any matters set out in the Higher  
33 Education in External Territories Guidelines, that the course, and  
34 the way of delivering it, are appropriate to the award.

35 Note: A decision not to accredit a course of study under subsection (3) is  
36 reviewable under Part 5-7.

1 **31 After section 225-5**

2 Insert:

3 **225-7 Approving a person to operate as a non self-accrediting entity**  
4 **in relation to an external Territory**

5 The Minister may approve a person to operate as a non  
6 self-accrediting entity in relation to an external Territory if:

- 7 (a) the person applies under section 225-1 for:
- 8 (i) approval to operate as a non self-accrediting entity in  
9 relation to that Territory; or
  - 10 (ii) approval to operate as a self-accrediting entity in  
11 relation to that Territory; and
- 12 (b) the Minister is satisfied, following an assessment made  
13 having regard to the \*National Protocols and the Higher  
14 Education in External Territories Guidelines, that:
- 15 (i) if subparagraph (a)(ii) applies—it would not be  
16 appropriate to authorise the person to accredit any  
17 \*courses of study leading to \*higher education awards in  
18 relation to that Territory; and
  - 19 (ii) in any case—it is appropriate that the person be  
20 authorised to offer courses of study leading to higher  
21 education awards in relation to that Territory; and
- 22 (c) the person’s principal purpose is either or both of the  
23 following:
- 24 (i) to provide education;
  - 25 (ii) to conduct research.

26 Note: Refusal to approve a person to operate as a non self-accrediting entity,  
27 or a decision to approve a person to operate as a non self-accrediting  
28 entity on application for approval to operate as a self-accrediting  
29 entity, is reviewable under Part 5-7.

30 **32 Paragraph 225-10(b)**

31 Omit “award; and”, substitute “award.”.

32 **33 Paragraph 225-10(c)**

33 Repeal the paragraph.

34 **34 Section 225-15**

35 Repeal the section, substitute:

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1 **225-15 Duration of approval and accreditation**

2 An approval or accreditation under this Part:

- 3 (a) remains in force for the period that the Minister determines;  
4 and  
5 (b) is subject to any conditions that the Minister imposes.

6 Note: A decision determining a period during which an approval or  
7 accreditation remains in force, or imposing conditions on an approval  
8 or accreditation, is reviewable under Part 5-7.

9 **35 Section 225-20**

10 Repeal the section, substitute:

11 **225-20 Amending or revoking an approval, authorisation or**  
12 **accreditation in relation to an external Territory**

13 *Amending or revoking an approval to operate as a university*

- 14 (1) The Minister may amend or revoke an approval of a person under  
15 section 225-3 to operate as a university in relation to an external  
16 Territory at any time if the Minister is satisfied that:  
17 (a) the person has breached a condition to which the person's  
18 approval is subject; or  
19 (b) following a reassessment of the person's approval made  
20 having regard to the \*National Protocols and any matters set  
21 out in the Higher Education in External Territories  
22 Guidelines, the person's circumstances have so changed that  
23 it is no longer appropriate that the person be approved to  
24 operate as a university in relation to that Territory; or  
25 (c) the person's circumstances have changed so that it no longer  
26 satisfies paragraph 225-3(1)(c).

27 Note: Amendment or revocation of an approval is reviewable under Part 5-7.

28 *Amending or revoking an approval to use a word or words*

- 29 (2) The Minister may amend or revoke an approval for a person under  
30 section 225-3 to use a word or words in relation to an external  
31 Territory at any time if the Minister is satisfied that:  
32 (a) the person has breached a condition to which the person's  
33 approval was subject; or

- 1 (b) following a reassessment of the person's approval made  
2 having regard to the \*National Protocols and any matters set  
3 out in the Higher Education in External Territories  
4 Guidelines, it is not appropriate for the person to use the  
5 word or words in relation to that Territory; or  
6 (c) the person's approval under section 225-3 to operate as a  
7 university in relation to that Territory has been amended or  
8 revoked.

9 Note: Amendment or revocation of an approval is reviewable under Part 5-7.

10 *Amending or revoking an approval to operate as a self-accrediting*  
11 *entity*

- 12 (3) The Minister may amend or revoke an approval of a person under  
13 section 225-5 to operate as a self-accrediting entity in relation to an  
14 external Territory at any time if the Minister is satisfied that:  
15 (a) the person has breached a condition to which the person's  
16 approval is subject; or  
17 (b) following a reassessment of the person's approval made  
18 having regard to the \*National Protocols and any matters set  
19 out in the Higher Education in External Territories  
20 Guidelines, the person's circumstances have so changed that:  
21 (i) it is no longer appropriate that the person be authorised  
22 to accredit any courses of study in relation to that  
23 Territory; or  
24 (ii) it is no longer appropriate that the person be authorised  
25 to accredit one or more of the courses that it is currently  
26 authorised to accredit in relation to that Territory; or  
27 (c) the person's circumstances have changed so that it no longer  
28 satisfies paragraph 225-5(1)(c).

29 Note: Amendment or revocation of an approval is reviewable under Part 5-7.

30 *Amending or revoking an approval to operate as a non*  
31 *self-accrediting entity*

- 32 (4) The Minister may amend or revoke an approval of a person under  
33 section 225-7 to operate as a non self-accrediting entity in relation  
34 to an external Territory at any time if the Minister is satisfied that:  
35 (a) the person has breached a condition to which the person's  
36 approval is subject; or



- 1 (b) following a reassessment of the person's approval made  
2 having regard to the \*National Protocols and any matters set  
3 out in the Higher Education in External Territories  
4 Guidelines, the person's circumstances have so changed that  
5 it is no longer appropriate that the person be approved to  
6 operate as a non self-accrediting entity in relation to that  
7 Territory; or  
8 (c) the person's circumstances have changed so that it no longer  
9 satisfies paragraph 225-7(c).

10 Note: Amendment or revocation of an approval is reviewable under Part 5-7.

11 *Amending or revoking an accreditation of a course of study*

- 12 (5) The Minister may amend or revoke an accreditation of a \*course of  
13 study under section 225-5 or 225-10 in relation to an external  
14 Territory at any time if the Minister is satisfied that:  
15 (a) the person \*offering the course has breached a condition to  
16 which the accreditation is subject; or  
17 (b) following a reassessment of the accreditation made having  
18 regard to the \*National Protocols and any matters set out in  
19 the Higher Education in External Territories Guidelines, the  
20 content of, or manner of providing, the course has so changed  
21 that it is no longer appropriate to the award; or  
22 (c) the person's approval under section 225-5 or 225-7 has been  
23 amended or revoked.

24 Note: Amendment or revocation of an accreditation is reviewable under  
25 Part 5-7.

26 *Amending or revoking an approval or accreditation because false  
27 or misleading information provided in application*

- 28 (6) The Minister may amend or revoke an approval or accreditation  
29 under this Part at any time if the Minister is satisfied that  
30 information given by a person in relation to an application under  
31 section 225-1 for that approval or accreditation was false or  
32 misleading.

33 Note: Amendment or revocation of an accreditation is reviewable under  
34 Part 5-7.

35 **36 Subparagraph 228-1(1)(a)(i)**

36 Omit “\*university”, substitute “university”.

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1 **37 Paragraphs 228-1(1)(c) and (d)**

2 Repeal the paragraphs, substitute:

3 (c) the person is not:

4 (i) an \*Australian university; or

5 (ii) a \*self-accrediting entity; or

6 (iii) approved to operate in that Territory by the Minister  
7 under section 225-3 or 225-7.

8 Note: The heading to section 228-1 is altered by omitting “**accreditation**” and substituting  
9 “**approval**”.

10 **38 Subsection 228-1(2)**

11 Repeal the subsection, substitute:

12 (2) A person who contravenes subsection (1) commits a separate  
13 offence in respect of each day (including a day of a conviction for  
14 the offence or any later day) during which the contravention  
15 continues.

16 **39 Paragraph 228-5(1)(a)**

17 After “offer,”, insert “the whole or a part of”.

18 **40 Paragraphs 228-5(1)(c) and (d)**

19 Repeal the paragraphs, substitute:

20 (c) the person is not an \*Australian university or approved under  
21 section 225-3 to operate in relation to that Territory as a  
22 university; and

23 (d) if the person is a \*self-accrediting entity—the person is not  
24 authorised by a \*government accreditation authority to  
25 accredit the course; and

26 (e) the course is not accredited by the Minister under  
27 section 225-5 or 225-10 in relation to that Territory.

28 **41 Paragraphs 228-5(2)(c) and (d)**

29 Repeal the paragraphs, substitute:

30 (c) the person is not an \*Australian university; and

31 (d) the offer, or purported offer, of the award is not dependent on  
32 the successful completion of a \*course of study leading to a  
33 higher education award.

1 **42 Subsection 228-5(3)**

2 Repeal the subsection, substitute:

- 3 (3) A person who contravenes subsection (1) or (2) commits a separate  
4 offence in respect of each day (including a day of a conviction for  
5 the offence or any later day) during which the contravention  
6 continues.

7 **43 Paragraphs 228-10(1)(b) and (c)**

8 Repeal the paragraphs, substitute:

- 9 (b) the person, or the person's operation or purported operation,  
10 as so identified, is not an \*Australian university; and  
11 (c) the Minister has not approved the use of that word or those  
12 words under subsection 225-3(2) or section 233-1 in relation  
13 to that Territory.

14 **44 Subsection 228-10(2)**

15 Repeal the subsection, substitute:

- 16 (2) A person who contravenes subsection (1) commits a separate  
17 offence in respect of each day (including a day of a conviction for  
18 the offence or any later day) during which the contravention  
19 continues.

20 **45 Paragraph 228-15(1)(a)**

21 Omit “\*university”, substitute “university”.

22 **46 Before subsection 228-15(1)**

23 Insert:

- 24 (1A) A reference to a person *operating*, or purporting to operate, in an  
25 external Territory:  
26 (a) as a university, or part of a university, providing \*courses of  
27 study leading to \*higher education awards; or  
28 (b) as another provider of courses of study leading to higher  
29 education awards;  
30 includes a reference to a person:  
31 (c) offering, providing, or conducting a business of offering or  
32 providing:

- 1 (i) the whole or a part of such courses of study in relation  
2 to that Territory; or  
3 (ii) such awards in relation to that Territory; or  
4 (d) using premises for the purposes of operating as such a  
5 provider in relation to that Territory.

6 **47 Subsection 228-15(1)**

7 Omit “by means of any of the following telecommunication devices”,  
8 substitute “by any of the following means”.

9 **48 Before paragraph 228-15(1)(c)**

10 Insert:  
11 (ca) a postal or other like service;

12 **49 Subsection 228-15(2)**

13 Omit “by means of any of the telecommunication devices”, substitute  
14 “by any of the means”.

15 **50 Clause 1 of Schedule 1 (paragraph (b) of the definition of**  
16 ***accredited course*)**

17 Repeal the paragraph, substitute:  
18 (b) is accredited by a \*government accreditation authority.

19 **51 Clause 1 of Schedule 1**

20 Insert:  
21 ***Australian university*** means a body corporate:  
22 (a) that meets the requirements set out in the \*National Protocols  
23 for entities referred to in the National Protocols as Australian  
24 universities; and  
25 (b) whose name is included, or who owns or controls a business  
26 name that is included, in the \*Australian Qualifications  
27 Framework Register as an Australian university.

28 **52 Clause 1 of Schedule 1**

29 Insert:  
30 ***government accreditation authority*** means:  
31 (a) the Commonwealth; or

1 (b) a State or Territory accreditation agency listed in the  
2 \*Australian Qualifications Framework Register.

3 **53 Clause 1 of Schedule 1 (definition of *listed self-accrediting***  
4 ***entity*)**

5 Repeal the definition.

6 **54 Clause 1 of Schedule 1 (definition of *National Protocol 1*)**

7 Repeal the definition.

8 **55 Clause 1 of Schedule 1 (definition of *National Protocol 3*)**

9 Repeal the definition.

10 **56 Clause 1 of Schedule 1**

11 Insert:

12 *non self-accrediting entity* means a body corporate (other than an  
13 \*Australian university or a \*self-accrediting entity):

14 (a) whose name is included; or

15 (b) who owns or controls a business name that is included;

16 in the \*Australian Qualifications Framework Register as a body  
17 authorised to offer \*courses of study leading to \*higher education  
18 awards, but not to accredit any of those courses.

19 **57 Clause 1 of Schedule 1 (definition of *non self-accrediting***  
20 ***provider*)**

21 Repeal the definition.

22 **58 Clause 1 of Schedule 1 (definition of *offering*)**

23 Repeal the definition, substitute:

24 *offering*, in relation to an external Territory, has the meaning given  
25 by subsection 228-15(2).

26 **59 Clause 1 of Schedule 1 (definition of *operating*)**

27 Repeal the definition, substitute:

28 *operating*, in relation to an external Territory, has the meaning  
29 given by subsections 228-15(1A) and (1).

1 **60 Clause 1 of Schedule 1**

2 Insert:

3 *self-accrediting entity* means a body corporate (other than an  
4 \*Australian university):

5 (a) whose name is included; or

6 (b) who owns or controls a business name that is included;

7 in the \*Australian Qualifications Framework Register as a body

8 authorised to accredit \*courses of study leading to \*higher

9 education awards.

10 **61 Clause 1 of Schedule 1 (definition of *self-accrediting***  
11 ***provider*)**

12 Repeal the definition.

13 **62 Clause 1 of Schedule 1 (definition of *university*)**

14 Repeal the definition.

1  
2 **Schedule 2—Overseas study requirements for**  
3 **OS-HELP assistance**  
4

5 *Higher Education Support Act 2003*

6 **1 After paragraph 118-1(1)(h)**

7 Insert:

- 8 (ha) the student has applied to the home provider for receipt of  
9 OS-HELP assistance in relation to the period; and

10 **2 Subsection 118-1(2)**

11 Repeal the subsection, substitute:

- 12 (2) However, the student is not entitled to \*OS-HELP assistance in  
13 relation to that period if:  
14 (a) another higher education provider has granted OS-HELP  
15 assistance to the student in relation to:  
16 (i) that period; or  
17 (ii) a period that overlaps with that period; or  
18 (b) the student applies to the home provider for the assistance  
19 after the student has completed the study in relation to the  
20 period.  
21 (3) To avoid doubt, the student may be outside Australia when the  
22 student applies to the home provider for receipt of \*OS-HELP  
23 assistance.

24 **3 Subparagraph 118-10(a)(iii)**

25 Repeal the subparagraph.

26 **4 After paragraph 118-10(a)**

27 Insert:

- 28 (b) the study commences on or after 1 January 2005; and

29 **5 Paragraph 118-10(c)**

30 Omit “student’s”.

1  
2 **Schedule 3—Corrections to information**  
3 **affecting entitlements**  
4

5 *Higher Education Funding Act 1988*

6 **1 After section 110A**

7 Insert:

8 **110B Commonwealth not liable where person later gives correct**  
9 **information**

10 Despite any other provision of this Act, the Commonwealth is not,  
11 and is taken never to have been, liable to:

- 12 (a) lend an amount to a person under this Act; or  
13 (b) apply any amount in making a payment to an institution  
14 under this Act in discharge of a liability of the person;

15 because of information given to an institution by the person after  
16 the commencement of section 1 to the *Higher Education*  
17 *Legislation Amendment (2007 Measures No. 1) Act 2007*.

18 *Higher Education Support Act 2003*

19 **2 At the end of Division 169**

20 Add:

21 **169-35 6 week cut off for corrections affecting entitlement to**  
22 **Commonwealth assistance**

23 If:

- 24 (a) more than 6 weeks after the \*census date for a unit of study  
25 undertaken with a higher education provider, a person gives  
26 the provider information in writing (the *correct information*)  
27 that establishes that information contained in or  
28 accompanying the person's \*request for Commonwealth  
29 assistance was incorrect; and  
30 (b) the correct information establishes that the person was  
31 entitled to a particular kind of Commonwealth assistance;



1                   this Act applies as if the person had never been entitled to that  
2                   particular Commonwealth assistance.

3                   ***Higher Education Support (Transitional Provisions and***  
4                   ***Consequential Amendments) Act 2003***

5                   **3 After subitem 1(2) of Schedule 1**

6                   Insert:

7                   (2A) A person cannot establish for the purposes of subitem (1) that he or she  
8                   is a contributing student within the meaning of Chapter 4 of the *Higher*  
9                   *Education Funding Act 1988*, or not an excepted student, more than 6  
10                  weeks after the census date for the unit.

11                  **4 Item 6 of Schedule 1**

12                  Before “If:”, insert “(1)”.

13                  **5 At the end of item 6 of Schedule 1**

14                  Add:

15                  (2) A person cannot establish for the purposes of subitem (1) that he or she  
16                  is an eligible student, within the meaning of section 98B of the *Higher*  
17                  *Education Funding Act 1988*, more than 6 weeks after the census date  
18                  for the unit.

19                  **6 Application**

20                  The amendments made by items 2 to 5 apply in relation to a \*census  
21                  date that occurs on or after the commencement of this item.

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## **Schedule 4—Commonwealth supported study at particular campus**

### *Higher Education Support Act 2003*

#### **1 After section 36-30**

7           Insert:

#### **36-32 Commonwealth supported study at a particular campus**

9                           Nothing in sections 36-25 or 36-30 requires a higher education  
10                           provider to advise a person that he or she is a Commonwealth  
11                           supported student in relation to a unit of study undertaken at a  
12                           particular campus of the provider.

1  
2 **Schedule 5—Residency requirements for**  
3 **Commonwealth assistance**  
4

5 *Higher Education Support Act 2003*

6 **1 Paragraph 36-10(1)(c)**

7 Repeal the paragraph, substitute:

- 8 (c) the person meets the citizenship or residency requirements  
9 for the purposes of this paragraph (see subsections (2) and  
10 (2A)); and

11 **2 Subsection 36-10(2)**

12 Repeal the subsection, substitute:

- 13 (2) A person meets the citizenship or residency requirements for the  
14 purposes of paragraph (1)(c) if the person is:

- 15 (a) an Australian citizen; or  
16 (b) a citizen of New Zealand who will be resident within  
17 Australia for the duration of the unit; or  
18 (c) a \*permanent visa holder who will be resident within  
19 Australia for the duration of the unit.

- 20 (2A) In determining, for the purposes of subparagraph (2)(b) or (c),  
21 whether a person will be resident within Australia for the duration  
22 of the unit of study, disregard any period of residence outside  
23 Australia if:

- 24 (a) it cannot reasonably be regarded as indicating an intention to  
25 reside outside Australia for the duration of the unit; or  
26 (b) it is required for the purpose of completing a requirement of  
27 that unit.

- 28 (2B) Despite subsections (2) and (2A), a person does not meet the  
29 citizenship or residency requirements under paragraph (2)(b) or (c),  
30 if the higher education provider reasonably expects that he or she  
31 will not undertake in Australia any units of study contributing to  
32 the \*course of study of which the unit forms a part.

33 **3 Section 90-5**

34 Repeal the section, substitute:

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1 **90-5 Citizenship or residency requirements**

- 2 (1) A student meets the citizenship or residency requirements under  
3 this section in relation to a unit of study if the student is:  
4 (a) an Australian citizen; or  
5 (b) a \*permanent humanitarian visa holder who will be resident  
6 in Australia for the duration of the unit.
- 7 (2) In determining, for the purpose of paragraph (1)(b), whether the  
8 student will be resident in Australia for the duration of the unit,  
9 disregard any period of residence outside Australia that:  
10 (a) cannot reasonably be regarded as indicating an intention to  
11 reside outside Australia for the duration of that unit; or  
12 (b) is required for the purpose of completing a requirement of  
13 that unit.
- 14 (3) Despite subsections (1) and (2), a \*permanent humanitarian visa  
15 holder does not meet the citizenship or residency requirements in  
16 relation to a unit of study if the provider reasonably expects that  
17 the visa holder will not undertake in Australia any units of study  
18 contributing to the \*course of study of which the unit forms a part.

19 **4 Section 104-5**

20 Repeal the section, substitute:

21 **104-5 Citizenship or residency requirements**

- 22 (1) A student meets the citizenship or residency requirements under  
23 this section in relation to a unit of study if the student is:  
24 (a) an Australian citizen; or  
25 (b) a \*permanent humanitarian visa holder who will be resident  
26 in Australia for the duration of the unit; or  
27 (c) if the student is undertaking, or is to undertake, the unit as  
28 part of a \*bridging course for overseas-trained  
29 professionals—a \*permanent visa holder who will be resident  
30 in Australia for the duration of the unit.
- 31 (2) In determining, for the purpose of paragraph (1)(b) or (c), whether  
32 the student will be resident in Australia for the duration of the unit,  
33 disregard any period of residence outside Australia that:

- 1 (a) cannot reasonably be regarded as indicating an intention to  
2 reside outside Australia for the duration of the unit; or  
3 (b) is required for the purpose of completing a requirement of  
4 that unit.
- 5 (3) Despite subsections (1) and (2), a \*permanent humanitarian visa  
6 holder or \*permanent visa holder does not meet the citizenship or  
7 residency requirements in relation to a unit of study if the provider  
8 reasonably expects that the visa holder will not undertake in  
9 Australia any units of study contributing to the \*course of study, or  
10 the \*bridging course for overseas-trained professionals, of which  
11 the unit forms a part.

## 12 **5 Application**

13 The amendments made by this Schedule apply in relation to a unit of  
14 study in which a student enrolls after the commencement of this  
15 Schedule.

1  
2 **Schedule 6—Bridging courses provided by**  
3 **Open Universities Australia**  
4

5 *Higher Education Support Act 2003*

6 **1 Subsection 104-45(1)**

7 After “higher education provider”, insert “, or to which access is  
8 provided by \*Open Universities Australia,”.

9 **2 Paragraph 104-45(1)(c)**

10 Repeal the paragraph, substitute:

11 (c) the person undertakes, or proposes to undertake, those  
12 additional studies by:

13 (i) enrolling, or proposing to enrol, on a \*non-award basis,  
14 in those subjects or units with the provider; or

15 (ii) accessing, or proposing to access, those subjects or units  
16 through Open Universities Australia; and

17 **3 Paragraph 104-45(1)(d)**

18 Omit “provider’s opinion”, substitute “opinion of the provider or Open  
19 Universities Australia”.

20 **4 Subsection 104-45(2)**

21 After “higher education provider”, insert “, or to which access is  
22 provided by \*Open Universities Australia,”.

23 **5 Paragraph 104-45(2)(c)**

24 Repeal the paragraph, substitute:

25 (c) the person prepares, or proposes to prepare, for those  
26 examinations by:

27 (i) enrolling, or proposing to enrol, on a \*non-award basis,  
28 in those occupation-related courses of instruction with  
29 the provider; or

30 (ii) accessing, or proposing to access, those  
31 occupation-related courses of instruction through Open  
32 Universities Australia; and

1 **6 Paragraph 104-45(2)(d)**

2 Omit “provider’s opinion”, substitute “opinion of the provider or Open  
3 Universities Australia”.

4 **7 Subsection 104-45(3)**

5 After “higher education provider”, insert “, or to which access is  
6 provided by \*Open Universities Australia,”.

7 **8 Paragraph 104-45(3)(c)**

8 Repeal the paragraph, substitute:

9 (c) the person undertakes, or proposes to undertake, such a  
10 program by:

11 (i) enrolling, or proposing to enrol, on a \*non-award basis,  
12 in a tuition and training program with the provider; or

13 (ii) accessing, or proposing to access, a tuition and training  
14 program through Open Universities Australia; and

15 **9 Paragraph 104-45(3)(d)**

16 Omit “provider’s opinion”, substitute “opinion of the provider or Open  
17 Universities Australia”.

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## **Schedule 7—Changed name of Victoria University**

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### ***Higher Education Support Act 2003***

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#### **1 Subsection 16-15(1) (table item dealing with Victoria University of Technology)**

Omit “of Technology”.



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## **Schedule 8—Commonwealth support for cross-institutional study**

### ***Higher Education Support Act 2003***

#### **1 Paragraph 19-87(1)(b)**

Repeal the paragraph, substitute:

(b) in relation to which the provider may advise a person that he or she is a \*Commonwealth supported student.

#### **2 Paragraph 36-10(1)(b)**

Omit “the provider or, where the provider is a \*Table A provider, with another Table A provider”, substitute “that provider or another higher education provider”.

#### **3 Paragraph 36-22(1)(aa)**

Omit “the provider or, where the provider is a \*Table A provider, with another Table A provider”, substitute “that provider or another higher education provider”.

#### **4 Paragraph 79-1(1)(aa)**

Omit “the provider or, where the provider is a \*Table A provider, with another Table A provider”, substitute “that provider or another higher education provider”.

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## Schedule 9—Funding for implementation of the Research Quality Framework

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### *Higher Education Support Act 2003*

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#### **1 Subsection 41-45(1) (table items 3 to 6)**

7

Repeal the table items, substitute:

3	2007	\$1,768,622,000
4	2008	\$1,758,134,000
5	2009	\$1,744,636,000
6	2010	\$1,732,526,000

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## **Schedule 10—Registration of suspensions of higher education providers**

### ***Higher Education Support Act 2003***

#### **1 Subsection 22-30(1)**

Omit “may determine in writing”, substitute “may, by legislative instrument, determine”.

#### **2 After subsection 22-40(3)**

Insert:

(3A) A notice of revocation under subsection (3) is a legislative instrument.