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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Higher Education and Research Reform Amendment Bill 2014

No. , 2014

(Education)

**A Bill for an Act to amend legislation relating to
higher education and research, and for other
purposes**

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1 **A Bill for an Act to amend legislation relating to**
2 **higher education and research, and for other**
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Higher Education and Research*
7 *Reform Amendment Act 2014*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedules 1 to 3	1 January 2016.	1 January 2016
3. Schedule 4	1 July 2016.	1 July 2016
4. Schedule 5, Part 1	The day after this Act receives the Royal Assent.	
5. Schedule 5, Parts 2 to 4 and Schedule 6	1 January 2016.	1 January 2016
6. Schedule 7	1 July 2015.	1 July 2015
7. Schedule 8	1 January 2016.	1 January 2016
8. Schedule 9	The day after this Act receives the Royal Assent.	
9. Schedule 10	1 January 2015.	1 January 2015

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

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

7 **3 Schedules**

8 (1) Legislation 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9 repealed as set out in the applicable items in the Schedule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.

12 (2) The amendment of any instrument under subsection (1) does not
13 prevent the instrument, as so amended, from being amended or
14 repealed by the Minister.

1 **Schedule 1—Deregulation, expansion of**
2 **demand driven system and other**
3 **measures**

4 **Part 1—Main amendments**

5 *Higher Education Support Act 2003*

6 **1 Paragraphs 3-10(a) and (b)**

7 Repeal the paragraphs, substitute:

- 8 (a) HECS-HELP assistance for tuition fees;

9 **2 Division 5**

10 Repeal the Division, substitute:

11 **Division 5—Application of Act to certain international**
12 **providers**

13 **5-1 Application of Act to certain international providers**

14 *International providers*

15 (1) This section applies to a higher education provider that:

- 16 (a) was not established under the law of the Commonwealth, a
17 State or a Territory; and
18 (b) does not have its central management and control in
19 Australia.

20 The higher education provider is an *international provider*.

21 Note: Higher education providers covered by subsection 16-5(1A) are
22 international providers (though others might also be approved).

23 *General application of Act*

24 (2) A provision of this Act that is not listed in the table in
25 subsection (3) or referred to in subsection (4) applies to:

- 26 (a) the *international provider; and
27 (b) the *Australian branch of the provider; and

Schedule 1 Deregulation, expansion of demand driven system and other measures
Part 1 Main amendments

1 (c) students undertaking or proposing to undertake units of study
2 at the branch.

3 *Modified application*

4 (3) The provisions of this Act listed in the table apply to an
5 *international provider in the way set out in the table.

6

Application of Act to international providers

Item	Provision	Application
1	Subdivision 19-C (Quality requirements)	Applies to the *Australian branch of the provider. However, *TEQSA may need to assess the overall performance of the provider as it relates to that branch.
2	Subdivision 19-D (Fairness requirements)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
3	Subdivision 19-F (Tuition fee requirements)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
4	Part 3-2 (HECS-HELP assistance)	Applies to eligible students of the *Australian branch of the provider, but only for units of study in which the students are enrolled at the Australian branch.
5	Part 3-4 (OS-HELP assistance)	Applies to eligible students of the *Australian branch of the provider.
6	Part 3-5 (SA-HELP assistance)	Applies to eligible students of the *Australian branch of the provider who are enrolled at the Australian branch in a *course of study or *bridging course for overseas-trained professionals.
7	Chapter 4 (Repayment of loans)	Applies to the *Australian branch of the provider and to students undertaking, or students who undertook, units of study at that branch.

Application of Act to international providers

Item	Provision	Application
8	Part 5-2 (Administrative requirements on higher education providers)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
9	Part 5-3 (Electronic communications)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
10	Part 5-4 (Management of information)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
11	Part 5-5 (Tax file numbers)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.
12	Part 5-7 (Review of decisions)	Applies to the *Australian branch of the provider and to students undertaking or proposing to undertake units of study at that branch.

1

2

Provisions that do not apply to international providers

3

(4) Schedule 1A (VET FEE-HELP Assistance Scheme) does not apply to:

4

5

(a) an *international provider; or

6

(b) the *Australian branch of the international provider; or

7

(c) students in their capacity as students of that provider or of that branch.

8

9

3 Section 13-1

10

Repeal the section, substitute:

1 **13-1 Simplified outline of this Part**

2 Generally, a body corporate must be a higher education provider as
3 defined in this Part before:

- 4 (a) it can receive grants under this Chapter; or
5 (b) its students can receive assistance under Chapter 3.

6 A body corporate is a higher education provider as defined in this
7 Part if the Minister approves it or if it is automatically treated as
8 having been approved. All must be registered higher education
9 providers as defined in the TEQSA Act.

10 A body corporate's status (including an automatic status) as a
11 higher education provider can be revoked in circumstances such as
12 a breach of a quality and accountability requirement.

13 **4 Division 16 (heading)**

14 Repeal the heading, substitute:

15 **Division 16—Higher education providers**

16 **5 Section 16-1**

17 Repeal the section, substitute:

18 **16-1 Meaning of *higher education provider***

19 A *higher education provider* is a *registered higher education
20 provider that is approved under this Division.

21 Note: A *registered higher education provider* has the same meaning as in
22 the TEQSA Act. Under that Act, only a regulated entity may apply to
23 become a registered higher education provider (see section 18 of that
24 Act). A regulated entity is defined to mean:

- 25 (a) a constitutional corporation (meaning a corporation to which
26 paragraph 51(xx) of the Constitution applies); or
27 (b) a corporation established by or under a law of the
28 Commonwealth or a Territory; or
29 (c) a person who conducts activities in a Territory.

30 **6 Subsections 16-5(1A) and (2)**

31 Repeal the subsections, substitute:

1 (1A) A body corporate that was a Table C provider immediately before
2 the commencement of Schedule 1 to the *Higher Education and*
3 *Research Reform Amendment Act 2014* is taken to be approved as a
4 higher education provider from the commencement of that
5 Schedule. However, this subsection does not prevent the provider
6 from ceasing to be a higher education provider as referred to in
7 subsection (3).

8 (2) A body corporate that is not a higher education provider within the
9 meaning of this Act becomes a higher education provider if
10 approved by the Minister under section 16-25.

11 **7 Section 16-22**

12 Repeal the section.

13 **8 Paragraph 16-25(1)(a)**

14 Repeal the paragraph, substitute:

15 (a) the body is a *registered higher education provider; and

16 **9 Paragraphs 16-25(1)(b), (da) and (db)**

17 Repeal the paragraphs.

18 **10 After subsection 16-25(2)**

19 Insert:

20 (2A) Despite subsection (3), the Minister may be satisfied that a person
21 is a fit and proper person if *TEQSA advises the Minister that the
22 person is a fit and proper person.

23 **11 Section 16-27**

24 Repeal the section.

25 **12 Paragraph 19-1(f)**

26 Omit “*compact and academic freedom requirements”, substitute
27 “*academic freedom requirements”.

28 **13 At the end of Subdivision 19-A of Division 19**

29 Add:

1 **19-2 TEQSA's role**

2 The Minister may have regard to the advice or recommendations of
3 *TEQSA on any matter relating to the *quality and accountability
4 requirements, including whether a higher education provider is
5 willing and able to meet, or meets, those requirements.

6 **14 Section 19-12**

7 Omit “must”, substitute “may”.

8 **15 Subsections 19-35(4) and (5)**

9 Repeal the subsections.

10 **16 Paragraph 19-45(1)(c)**

11 Repeal the paragraph, substitute:

12 (c) a review procedure for dealing with review of decisions made
13 by the provider relating to assistance under Chapter 3.

14 **17 Subsection 19-45(4)**

15 Repeal the subsection, substitute:

16 *Guidelines may provide for matters relating to reviews*

17 (4) The Higher Education Provider Guidelines may provide for matters
18 relating to reviews of decisions made by higher education
19 providers relating to assistance under Chapter 3, including
20 procedures that are to be followed by *review officers when
21 reviewing those decisions.

22 **18 Section 19-50**

23 Repeal the section, substitute:

24 **19-50 Higher education providers to appoint review officers**

25 (1) A higher education provider must appoint a *review officer to
26 undertake reviews of decisions made by the provider relating to
27 assistance under Chapter 3.

28 Note: The Secretary may delegate to the review officer the power to
29 reconsider decisions of the provider under Division 209—see
30 subsection 238-1(2).

- 1 (2) A *review officer* of a higher education provider is a person, or a
2 person included in a class of persons, whom:
3 (a) the chief executive officer of the provider; or
4 (b) a delegate of the chief executive officer of the provider;
5 has appointed to be a review officer of the provider for the
6 purposes of reviewing decisions made by the provider relating to
7 assistance under Chapter 3.

8 **19 Subsection 19-60(1)**

9 Omit “section 36-20 or”.

10 **20 Subsection 19-70(3)**

11 Repeal the subsection.

12 **21 Subdivision 19-F of Division 19 (heading)**

13 Repeal the heading, substitute:

14 **Subdivision 19-F—The tuition fee requirements**

15 **22 Sections 19-85 to 19-100**

16 Repeal the sections, substitute:

17 **19-85 Basic requirements**

- 18 (1) A higher education provider must charge any *tuition fees it
19 charges students:
20 (a) in relation to units of study; and
21 (b) in accordance with this Act.
- 22 (2) A higher education provider that charges a *domestic student a
23 *tuition fee for a unit of study must issue the student with an
24 invoice specifying the fee.
- 25 (3) The invoice, and the issue of the invoice, must comply with any
26 requirements prescribed by the Administration Guidelines.

27 **19-100 Limits on fees for courses of study**

28 A higher education provider must not charge a *domestic student a
29 *fee for a *course of study that exceeds the sum of the student’s

1 *tuition fees for all of the units of study undertaken with the
2 provider by the student as part of the course.

3 **23 Paragraph 19-102(3)(d)**

4 Repeal the paragraph.

5 **24 Paragraph 19-102(3)(f)**

6 Omit “provider; or”, substitute “provider.”.

7 **25 Paragraph 19-102(3)(g)**

8 Repeal the paragraph.

9 **26 Section 19-105**

10 Repeal the section, substitute:

11 **19-105 Meaning of *tuition fee***

12 A *fee charged to a student by a higher education provider is a
13 *tuition fee* for a unit of study to the extent to which the fee is
14 directly in respect of the provision of the unit.

15 **27 Subdivision 19-G of Division 19 (heading)**

16 Repeal the heading, substitute:

17 **Subdivision 19-G—The academic freedom requirements**

18 **28 Section 19-110**

19 Repeal the section.

20 **29 Subsections 22-10(1), (3) and (5)**

21 Repeal the subsections.

22 **30 After subsection 22-17(1)**

23 Insert:

24 (1A) Despite subsection (2), the Minister may be satisfied that a person
25 is not a fit and proper person if *TEQSA advises the Minister that
26 the person is not a fit and proper person.

1 **31 Section 27-1 (note)**

2 Repeal the note.

3 **32 Section 27-5**

4 Repeal the section, substitute:

5 **27-5 Guidelines**

6 The grants payable under this Part are also dealt with in the
7 Commonwealth Grant Scheme Guidelines. The provisions of this
8 Part indicate when a particular matter is, or may be, dealt with in
9 these Guidelines.

10 Note: The Commonwealth Grant Scheme Guidelines are made by the
11 Minister under section 238-10.

12 **33 Section 30-1**

13 Repeal the section, substitute:

14 **30-1 Eligibility for grants**

15 A grant under this Part is payable, as a benefit to students, to a
16 higher education provider in respect of a year, if there is a funding
17 agreement under section 30-25 between the provider and the
18 Commonwealth in respect of a period that includes that year.

19 **34 Subsection 30-10(1)**

20 Repeal the subsection, substitute:

21 (1) Before the commencement of a year, the Minister may, for that
22 year, allocate a specified *number of Commonwealth supported
23 places to a higher education provider in relation to *designated
24 courses of study.

25 **35 Subsection 30-10(4)**

26 Repeal the subsection.

27 **36 Subsection 30-12(1)**

28 Omit “in relation to a *Table A provider”.

1 **37 After paragraph 30-12(1)(b)**

2 Insert:

3 (ba) *enabling courses;

4 **38 Sections 30-15 and 30-20**

5 Repeal the sections.

6 **39 Paragraphs 30-25(3)(cb) and (e)**

7 Repeal the paragraphs.

8 **40 At the end of subsection 30-25(3)**

9 Add:

10 ; and (h) requirements in relation to participation in surveys of student
11 satisfaction, employer satisfaction and graduate outcomes;
12 and

13 (i) requirements in relation to information that the provider must
14 make publicly available.

15 **41 Section 30-27**

16 Repeal the section, substitute:

17 **30-27 Funding agreement may specify maximum basic grant**
18 **amounts**

19 (1) A funding agreement may specify a *maximum basic grant amount*
20 payable to a higher education provider for a grant year for:

21 (a) *designated courses of study; and

22 (b) *non-designated courses of study.

23 (2) The *maximum basic grant amount for a higher education provider
24 for *designated courses of study must not be less than the amount
25 worked out under subsection 33-5(3) for the provider for the grant
26 year.

27 (3) The *maximum basic grant amount for a higher education provider
28 for *non-designated courses of study must not be less than:

29 (a) if a maximum basic grant amount was specified in the
30 provider's funding agreement for the preceding year for
31 non-designated courses of study—that specified amount; or

- 1 (b) if a maximum basic grant amount was not specified in the
2 provider's funding agreement for the preceding year for
3 non-designated courses of study—the amount worked out
4 under paragraph 33-5(4)(a) for the provider for the preceding
5 year.

6 **42 Subparagraph 33-1(1)(b)(iii)**

7 Omit “year; and”, substitute “year.”.

8 **43 Subparagraphs 33-1(1)(b)(iv) and (v)**

9 Repeal the subparagraphs.

10 **44 Section 33-5**

11 Repeal the section, substitute:

12 **33-5 Basic grant amounts**

- 13 (1) The *basic grant amount* for a higher education provider for a year
14 is the sum of:
15 (a) the amount for *designated courses of study (see
16 subsection (2)); and
17 (b) the amount for *non-designated courses of study (see
18 subsections (4) and (5)).

19 *Amount for designated courses of study*

- 20 (2) For the purposes of paragraph (1)(a), the amount for *designated
21 courses of study is the lesser of:
22 (a) the sum of the amounts worked out, for each *funding cluster
23 in which the provider has provided places in designated
24 courses of study, by multiplying:
25 (i) the *number of Commonwealth supported places
26 provided by the provider in designated courses of study
27 in that funding cluster; by
28 (ii) the *Commonwealth contribution amount for a place in
29 that funding cluster; and
30 (b) either:
31 (i) if there is a *maximum basic grant amount specified in
32 the provider's funding agreement for designated courses
33 of study—that specified amount; or

1 (ii) if there is no maximum basic grant amount specified in
2 the provider's funding agreement for designated courses
3 of study—the amount worked out under subsection (3).

4 (3) For the purposes of subparagraph (2)(b)(ii), the amount is the sum
5 of the amounts worked out, for each *funding cluster to which the
6 Minister has allocated places to the provider under section 30-10,
7 by multiplying:
8 (a) the *number of Commonwealth supported places allocated to
9 that funding cluster; by
10 (b) the *Commonwealth contribution amount for a place in that
11 funding cluster.

12 *Amount for *non-designated courses of study*

13 (4) For the purposes of paragraph (1)(b) and subject to subsection (5),
14 the amount for *non-designated courses of study is the lesser of:
15 (a) the sum of the amounts worked out, for each *funding cluster
16 in which the provider has provided places in non-designated
17 courses of study, by multiplying:
18 (i) the *number of Commonwealth supported places
19 provided by the provider in non-designated courses of
20 study in that funding cluster; by
21 (ii) the *Commonwealth contribution amount for a place in
22 that funding cluster; and
23 (b) the *maximum basic grant amount specified in the provider's
24 funding agreement in relation to non-designated courses of
25 study.

26 (5) If a *maximum basic grant amount is not specified in the provider's
27 funding agreement in relation to *non-designated courses of study,
28 the amount for non-designated courses of study is the amount
29 worked out under paragraph (4)(a).

30 **45 Section 33-10**

31 Repeal the section, substitute:

32 **33-10 Commonwealth contribution amounts**

33 The *Commonwealth contribution amount*, for a place in a
34 *funding cluster, is:

- 1 (a) for a place provided by a higher education provider registered
2 under the *TEQSA Act in a provider category that permits
3 the use of the word “university”—the amount specified in the
4 table for the cluster the place is in; or
5 (b) otherwise—the amount specified in the table for the cluster
6 the place is in, multiplied by 0.70 and rounded down to the
7 nearest dollar.
8

Commonwealth contribution amount		
Item	Funding cluster	Commonwealth contribution amount
1	Law, Accounting, Administration, Economics, Commerce	\$1,805
2	Humanities, Social Studies, Communications	\$6,021
3	Computing, Built Environment, Education, Creative Arts, Behavioural Science, Welfare Studies, Other Health	\$9,033
4	Engineering, Science, Surveying, Environmental Science, Allied Health, Nursing, Clinical Psychology, Foreign Languages	\$12,045
5	Agriculture, Medicine, Dentistry, Veterinary Science	\$18,067

9
10 Note: Commonwealth contribution amounts are indexed under Part 5-6.

11 **46 Section 36-5**

12 Repeal the section, substitute:

13 **36-5 Meaning of *Commonwealth supported student***

14 A person is a ***Commonwealth supported student***, in relation to a
15 unit of study, if:

- 16 (a) the higher education provider with which he or she is
17 enrolled in that unit has advised the person in writing that he
18 or she is a Commonwealth supported student:
19 (i) in relation to the unit; or

- 1 (ii) if the person is undertaking a *course of study with the
2 provider of which the unit forms a part—in relation to
3 that course of study; and
4 (b) the provider was not prohibited from so advising the person
5 under section 36-10; and
6 (c) at the end of the *census date for the unit, the person is not
7 prevented from being a Commonwealth supported student
8 under section 36-15.

9 **47 Paragraph 36-10(1)(e)**

10 Repeal the paragraph, substitute:

- 11 (e) the person enrolled in the unit on or before the *census date
12 for the unit.

13 **48 Subsections 36-10(3), (4), (5), (7), (8), (9) and (10)**

14 Repeal the subsections.

15 **49 Section 36-15 (heading)**

16 Repeal the heading, substitute:

17 **36-15 Persons prevented from being Commonwealth supported**

18 **50 Subsections 36-15(1A) and (1)**

19 Repeal the subsections, substitute:

20 (1) Despite any advice given to a person by a higher education
21 provider, the person is not a *Commonwealth supported student in
22 relation to a unit of study if the person is not enrolled in the unit at
23 the end of the *census date for the unit.

24 (1A) Despite any advice given to a person by a higher education
25 provider, the person is not a *Commonwealth supported student in
26 relation to a unit of study if the person has not done both of the
27 following on or before the *census date for the unit:

- 28 (a) completed, and signed, a *request for Commonwealth
29 assistance in relation to the unit or, where the unit forms part
30 of a *course of study undertaken with the provider, in relation
31 to the course of study;
32 (b) given it to an *appropriate officer of the provider.

- 1 (1B) Despite any advice given to a person by a higher education
2 provider, the person is not a *Commonwealth supported student in
3 relation to a unit of study if:
4 (a) the unit contributes to the requirements of a *course of study;
5 and
6 (b) the course of study is, or is to be, undertaken by the person
7 primarily at an overseas campus.
- 8 (1C) Despite any advice given to a person by a higher education
9 provider, the person is not a *Commonwealth supported student in
10 relation to a unit of study if:
11 (a) the enrolment is in an *employer reserved place; or
12 (b) the unit forms part of a *bridging course for overseas-trained
13 professionals; or
14 (c) the unit forms part of a course to which a determination
15 under subsection (2) applies.
- 16 (1D) Despite any advice given to a person by a higher education
17 provider, the person is not a *Commonwealth supported student in
18 relation to a unit of study if he or she notifies an *appropriate
19 officer of the provider, in writing on or before the *census date for
20 the unit, that he or she does not wish to be a Commonwealth
21 supported student in relation to the unit.

22 **51 Sections 36-20 to 36-24C**

23 Repeal the sections.

24 **52 Subdivision 36-C of Division 36 (heading)**

25 Repeal the heading.

26 **53 Paragraph 36-25(1)(b)**

27 Repeal the paragraph, substitute:

- 28 (b) the provider is not prohibited under section 36-10 from so
29 advising the person.

30 **54 Subsection 36-25(2)**

31 Omit “*Table A”, substitute “higher education”.

32 **55 Subsection 36-25(2)**

33 Omit “Table A”, substitute “higher education”.

1 **56 Paragraph 36-25(2)(c)**

2 Repeal the paragraph, substitute:

- 3 (c) the host provider is not prohibited under section 36-10 from
4 so advising the person.

5 **57 Subsection 36-25(3)**

6 Omit “subparagraph 36-5(1)(a)(ii)”, substitute
7 “subparagraph 36-5(a)(ii)”.

8 **58 Sections 36-30 and 36-40**

9 Repeal the sections, substitute:

10 **36-30 Providers to enrol persons as Commonwealth supported**
11 **students**

12 (1) If:

- 13 (a) a person is to be enrolled with a higher education provider in
14 a unit of study; and
15 (b) the unit forms part of an *undergraduate course of study; and
16 (c) the provider is not prohibited under section 36-10 from
17 advising the person that he or she is a *Commonwealth
18 supported student in relation to the unit;

19 the provider must advise the person that he or she is a
20 Commonwealth supported student in relation to the unit.

21 (2) Subsection (1) does not apply in relation to an *undergraduate
22 course of study that the Minister, by legislative instrument,
23 determines is a *course of study to which subsection (1) does not
24 apply.

25 **59 Subdivision 36-D of Division 36**

26 Repeal the Subdivision.

27 **60 Section 36-55**

28 Repeal the section, substitute:

29 **36-55 Conditions relating to tuition fees**

30 (1) A higher education provider must charge any *tuition fees it
31 charges persons who are not *Commonwealth supported students

1 in accordance with the requirements prescribed by the
2 Commonwealth Grant Scheme Guidelines.

3 (2) A higher education provider must not charge a *Commonwealth
4 supported student a *tuition fee for a unit of study the student
5 undertakes as part of an *enabling course.

6 **61 Section 41-1 (note)**

7 Repeal the note.

8 **62 Section 41-10**

9 Repeal the section, substitute:

10 **41-10 Eligibility for grants under this Part**

- 11 (1) Subject to subsections (2) and (3), a body corporate is eligible for
12 grants under this Part in respect of a year for any of the following
13 purposes:
- 14 (a) to promote equality of opportunity in higher education;
 - 15 (b) to promote the productivity of higher education providers;
 - 16 (c) to support national institutes specified in the Other Grants
17 Guidelines for the purposes of this paragraph;
 - 18 (d) to support the capital development projects of higher
19 education providers;
 - 20 (e) to assist with the cost of higher education providers'
21 superannuation liabilities;
 - 22 (f) to support research by, and the research capability of, higher
23 education providers;
 - 24 (g) to support the training of research students;
 - 25 (h) to foster collaboration in higher education;
 - 26 (i) to foster structural adjustment or reform in higher education;
 - 27 (j) for activities that:
 - 28 (i) assure and enhance the quality of Australia's higher
29 education sector; or
 - 30 (ii) foster an understanding of the importance of, or
31 promote research and scholarship in, science, social
32 science or the humanities in Australia; or
 - 33 (iii) support open access to higher education across
34 Australia.

1 (2) The Other Grants Guidelines may prescribe matters relating to
2 eligibility to receive a grant for a purpose specified in
3 subsection (1). If the Guidelines do so, a body corporate is not
4 eligible to receive such a grant except in accordance with the
5 Guidelines.

6 (3) If the Other Grants Guidelines:
7 (a) specify a program under which grants for a particular purpose
8 specified in subsection (1) are to be paid; and
9 (b) specify extra conditions of eligibility to receive a grant under
10 the program;
11 then a body corporate is not eligible for such a grant unless it
12 complies with those extra conditions.

13 **63 Subsection 41-15(1)**

14 Omit “the table in”.

15 **64 Subsection 41-50(1)**

16 Omit “the table in section 41-10”, substitute “subsection 41-10(1)”.

17 **65 Section 46-1 (note)**

18 Repeal the note.

19 **66 Paragraph 46-13(c)**

20 Repeal the paragraph, substitute:

21 (c) a student of a higher education provider that has a funding
22 agreement with the Commonwealth under section 30-25
23 satisfies those requirements; and

24 **67 Section 46-15**

25 Repeal the section, substitute:

26 **46-15 Eligibility of higher education providers to receive grants for**
27 **certain Commonwealth scholarships**

28 (1) Subject to subsection (3), higher education providers that have a
29 funding agreement with the Commonwealth under section 30-25
30 are eligible to receive a grant from the Commonwealth to pay, as a
31 benefit to students, indirectly-paid standard *Commonwealth
32 scholarships to their students.

- 1 (2) Subject to subsection (3), *Table A providers, and higher education
2 providers that are registered under the *TEQSA Act in a provider
3 category that permits the use of the word “university”, are eligible
4 to receive a grant from the Commonwealth to pay, as a benefit to
5 students, postgraduate research *Commonwealth scholarships.
- 6 (3) The Commonwealth Scholarship Guidelines may prescribe matters
7 relating to eligibility to receive a grant referred to in subsection (1)
8 or (2). If the Guidelines do so, a higher education provider is not
9 eligible to receive such a grant except in accordance with the
10 Guidelines.
- 11 (4) A provider that is eligible to receive a grant under subsection (1) or
12 (2) is an *eligible scholarship provider*.

13 **68 Section 51-1 (note)**

14 Repeal the note.

15 **69 Section 65-1**

16 Repeal the section, substitute:

17 **65-1 Simplified outline of this Chapter**

18 The Commonwealth provides 3 kinds of assistance to students:

- 19 (a) HECS-HELP assistance—to meet a student’s liability to
20 pay tuition fees for units of study; and
21 (b) OS-HELP assistance—for a student who, as part of his
22 or her course of study, is to study overseas; and
23 (c) SA-HELP assistance—for a student on whom a student
24 services and amenities fee is imposed.

25 The Commonwealth pays the assistance to the relevant higher
26 education provider, either (in the case of HECS-HELP assistance
27 and SA-HELP assistance) to discharge the student’s liability or (in
28 the case of OS-HELP assistance) to pay to students on the
29 Commonwealth’s behalf.

30 The assistance is in the form of a loan from the Commonwealth to
31 the student (Chapter 4 deals with repayment of loans).

1 **70 Section 87-1**

2 Repeal the section, substitute:

3 **87-1 Simplified outline of this Part**

4 A student may be entitled to HECS-HELP assistance for units of
5 study if certain requirements are met.

6 The amount of assistance to which the student may be entitled is
7 based on the student's tuition fees for the units, less any up-front
8 payments. The assistance is paid to a higher education provider or,
9 if the student accesses units through Open Universities Australia,
10 that body, to discharge the student's liability to pay his or her
11 tuition fees.

12 Amounts of assistance may form part of a person's HELP debts
13 that the Commonwealth recovers under Part 4-2.

14 **71 Section 87-5 (note 1)**

15 Omit "Note 1", substitute "Note".

16 **72 Section 87-5 (note 2)**

17 Repeal the note.

18 **73 Divisions 90 to 96**

19 Repeal the Divisions.

20 **74 Part 3-3 (heading)**

21 Repeal the heading.

22 **75 Division 101**

23 Repeal the Division.

24 **76 Division 104 (heading)**

25 Repeal the heading, substitute:

1 **Division 104—Who is entitled to HECS-HELP assistance?**

2 **77 Section 104-1 (heading)**

3 Repeal the heading, substitute:

4 **104-1 Entitlement to HECS-HELP assistance**

5 **78 Subsection 104-1(1)**

6 Omit “*FEE-HELP” (first occurring), substitute “*HECS-HELP”.

7 **79 Paragraphs 104-1(1)(b), (c) and (d)**

8 Repeal the paragraphs, substitute:

9 (c) the *census date for the unit is on or after the 1 January on
10 which this paragraph commences; and

11 **80 Subsection 104-1(2)**

12 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

13 **81 Section 104-2**

14 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

15 **82 Section 104-3 (heading)**

16 Repeal the heading, substitute:

17 **104-3 Failure by Open Universities Australia to comply with**
18 **HECS-HELP Guidelines etc.**

19 **83 Subsection 104-3(1)**

20 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

21 **84 Subsections 104-3(1) and (2)**

22 Omit “FEE-HELP Guidelines”, substitute “HECS-HELP Guidelines”.

23 **85 Paragraph 104-3(2)(f)**

24 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

25 **86 Subsection 104-3(3)**

26 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

1 **87 Section 104-4 (heading)**

2 Repeal the heading, substitute:

3 **104-4 Open Universities Australia’s obligations in relation to tuition**
4 **fees and census dates**

5 **88 Subsection 104-4(1)**

6 Omit “FEE-HELP Guidelines”, substitute “HECS-HELP Guidelines”.

7 **89 Subsections 104-4(2), (2AA) and (2A)**

8 Repeal the subsections, substitute:

9 (2) *Open Universities Australia must charge any *tuition fees it
10 charges students:

11 (a) in relation to units of study; and

12 (b) in accordance with this Act.

13 (2A) If *Open Universities Australia charges a student a *tuition fee for
14 a unit of study during the period, it must issue the student with an
15 invoice specifying the fee.

16 (2B) The invoice, and the issue of the invoice, must comply with any
17 requirements prescribed by the HECS-HELP Guidelines.

18 **90 Subparagraphs 104-4(5A)(a)(i) and (ii)**

19 Omit “FEE-HELP Guidelines”, substitute “HECS-HELP Guidelines”.

20 **91 Subsection 104-4(6)**

21 Repeal the subsection, substitute:

22 *Consequence of failure to set census date*

23 (6) If *Open Universities Australia does not determine a *census date
24 in accordance with subsection (5) for the unit for the period, no
25 student to whom Open Universities Australia provides access to
26 the unit for that period is entitled to *HECS-HELP assistance for
27 the unit.

28 **92 Subsections 104-10(1) and (2)**

29 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

1 **93 Paragraph 104-10(2)(b)**

2 Omit “FEE-HELP”, substitute “HECS-HELP”.

3 **94 Subdivision 104-B of Division 104 (heading)**

4 Repeal the heading, substitute:

5 **Subdivision 104-B—Provider repayment of HECS-HELP**
6 **assistance**

7 **95 Sections 104-15 to 104-27**

8 Repeal the sections, substitute:

9 **104-25 Provider repayment of HECS-HELP assistance—special**
10 **circumstances**

- 11 (1) A higher education provider must, on the *Secretary’s behalf,
12 determine that this subsection applies to a person if:
- 13 (a) the person has been enrolled in a unit of study with the
14 provider; and
 - 15 (b) access to the unit was not provided by *Open Universities
16 Australia; and
 - 17 (c) the person received *HECS-HELP assistance for the unit; and
 - 18 (d) the person has not completed the requirements for the unit
19 during the period during which the person undertook, or was
20 to undertake the unit; and
 - 21 (e) the provider is satisfied that special circumstances apply to
22 the person (see section 104-30); and
 - 23 (f) the person applies in writing to the provider for the remission
24 of the person’s *HECS-HELP debt in relation to the unit; and
 - 25 (g) either:
 - 26 (i) the application is made before the end of the application
27 period under section 104-35; or
 - 28 (ii) the provider, on request made no later than 2 years after
29 the end of that period, waives the requirement that the
30 application be made before the end of that period, on the
31 ground that it would not be, or was not, possible for the
32 application to be made before the end of that period.

33 Note: If this subsection applies, the HECS-HELP debt of the person is
34 remitted (see subsection 137-10(4)) and the provider must repay the

- 1 amount of the HECS-HELP assistance to the Commonwealth (see
2 section 110-5).
- 3 (2) *Open Universities Australia must, on the *Secretary’s behalf,
4 determine that this subsection applies to a person if:
- 5 (a) Open Universities Australia provided the person with access
6 to a unit of study; and
- 7 (b) the person received *HECS-HELP assistance for the unit; and
- 8 (c) the person has not completed the requirements for the unit
9 during the period during which the person undertook, or was
10 to undertake, the unit; and
- 11 (d) Open Universities Australia is satisfied that special
12 circumstances apply to the person (see section 104-30); and
- 13 (e) the person applies in writing to Open Universities Australia
14 for remission of the person’s *HECS-HELP debt in relation
15 to the unit; and
- 16 (f) either:
- 17 (i) the application is made before the end of the application
18 period under section 104-35; or
- 19 (ii) Open Universities Australia, on request made no later
20 than 2 years after the end of that period, waives the
21 requirement that the application be made before the end
22 of that period, on the ground that it would not be, or was
23 not, possible for the application to be made before the
24 end of that period.
- 25 Note: If this subsection applies, the HECS-HELP debt of the person is
26 remitted (see subsection 137-10(4)) and Open Universities Australia
27 must repay the amount of the HECS-HELP assistance to the
28 Commonwealth (see section 110-5).
- 29 (3) If a higher education provider or *Open Universities Australia is
30 unable to act for one or more of the purposes of subsection (1) or
31 (2), or section 104-30, 104-35 or 104-40, the *Secretary may act as
32 if one or more of the references in those provisions to the provider
33 or Open Universities Australia were a reference to the Secretary.
- 34 (4) If a determination made under this section is made in writing, the
35 determination is not a legislative instrument.

36 **96 Subsection 104-30(1)**

37 Omit “paragraph 104-25(1)(c)”, substitute “paragraph 104-25(1)(e)”.

1 **97 Subsection 104-30(2)**

2 Repeal the subsection, substitute:

3 (2) The Administration Guidelines may specify circumstances in
4 which a higher education provider will be satisfied of a matter
5 referred to in paragraph (1)(a), (b) or (c). A decision of a higher
6 education provider under this section must be in accordance with
7 any such guidelines.

8 **98 Subsection 104-30(3)**

9 Omit “paragraph 104-25(2)(c)”, substitute “paragraph 104-25(2)(d)”.

10 **99 Paragraph 104-35(1)(a)**

11 Omit “104-25(1)(d) for the re-crediting of the person’s *FEE-HELP
12 balance”, substitute “paragraph 104-25(1)(f)”.

13 **100 Paragraph 104-35(1A)(a)**

14 Omit “104-25(2)(d) for the re-crediting of the person’s *FEE-HELP
15 balance”, substitute “104-25(2)(e)”.

16 **101 Paragraph 104-40(1)(a)**

17 Omit “104-25(1)(d)”, substitute “104-25(1)(f)”.

18 **102 Paragraph 104-40(1)(b)**

19 After “provider”, insert “, on request made no later than 2 years after
20 the end of that period,”.

21 **103 Paragraph 104-40(1A)(a)**

22 Omit “104-25(2)(d)”, substitute “104-25(2)(e)”.

23 **104 Paragraph 104-40(1A)(b)**

24 After “Australia”, insert “, on request made no later than 2 years after
25 the end of that period,”.

26 **105 Section 104-42**

27 Repeal the section, substitute:

1 **104-42 Provider repayment of HECS-HELP assistance—provider**
2 **ceases to provide course**

- 3 (1) A higher education provider must, on the *Secretary’s behalf,
4 determine that this subsection applies to a person if:
5 (a) the person has been enrolled in a unit of study with the
6 provider; and
7 (b) the person received *HECS-HELP assistance for the unit; and
8 (c) the person has not completed the requirements for the unit
9 during the period during which the person undertook, or was
10 to undertake, the unit because the provider ceased to provide
11 the unit as a result of ceasing to provide the course of which
12 the unit formed part; and
13 (d) the *tuition assurance requirements applied to the provider at
14 the time the provider ceased to provide the unit; and
15 (e) the person chose the option designated under the tuition
16 assurance requirements as tuition fee repayment in relation to
17 the unit.

18 Note: If this subsection applies, the HECS-HELP debt of the person is
19 remitted (see subsection 137-10(4)) and the provider must repay the
20 amount of the HECS-HELP assistance to the Commonwealth (see
21 section 110-5).

- 22 (2) If the provider is unable to make the determination referred to in
23 subsection (1), the *Secretary may make the determination.
24 (3) If a determination made under this section is made in writing, the
25 determination is not a legislative instrument.

26 **106 Subsections 104-55(1) and (3), 104-60(1) and 104-65(1)**

27 Omit “FEE-HELP Guidelines”, substitute “HECS-HELP Guidelines”.

28 **107 Division 107 (heading)**

29 Repeal the heading, substitute:

30 **Division 107—How are amounts of HECS-HELP assistance**
31 **worked out?**

32 **108 Section 107-1**

33 Repeal the section, substitute:

1 **107-1 The amount of HECS-HELP assistance for a unit of study**

2 The amount of *HECS-HELP assistance to which a student is entitled
3 for a unit of study is the difference between:

- 4 (a) the student's *tuition fee for the unit; and
5 (b) the sum of any *up-front payments made in relation to the
6 unit.

7 **109 Subsection 107-5(1)**

8 Repeal the subsection, substitute:

- 9 (1) An *up-front payment*, in relation to a unit of study, is a payment of
10 all or part of the student's *tuition fee for the unit, other than a
11 payment of *HECS-HELP assistance under this Part.

12 **110 Section 107-10**

13 Repeal the section.

14 **111 Division 110 (heading)**

15 Repeal the heading (not including the note), substitute:

16 **Division 110—How are amounts of HECS-HELP assistance**
17 **paid?**

18 **112 Subsection 110-1(1)**

19 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

20 **113 Paragraph 110-1(1)(a)**

21 Omit “FEE-HELP”, substitute “HECS-HELP”.

22 **114 Subsection 110-1(2)**

23 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

24 **115 Paragraph 110-1(2)(a)**

25 Omit “FEE-HELP”, substitute “HECS-HELP”.

26 **116 Section 110-5**

27 Repeal the section, substitute:

1 **110-5 Repayment of HECS-HELP assistance by providers**

2 (1) A higher education provider must pay to the Commonwealth an
3 amount equal to the amount of *HECS-HELP assistance a person
4 received for a unit of study with the provider if any of the
5 following applies to the person in relation to the unit:

- 6 (a) subsection 104-25(1) (special circumstances);
7 (b) subsection 104-42(1) (course ceasing);
8 (c) subsection 193-10(1) (no tax file number).

9 Note: The person's HECS-HELP debt in relation to the unit will also be
10 remitted (see subsection 137-10(4)).

11 (2) Subsection (1) does not apply to a higher education provider
12 because of the application of subsection 104-25(1) to the person in
13 relation to the unit if the person enrolled in the unit in
14 circumstances that make it a replacement unit within the meaning
15 of the *tuition assurance requirements.

16 (3) The Higher Education Provider Guidelines may, in setting out the
17 *tuition assurance requirements, specify, in relation to
18 circumstances to which subsection (2) of this section applies:

- 19 (a) the amount (if any) that is to be paid to the Commonwealth;
20 and
21 (b) the person (if any) who is to pay the amount.

22 (4) *Open Universities Australia must pay to the Commonwealth an
23 amount equal to the amount of *HECS-HELP assistance a person
24 received for a unit of study to which Open Universities Australia
25 provided access if any of the following applies to the person in
26 relation to the unit:

- 27 (a) subsection 104-25(2) (special circumstances);
28 (b) subsection 193-10(2) (no tax file number).

29 **117 Section 129-1**

30 Omit "(which may attract a repayment bonus)".

31 **118 Section 134-1**

32 Omit "FEE-HELP assistance," (first occurring).

1 **119 Paragraph 137-1(b)**

2 Repeal the paragraph.

3 **120 Sections 137-5 and 137-10**

4 Repeal the sections, substitute.

5 **137-10 HECS-HELP debts**

6 *Incurring HECS-HELP debts*

7 (1) A person incurs a debt to the Commonwealth if, under
8 section 110-1, the Commonwealth:

9 (a) makes a loan to the person; and

10 (b) uses the amount lent to make a payment in discharge of the
11 person's liability to pay his or her *tuition fee for a unit of
12 study.

13 The debt is a **HECS-HELP debt**.

14 (2) The amount of the *HECS-HELP debt is the amount of the loan.

15 *When HECS-HELP debts are incurred*

16 (3) A *HECS-HELP debt is taken to have been incurred by a person
17 immediately after the *census date for the unit, whether or not the
18 Commonwealth has made a payment in respect of the person's
19 *tuition fee for the unit.

20 *Remission of HECS-HELP debts*

21 (4) A person's *HECS-HELP debt in relation to a unit of study is taken
22 to be remitted if any of the following applies to the person in
23 relation to the unit (even if subsection 110-5(2) applies to the
24 provider in relation to the unit):

25 (a) subsection 104-25(1) or (2) (special circumstances);

26 (b) subsection 104-42(1) (course ceasing);

27 (c) subsection 193-10(1) or (2) (no tax file number).

28 **121 Subsection 140-5(1) (example)**

29 Omit "2011" (wherever occurring), substitute "2014".

1 **122 Subsection 140-5(1) (example)**

2 Omit “(which includes a voluntary repayment bonus of \$25)”.

3 **123 Subsection 140-5(1) (example)**

4 Omit “2012” (wherever occurring), substitute “2015”.

5 **124 Subsection 140-5(1) (example)**

6 Omit “2010-11”, substitute “2013-14”.

7 **125 Section 148-1**

8 Omit “In some cases these may attract a 5% repayment bonus.”.

9 **126 Section 151-5**

10 Repeal the section.

11 **127 Subparagraph 154-55(1)(a)(i)**

12 Omit “or *FEE-HELP assistance”.

13 **128 Paragraph 154-55(2)(a)**

14 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

15 **129 Sections 169-15 and 169-20**

16 Repeal the sections.

17 **130 Subsection 187-1(2)**

18 Omit “or *FEE-HELP assistance”.

19 **131 Subsection 193-1(1) (heading)**

20 Repeal the heading, substitute:

21 *Requests for HECS-HELP assistance—requirements on higher*
22 *education providers*

23 **132 Paragraph 193-1(1)(c)**

24 Omit “or *FEE-HELP assistance”.

25 **133 Subsection 193-1(2A) (heading)**

26 Repeal the heading, substitute:

1 *Requests for HECS-HELP assistance—requirements on Open*
2 *Universities Australia*

3 **134 Paragraph 193-1(2A)(c)**

4 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

5 **135 Subsection 193-1(5)**

6 Repeal the subsection, substitute:

7 *Cases where there is no obligation to notify*

8 (5) This section does not apply to a person if:

9 (a) the person, in the *request for Commonwealth assistance,
10 requests *HECS-HELP assistance, *OS-HELP assistance or
11 *SA-HELP assistance, but the person is not entitled to the
12 assistance; or

13 (b) the person, in the request for Commonwealth assistance,
14 requests *HECS-HELP assistance in relation to a unit of
15 study, but one or more *up-front payments for the unit have
16 been made totalling 100% of the person’s *tuition fee for the
17 unit.

18 Note: In the circumstances set out in paragraph (5)(b), the HECS-HELP
19 assistance would not involve any loan by the Commonwealth to the
20 person.

21 **136 Section 193-5**

22 Repeal the section.

23 **137 Section 193-10 (heading)**

24 Repeal the heading, substitute:

25 **193-10 No entitlement to HECS-HELP assistance for students**
26 **without tax file numbers**

27 **138 Paragraph 193-10(1)(e)**

28 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

29 **139 Subsection 193-10(1) (note)**

30 Repeal the note, substitute:

Schedule 1 Deregulation, expansion of demand driven system and other measures
Part 1 Main amendments

1 Note: If this subsection applies, the HECS-HELP debt of the person is
2 remitted (see subsection 137-10(4)) and the provider must repay the
3 amount of the HECS-HELP assistance to the Commonwealth (see
4 section 110-5).

5 **140 Paragraph 193-10(2)(e)**

6 Omit “*FEE-HELP”, substitute “*HECS-HELP”.

7 **141 Subsection 193-10(2) (note)**

8 Repeal the note, substitute:

9 Note: If this subsection applies, the HECS-HELP debt of the person is
10 remitted (see subsection 137-10(4)) and Open Universities Australia
11 must repay the amount of the HECS-HELP assistance to the
12 Commonwealth (see section 110-5).

13 **142 Subsection 198-5(1) (table items 3 and 4)**

14 Repeal the items.

15 **143 Section 206-1 (table items 1A, 2 and 2A)**

16 Repeal the items, substitute:

17	2	A decision that subsection 104-25(1) does not apply to a person in relation to a unit of study	section 104-25	(a) the higher education provider with whom the student is enrolled in the unit; or (b) if the *Secretary made the decision that the subsection does not apply—the Secretary
	2A	A decision that subsection 104-25(2) does not apply to a person in relation to a unit of study	section 104-25	(a) *Open Universities Australia; or (b) if the *Secretary made the decision that the subsection does not apply—the Secretary

18

1 **144 Section 206-1 (note 1)**

2 Omit “1A,”.

3 **145 Subsection 209-1(2) (note 1)**

4 Omit “section 36-20 or”.

5 **146 Subsection 238-1(2)**

6 Repeal the subsection, substitute:

7 (2) The *Secretary may, in writing, delegate to a *review officer of a
8 higher education provider the Secretary’s powers under
9 Division 209 to reconsider *reviewable decisions made by the
10 provider relating to Chapter 3.

11 **147 Subsection 238-10(1) (table item 1)**

12 Omit “section 36-21”, substitute “section 104-30”.

13 **148 Subsection 238-10(1) (table item 2)**

14 Omit “; section 93-10”.

15 **149 Subsection 238-10(1) (table items 4 and 11)**

16 Repeal the items.

17 **150 Subsection 238-10(1A)**

18 Omit “*Table C”, substitute “*international”.

19 **151 Subclause 1(1) of Schedule 1**

20 Insert:

21 *academic freedom requirements* are the requirements set out in
22 Subdivision 19-G.

23 **152 Subclause 1(1) of Schedule 1 (definition of *Australian***
24 ***branch*)**

25 Omit “a *Table C”, substitute “an *international”.

- 1 **153 Subclause 1(1) of Schedule 1 (paragraph (a) of the**
2 **definition of *Australian branch*)**
3 Omit “body corporate that is listed in Table C in section 16-23”,
4 substitute “international provider”.
- 5 **154 Subclause 1(1) of Schedule 1 (definition of**
6 ***Commonwealth contribution amount*)**
7 Repeal the definition, substitute:
8 *Commonwealth contribution amount* has the meaning given by
9 section 33-10.
- 10 **155 Subclause 1(1) of Schedule 1 (definition of *compact and***
11 ***academic freedom requirements*)**
12 Repeal the definition.
- 13 **156 Subclause 1(1) of Schedule 1 (definition of *eligible***
14 ***scholarship provider*)**
15 Omit “subsection 46-15(3)”, substitute “subsection 46-15(4)”.
- 16 **157 Subclause 1(1) of Schedule 1 (definition of *exempt***
17 ***student*)**
18 Repeal the definition.
- 19 **158 Subclause 1(1) of Schedule 1 (definition of *FEE-HELP***
20 ***assistance*)**
21 Repeal the definition.
- 22 **159 Subclause 1(1) of Schedule 1 (definition of *FEE-HELP***
23 ***balance*)**
24 Repeal the definition.
- 25 **160 Subclause 1(1) of Schedule 1 (definition of *FEE-HELP***
26 ***debt*)**
27 Repeal the definition.

1 **161 Subclause 1(1) of Schedule 1 (definition of *FEE-HELP***
2 ***limit*)**

3 Repeal the definition.

4 **162 Subclause 1(1) of Schedule 1**

5 Insert:

6 *funding cluster* means a group of disciplines set out together in an
7 item of the table in section 33-10 in the column headed “Funding
8 cluster”.

9 **163 Subclause 1(1) of Schedule 1 (definition of *funding***
10 ***clusters*)**

11 Repeal the definition.

12 **164 Subclause 1(1) of Schedule 1 (definition of *HECS-HELP***
13 ***debt*)**

14 Omit “137-5”, substitute “137-10”.

15 **165 Subclause 1(1) of Schedule 1 (definition of *HECS-HELP***
16 ***discount*)**

17 Repeal the definition.

18 **166 Subclause 1(1) of Schedule 1**

19 Insert:

20 *international provider* has the meaning given by subsection 5-1(1).

21 **167 Subclause 1(1) of Schedule 1 (definition of *maximum***
22 ***student contribution amount for a place*)**

23 Repeal the definition.

24 **168 Subclause 1(1) of Schedule 1 (definition of *national***
25 ***priority*)**

26 Repeal the definition.

27 **169 Subclause 1(1) of Schedule 1 (paragraph (a) of the**
28 **definition of *request for Commonwealth assistance*)**

29 Repeal the paragraph, substitute:

1 (a) in relation to a person enrolling in a unit of study with a
2 higher education provider (where access to the unit is not
3 provided by *Open Universities Australia)—means a
4 document, in the form approved by the Minister, in which the
5 person requests the Commonwealth to provide assistance
6 under this Act in relation to the unit or, where the unit forms
7 part of a *course of study undertaken with the provider, in
8 relation to the course of study; and

9 **170 Subclause 1(1) of Schedule 1 (definition of *student***
10 ***contribution amount*)**

11 Repeal the definition.

12 **171 Subclause 1(1) of Schedule 1 (definition of *student***
13 ***contribution amount for a place*)**

14 Repeal the definition.

15 **172 Subclause 1(1) of Schedule 1 (definition of *Table C***
16 ***provider*)**

17 Repeal the definition.

18 **173 Subclause 1(1) of Schedule 1 (paragraph (b) of the**
19 **definition of *tuition fee*)**

20 Repeal the paragraph, substitute:

21 (b) in relation to a unit of study, access to which is provided by
22 *Open Universities Australia—means a *fee charged to a
23 student by Open Universities Australia to the extent to which
24 the fee is directly in respect of the provision of the unit.

25 **174 Subclause 1(1) of Schedule 1 (definition of *up-front***
26 ***payment*)**

27 Omit “section 93-15 or”.

28 ***Tertiary Education Quality and Standards Agency Act 2011***

29 **175 At the end of subsection 158(3)**

30 Add:

31 ; and (d) the circumstances in which fees may be refunded.

1 **176 Section 192**

2 Repeal the section, substitute:

3 **192 Disclosing information to the Minister and Secretary**

4 (1) For the purposes of administering laws relating to higher
5 education, TEQSA may disclose information covered by
6 subsection (2) to:

7 (a) the Minister; or

8 (b) a person employed as a member of staff of the Minister under
9 section 13 or 20 of the *Members of Parliament (Staff) Act*
10 *1984*; or

11 (c) the Secretary.

12 (2) This subsection covers the following information:

13 (a) higher education information;

14 (b) information that would be higher education information but
15 for paragraph (c) of the definition of ***higher education***
16 ***information***.

17 Note: This section allows TEQSA to disclose personal information (within
18 the meaning of the *Privacy Act 1988*) for the purposes of
19 administering a law relating to higher education.

1 **Part 2—Application, saving and transitional**
2 **provisions**

3 **Division 1—Introduction**

4 **177 Definitions**

5 In this Part:

6 *commencement day* means the day this Schedule commences.

7 *preserved funding student* has the meaning given by item 178.

8 **Division 2—Preserving certain funding arrangements**

9 **178 Preserved funding students**

10 (1) If subitem (2), (3) or (4) applies in relation to a person at a time before
11 1 January 2021, the person is a *preserved funding student* for the
12 purposes of this Part. No person can be a *preserved funding student* on
13 or after 1 January 2021.

14 (2) This subitem applies in relation to a person at a time if:

15 (a) on 13 May 2014, the person was enrolled as a
16 Commonwealth supported student in a unit that forms part of
17 a course of study with a higher education provider; and

18 (b) at all times since 13 May 2014, the person has been either:

19 (i) enrolled as a Commonwealth supported student in a unit
20 that forms part of a course of study with a higher
21 education provider; or

22 (ii) on an approved break.

23 (3) This subitem applies in relation to a person at a time if:

24 (a) on or before 13 May 2014, the person accepted an offer from
25 a higher education provider of a place as a Commonwealth
26 supported student in a course of study; and

27 (b) as at 13 May 2014, the provider had approved the person's
28 deferral of enrolment in the course; and

29 (c) at all times since 13 May 2014, the person has been either:

- 1 (i) enrolled as a Commonwealth supported student in a unit
2 that forms part of a course of study with a higher
3 education provider; or
4 (ii) on an approved break.
- 5 (4) This subitem applies in relation to a person if:
6 (a) as at 13 May 2014:
7 (i) the person had accepted an offer from a higher
8 education provider of a place as a Commonwealth
9 supported student in a course of study; and
10 (ii) the period for enrolment in the course of study had not
11 ended; and
12 (b) before the end of that period, the person enrolled as a
13 Commonwealth supported student in one or more units that
14 formed part of the course of study; and
15 (c) at all times since the person did so, the person has been
16 either:
17 (i) enrolled as a Commonwealth supported student in a unit
18 that forms part of a course of study with a higher
19 education provider; or
20 (ii) on an approved break.
- 21 (5) A person is on an ***approved break*** at a time for the purposes of this item
22 if any of the following applies at the time:
23 (a) a higher education provider has formally approved the
24 person's deferring the commencement of, or taking leave
25 from, a course of study and the approval is in effect;
26 (b) the only reason the person is not currently enrolled in a unit
27 of study with a higher education provider is that the time is
28 not during the provider's standard academic periods;
29 (c) the person completed a course of study with a higher
30 education provider less than 12 months ago and intends to
31 begin another course of study that has not yet commenced;
32 (d) the person meets the requirements in the Administration
33 Guidelines made under the *Higher Education Support Act*
34 *2003*.
- 35 (6) The Administration Guidelines made under the *Higher Education*
36 *Support Act 2003* may prescribe requirements for the purposes of
37 paragraph (5)(d).
-

1 **179 Transitional provision to cap fees**

- 2 (1) If a preserved funding student is enrolled with a higher education
3 provider in a unit of study as a Commonwealth supported student, the
4 provider must not charge, as the person's tuition fee for the unit, an
5 amount that exceeds the amount worked out as follows:

6
$$\frac{\text{Maximum student contribution amount for a place}}{\text{EFTSL value of unit}}$$

- 7 (2) The *maximum student contribution amount for a place* in a unit of
8 study is the amount that would have been the maximum student
9 contribution amount for a place in that unit under section 93-10 of the
10 *Higher Education Support Act 2003* if:
11 (a) section 93-10 of that Act, and the funding clusters mentioned
12 in the table in that section, as in force immediately before the
13 commencement day were still in force; and
14 (b) the amounts mentioned in Column 2 of the table in that
15 section had been indexed and replaced on each 1 January on
16 and after 1 January 2016 in accordance with Part 5-6 of that
17 Act as in force on the relevant 1 January.
- 18 (3) Except as provided by subitem (2), an expression that is used in the
19 *Higher Education Support Act 2003* has the same meaning in this item
20 as in that Act. This subitem does not affect the operation of section 11B
21 of the *Acts Interpretation Act 1901* in relation to other items of this
22 Schedule.

23 **180 Transitional provision to preserve funding**

- 24 (1) In working out the basic grant amount for a higher education provider
25 for a year for the purposes of Division 33 of the *Higher Education*
26 *Support Act 2003*, use the Commonwealth contribution amount in
27 subitem (2) in relation to places in a funding cluster that are provided to
28 preserved funding students.
- 29 (2) For the purposes of subitem (1), the *Commonwealth contribution*
30 *amount* for a place in a funding cluster is the amount that, under
31 subitem (3), is taken to be specified in the following table.
- 32

Commonwealth contribution amount: preserved funding students		
Item	Funding cluster	Commonwealth contribution amount
1	Law, Accounting, Administration, Economics, Commerce	\$1,961
2	Humanities	\$5,447
3	Mathematics, Statistics, Behavioural Science, Social Studies, Computing, Built Environment, Other Health	\$9,637
4	Education	\$10,026
5	Clinical Psychology, Allied Health, Foreign Languages, Visual and Performing Arts	\$11,852
6	Nursing	\$13,232
7	Engineering, Science, Surveying	\$16,850
8	Dentistry, Medicine, Veterinary Science, Agriculture	\$21,385

- 1 (3) On 1 January 2016 and each subsequent 1 January, an amount specified
 2 in the table is to be indexed under Part 5-6 of the *Higher Education*
 3 *Support Act 2003*, as if it were an amount referred to in the table in
 4 section 198-5 of that Act. The indexed amount (or if the amount is not
 5 indexed because its indexation factor is 1 or less, the unindexed
 6 amount) is taken to be the amount specified in the table on and from
 7 that 1 January.
- 8 (4) Commonwealth Grant Scheme Guidelines made for the purposes of
 9 section 33-35 of the *Higher Education Support Act 2003* and in force
 10 immediately before the commencement day continue to have effect for
 11 the purposes of subitem (1).
- 12 (5) Except as provided by subitem (2), an expression that is used in the
 13 *Higher Education Support Act 2003* has the same meaning in this item
 14 as in that Act. This subitem does not affect the operation of section 11B
 15 of the *Acts Interpretation Act 1901* in relation to other items of this
 16 Schedule.

1 **Division 3—Other application, saving and transitional**
2 **provisions**

3 **181 Tuition fee requirements**

- 4 (1) The following amendments made by this Schedule apply in relation to
5 units of study that have a census date on or after the commencement
6 day:
- 7 (a) the amendments of Subdivision 19-F of Division 19 of the
8 *Higher Education Support Act 2003*;
- 9 (b) the amendments made by item 89.
- 10 (2) Section 19-100 of the *Higher Education Support Act 2003* as amended
11 by this Schedule applies on and after the commencement day in relation
12 to a course of study that a student was undertaking, but had not
13 completed, immediately before that day, as if the reference to the sum
14 of the student's tuition fees for units of study undertaken by the student
15 included a reference to the student's student contribution amounts (if
16 any) for units of study that had a census date before the commencement
17 day.

18 **182 Savings provision in relation to student**
19 **contribution/tuition fee repayment option**

20 A reference in the *Higher Education Support Act 2003* to a person
21 choosing the option designated under the tuition assurance requirements
22 as tuition fee repayment in relation to a unit of study includes a
23 reference to the option designated under those requirements as student
24 contribution/tuition fee repayment.

25 **183 Grants**

26 The amendments of Divisions 30, 33, 41 and 46 of the *Higher*
27 *Education Support Act 2003* made by this Schedule apply in relation to
28 years commencing on and after the commencement day.

29 **184 Indexation of Commonwealth contribution amounts**
30 **under Part 5-6**

31 A Commonwealth contribution amount referred to in section 33-10 of
32 the *Higher Education Support Act 2003* as amended by this Schedule is
33 not to be indexed on 1 January 2016.

1 **185 Commonwealth supported students**

- 2 (1) The Minister may, before the commencement day, allocate places under
3 section 30-10 of the *Higher Education Support Act 2003* for the year
4 beginning on the commencement day, in accordance with that section as
5 it will be in force on that day.
- 6 (2) The amendments of Division 36 of the *Higher Education Support Act*
7 *2003* made by this Schedule apply in relation to units of study that have
8 a census date on or after the commencement day.

9 **186 Transitional provision for bodies currently eligible for**
10 **grants under section 41-10**

- 11 (1) This item applies to a body corporate if, immediately before the
12 commencement day, the body corporate was specified in the Other
13 Grants Guidelines for the purposes of an item of the table in
14 subsection 41-10(1) of the *Higher Education Support Act 2003*.
- 15 (2) Despite the repeal of the table, the body corporate continues to be
16 eligible for a grant under subsection 41-10(1) of the Act as amended by
17 this Schedule for an equivalent purpose, until the Minister amends the
18 Other Grants Guidelines in a way that prevents the body corporate from
19 being eligible for a grant for the purpose.

20 **187 Transitional provision for bodies currently ineligible for**
21 **grants under section 41-10**

- 22 (1) This item applies to a body corporate if, immediately before the
23 commencement day, the body corporate was not eligible for a grant for
24 a purpose specified in an item of the table in subsection 41-10(1) of the
25 *Higher Education Support Act 2003*.
- 26 (2) Despite the amendments of that section made by this Schedule, the body
27 corporate continues not to be eligible for a grant under that section for
28 an equivalent purpose, until the Minister amends the Other Grants
29 Guidelines in a way that allows the body corporate to be eligible for a
30 grant for the purpose.

1 **188 Transitional provision about eligibility for section 46-15**
2 **Commonwealth scholarship grants**

- 3 (1) This item applies to a higher education provider if, immediately before
4 the commencement day, the provider was not eligible to receive a grant
5 of a kind referred to in section 46-15 of the *Higher Education Support*
6 *Act 2003*.
- 7 (2) Despite the amendments of that section made by this Schedule, the
8 provider continues not to be eligible to receive such a grant, until the
9 Minister amends the Commonwealth Scholarship Guidelines in a way
10 that allows the provider to be eligible for such a grant.

11 **189 HELP loan amendments**

- 12 (1) The following amendments made by this Schedule apply in relation to
13 assistance for units of study that have a census date on or after the
14 commencement day:
- 15 (a) the repeal of Divisions 90 to 96 of the *Higher Education*
16 *Support Act 2003*;
- 17 (b) the amendments of Division 104;
- 18 (c) the amendments of Division 107;
- 19 (d) the amendments of Division 110;
- 20 (e) the amendments of Division 137.
- 21 (2) A HELP debt incurred and not discharged before the commencement
22 day continues to be a HELP debt for the purposes of the operation of
23 Part 4-1 of the *Higher Education Support Act 2003* on and after that
24 day.

25 **190 HELP assistance given before commencement**

- 26 (1) The *Higher Education Support Act 2003* applies on and after the
27 commencement day as if a reference in a provision of the Act specified
28 in subitem (2) to HECS-HELP assistance included a reference to:
- 29 (a) HECS-HELP assistance under Part 3-2 of the Act as in force
30 before the commencement day; and
- 31 (b) FEE-HELP assistance under Part 3-3 of the Act as in force
32 before the commencement day.
- 33 (2) For the purposes of subitem (1), the provisions are the following:
34 (a) section 104-25;
-

- 1 (b) section 104-42;
2 (c) section 110-5;
3 (d) section 154-55;
4 (e) section 193-10.
- 5 (3) The *Higher Education Support Act 2003* applies on and after the
6 commencement day as if a reference in subsection 137-10(4) of that Act
7 to a HECS-HELP debt in relation to a unit of study included a reference
8 to:
9 (a) a HECS-HELP debt incurred before the commencement day;
10 and
11 (b) a FEE-HELP debt incurred before the commencement day.
- 12 (4) If, immediately before the commencement day, a valid application had
13 been made under section 36-20 or 104-25 of the *Higher Education*
14 *Support Act 2003* but not determined, the application is to be
15 determined after the commencement day in accordance with the Act as
16 amended by this Schedule, as if the application had been made under
17 section 104-25 as amended.
- 18 (5) Subparagraph 104-25(2)(f)(ii) of the *Higher Education Support Act*
19 *2003* as amended by this Schedule applies in relation to circumstances
20 that occurred, and periods that began, before, on or after the
21 commencement day.

22 **191 Reviewable decisions made before commencement day**

- 23 (1) If, before the commencement day, a decision referred to in item 1A, 2
24 or 2A of the table in section 206-1 of the *Higher Education Support Act*
25 *2003* was made, then, after the commencement day, the following
26 decision is taken to have been made instead of the decision that was
27 actually made:
28 (a) for a decision referred to in item 1A or 2 of the table—a
29 decision that subsection 104-25(1) does not apply to the
30 person;
31 (b) for a decision referred to in item 2A of the table—a decision
32 that subsection 104-25(2) does not apply to the person.
- 33 (2) Item 190 of this Schedule applies in relation to the decision that is taken
34 to have been made.

- 1 (3) Subitem (1) does not have the effect of changing the day the original
2 decision was made.

3 **192 Savings provision in relation to section 36-21 guidelines**

4 Administration Guidelines made for the purposes of section 36-21 of
5 the *Higher Education Support Act 2003* and in force immediately before
6 the commencement day continue to have effect after the
7 commencement day as if they had been made for the purposes of
8 subsection 104-30(2) of that Act. The Guidelines as continued by this
9 item may be amended or repealed as if they were Guidelines made
10 under section 238-10 of the Act.

11 **193 Voluntary repayment amendments**

12 The amendments made by this Schedule in relation to voluntary
13 repayments apply in relation to a voluntary repayment made on or after
14 the commencement day, regardless of when the debt to which the
15 repayment relates was incurred.

16 **194 Termination of funding agreements**

17 A funding agreement ceases to be in force at the start of the
18 commencement day if the agreement:

- 19 (a) was made before the day this Act receives the Royal Assent;
20 and
21 (b) was in force immediately before the commencement day.

22 **195 Transitional rules**

23 The Minister may, by legislative instrument, make rules prescribing
24 matters of a transitional nature (including prescribing any saving or
25 application provisions) relating to the amendments or repeals made by
26 this Schedule or any other Schedule of this Act.

1 **Part 3—Consequential amendments**

2 *Australian National University Act 1991*

3 **196 Subsection 41(2)**

4 Omit “(2)”.

5 **197 Subsection 41(2)**

6 Omit “student contribution amounts and”.

7 **198 Paragraph 43(b)**

8 Repeal the paragraph.

9 **199 Paragraph 50(2)(u)**

10 Omit “student contribution amounts and”.

11 *Education Services for Overseas Students Act 2000*

12 **200 Subparagraph 9AB(1)(b)(ii)**

13 Omit “a Table C”, substitute “an international”.

14 **201 Section 16**

15 Repeal the section, substitute:

16 **16 Only Australian residents and international providers may be**
17 **registered**

18 A registered provider must be:

19 (a) a resident of Australia; or

20 (b) an international provider (within the meaning of the *Higher*
21 *Education Support Act 2003*).

22 Note: The Minister may take action under Division 1 of Part 6 against a
23 registered provider that has breached this section.

1 ***Income Tax Assessment Act 1936***

2 **202 Subsection 82A(2) (paragraph (ba) of the definition of**
3 ***expenses of self-education*)**

4 Repeal the paragraph.

5 ***Income Tax Assessment Act 1997***

6 **203 Paragraph 26-20(1)(ca)**

7 Repeal the paragraph, substitute:

8 (ca) a tuition fee (within the meaning of the *Higher Education*
9 *Support Act 2003*) paid to a higher education provider for a
10 unit of study in relation to which you are a Commonwealth
11 supported student for the purposes of that Act; or

Part 4—Amendments of Guidelines

Commonwealth Grant Scheme Guidelines 2012

204 Paragraph 7.5.1 (table)

Repeal the table, substitute:

Funding cluster	Unit description	FOE code
Funding cluster 1 Law, accounting, administration, economics, commerce	Management and Commerce	0800
	Law	0909
	Economics and Econometrics	0919
	Food, Hospitality and Personal Services	1100
	Mixed Field Programmes	1200
Funding cluster 2 Humanities, social studies and communications	Political Science and Policy Studies	0901
	Studies in Human Society	0903
	Justice and Law Enforcement	0911
	Librarianship, Information Management and Curatorial Studies	0913
	Language and Literature ¹	0915
	English Language	091501
	Linguistics	091521
	Literature	091523
	Language and Literature not elsewhere classified	091599
	Philosophy and Religious Studies	0917
	Other Society and Culture	0999
	Communication and Media Studies ¹	1007
	Journalism	100703
	Written Communication	100705
	Verbal Communication	100707
Communication and Media Studies not elsewhere classified	100799	
Funding cluster 3	Information Technology	0200

Schedule 1 Deregulation, expansion of demand driven system and other measures
Part 4 Amendments of Guidelines

Funding cluster	Unit description	FOE code
Computing, behavioural science, welfare studies, built environment, education, visual and performing arts, other health	Architecture and Building	0400
	Public Health	0613
	Complementary Therapies	0619
	Other Health	0699
	Education	0700
	Human Welfare Studies and Services	0905
	Behavioural Science ²	0907
	Sport and Recreation	0921
	Performing Arts	1001
	Visual Arts and Crafts	1003
	Graphic and Design Studies	1005
	Audio Visual Studies	100701
	Other Creative Arts	1099
	Funding cluster 4 Engineering, science, nursing, environmental studies, allied health, clinical psychology, languages	Mathematical Sciences
Physics and Astronomy		0103
Chemical Sciences		0105
Earth Sciences		0107
Biological Sciences		0109
Other Natural and Physical Sciences ¹		0199
Forensic Science		019903
Food Science and Biotechnology		019905
Pharmacology		019907
Laboratory Technology		019909
Natural and Physical Sciences not elsewhere classified		019999
Engineering and Related Technologies		0300
Environmental Studies		0509
Other Agriculture, Environmental and related Studies		0599
Nursing		0603
Pharmacy		0605
Optical Science		0609

Funding cluster	Unit description	FOE code
	Radiography	0615
	Rehabilitation Therapies	0617
	Clinical psychology ³	090701
	Northern European Languages	091503
	Southern European Languages	091505
	Eastern European Languages	091507
	Southwest Asian and North African Languages	091509
	Southern Asian Languages	091511
	Southeast Asian Languages	091513
	Eastern Asian Languages	091515
	Australian Indigenous Languages	091517
	Translating and Interpreting	091519
Funding cluster 5 Dentistry, medicine, veterinary science, agriculture	Medical Science	019901
	Agriculture	0501
	Horticulture and Viticulture	0503
	Forestry Studies	0505
	Fisheries Studies	0507
	Medical Studies	0601
	Dental Studies	0607
	Veterinary Studies	0611

- 1 1. Units of study within these narrow fields of education (4-digit level) should generally be
- 2 assigned to a detailed field (6-digit level). However, if the unit of study cannot be assigned to
- 3 a detailed field, the unit can be assigned to the appropriate narrow field listed in the table for
- 4 the purposes of determining its funding cluster.
- 5 2. Excluding clinical psychology, which is in Cluster 4.
- 6 3. Clinical psychology units of study are in Cluster 4 and are psychology units of study (Field of
- 7 Education code 090701) that contribute to courses that are accredited for the purposes of
- 8 professional registration by the Australian Psychological Society (APS) College of Clinical
- 9 Psychologists, the APS College of Clinical Neuropsychologists, the APS College of
- 10 Counselling Psychologists, the APS College of Educational & Developmental Psychologists,
- 11 the APS College of Forensic Psychologists, the APS College of Health Psychologists, the
- 12 APS College of Sport Psychologists or the APS College of Community Psychologists.

1 **Part 5—Repeals of instruments**

2 *Higher Education (Designated Courses of Study)*
3 *Specification 2011*

4 **205 The whole of the Determination**

5 Repeal the Determination.

1 **Schedule 2—New Commonwealth Scholarship**
2 **Scheme**
3

4 *Higher Education Support Act 2003*

5 **1 At the end of Subdivision 36-F of Division 36**

6 Add:

7 **36-75 New Commonwealth Scholarship Scheme**

8 (1) A higher education provider must, no later than 6 months after the
9 end of each year in respect of which a grant is made under this Part
10 to the provider, allocate the provider's *eligible amount for the year
11 for use:

12 (a) in accordance with the Commonwealth Grant Scheme
13 Guidelines; or

14 (b) if there are no Guidelines for the purposes of paragraph (a)—
15 in accordance with the provider's funding agreement for the
16 year or period that includes the year.

17 Note 1: See also section 19-35 (benefits and opportunities must be available
18 equally to all students).

19 Note 2: This Scheme is separate from the Commonwealth scholarships under
20 Part 2-4.

21 (2) Subsection (1) does not apply to a higher education provider in
22 relation to a year if:

23 (a) circumstances prescribed by the Commonwealth Grant
24 Scheme Guidelines exist in relation to the provider; or

25 (b) there are no circumstances prescribed by the Guidelines in
26 relation to the year and the *number of Commonwealth
27 supported places provided by the provider during the year is
28 less than 500.

29 (3) The Commonwealth Grant Scheme Guidelines may:

30 (a) for the purposes of paragraph (1)(a), prescribe the use of
31 allocated amounts to provide scholarships or other benefits
32 for the purposes of:

- 1 (i) increasing access to and participation in higher
2 education by students and prospective students from
3 disadvantaged backgrounds; and
4 (ii) improving completion by disadvantaged students of
5 *courses of study; or
6 (b) prescribe any other matters ancillary or incidental to matters
7 referred to in paragraph (2)(a) or paragraph (a) of this
8 subsection.

9 *Eligible amount*

- 10 (4) A higher education provider's *eligible amount* for a year is the
11 amount that is the following percentage of the provider's *eligible
12 revenue for the financial year:
13 (a) 20%;
14 (b) if a lower percentage is prescribed by the Commonwealth
15 Grant Scheme Guidelines—that lower percentage.

16 *Eligible revenue*

- 17 (5) The Commonwealth Grant Scheme Guidelines may prescribe one
18 or more methods for working out a higher education provider's
19 eligible revenue for a year. If the Guidelines do so, the provider's
20 *eligible revenue* for the year is the amount worked out using the
21 prescribed method.
22 (6) If no method is prescribed by the Guidelines, a higher education
23 provider's *eligible revenue* for a year is the amount worked out as
24 follows:

25
$$\frac{\text{Revenue for year from Commonwealth supported students}}{\text{Comparison revenue for year from Commonwealth supported students}}$$

- 26 (7) For the purposes of subsection (6), a provider's *revenue for year*
27 *from Commonwealth supported students* is the total of the
28 following amounts:
29 (a) the grant amount payable to the provider under Part 2-2 in
30 respect of the year;
31 (b) *tuition fees payable to the provider by *Commonwealth
32 supported students for units of study that have *census dates
33 in the year.
-

- 1 (8) For the purposes of subsection (6), a provider's *comparison*
2 *revenue for year from Commonwealth supported students* is the
3 total of the following amounts:
4 (a) the grant amount that would have been payable to the
5 provider under Part 2-2 in respect of the year, if the whole of
6 the basic grant amount in respect of the year were worked out
7 under item 180 of Schedule 1 to the *Higher Education and*
8 *Research Reform Amendment Act 2014*;
9 (b) the *tuition fees that would have been payable to the provider
10 by *Commonwealth supported students for units of study that
11 have *census dates in the year, if all such tuition fees had
12 been the maximum fees allowed under subitem 179(1) of
13 Schedule 1 to that Act.

14 **2 Subclause 1(1) of Schedule 1**

15 Insert:

16 *eligible amount* has the meaning given by subsection 36-75(4).

17 *eligible revenue* has the meaning given by subsections 36-75(5)
18 and (6).

19 **3 Application of amendments**

20 The amendments made by this Schedule apply in relation to years
21 commencing on and after the day this Schedule commences.

Schedule 3—Indexation of HELP debts

Higher Education Support Act 2003

1 Paragraph 140-1(2)(a)

Omit “Consumer Price Index”, substitute “*10 year bond rate”.

2 Sections 140-10 and 140-15

Repeal the sections, substitute:

140-10 HELP debt indexation factor

- (1) The *HELP debt indexation factor* for 1 June in a financial year is the number (rounded to 3 decimal places) worked out as follows.

Method statement

Step 1. Add:

- (a) the *10 year bond rate for the month of March in the financial year; and
- (b) the 10 year bond rate for each of the 11 months that immediately preceded that March.

Step 2. Divide the result of step 1 by 1200.

Step 3. Add 1 to the result of step 2.

Step 4. If the result of step 3 is 1.06 or less, that result is the *HELP debt indexation factor* for 1 June in the financial year. If the result of step 3 is higher than 1.06, the *HELP debt indexation factor* for 1 June in the financial year is 1.06.

- (2) For the purposes of rounding a *HELP debt indexation factor, the third decimal place is rounded up if, apart from the rounding:
- (a) the factor would have 4 or more decimal places; and
 - (b) the fourth decimal place would be a number greater than 4.

1 **140-15 10 year bond rate**

2 The *10 year bond rate* for a month is the Commonwealth
3 Government 10 year bond capital market yield published for that
4 month by the Reserve Bank of Australia.

5 **3 Subclause 1(1) of Schedule 1**

6 Insert:

7 *10 year bond rate* has the meaning given by section 140-15.

8 **4 Subclause 1(1) of Schedule 1 (definition of *index number*)**

9 Repeal the definition, substitute:

10 *index number* has the meaning given by section 198-20.

11 **5 Application of amendments**

12 The amendments made by this Schedule apply to working out a debt on
13 or after the first 1 June after the day this item commences.

Schedule 4—Minimum repayment income for HELP debts

Higher Education Support Act 2003

1 Paragraph 154-10(a)

Repeal the paragraph, substitute:

(a) for the 2016-17 income year—\$50,637; or

2 Section 154-20 (table)

Repeal the table, substitute:

Applicable percentages

Item	If the person’s repayment income is:	The percentage applicable is:
1A	More than the * minimum repayment income, but less than: (a) for the 2016-17 * income year—\$56,264; or (b) for a later income year—that amount indexed under section 154-25.	2%
1	More than the amount under item 1A, but less than: (a) for the 2016-17 * income year—\$62,674; or (b) for a later income year—that amount indexed under section 154-25.	4%
2	More than the amount under item 1, but less than: (a) for the 2016-17 * income year—\$69,082; or (b) for a later income year—that amount indexed under section 154-25.	4.5%
3	More than the amount under item 2, but less than: (a) for the 2016-17 * income year—\$72,713; or (b) for a later income year—that amount indexed under section 154-25.	5%
4	More than the amount under item 3, but less than: (a) for the 2016-17 * income year—\$78,162; or (b) for a later income year—that amount indexed under section 154-25.	5.5%

Applicable percentages

Item	If the person's repayment income is:	The percentage applicable is:
5	More than the amount under item 4, but less than: (a) for the 2016-17 [*] income year—\$84,650; or (b) for a later income year—that amount indexed under section 154-25.	6%
6	More than the amount under item 5, but less than: (a) for the 2016-17 [*] income year—\$89,105; or (b) for a later income year—that amount indexed under section 154-25.	6.5%
7	More than the amount under item 6, but less than: (a) for the 2016-17 [*] income year—\$98,059; or (b) for a later income year—that amount indexed under section 154-25.	7%
8	More than the amount under item 7, but less than: (a) for the 2016-17 [*] income year—\$104,492; or (b) for a later income year—that amount indexed under section 154-25.	7.5%
9	More than the amount under item 8.	8%

1

2 **3 Application of amendments**

3 The amendments made by this Schedule apply in relation to income
4 years commencing on and after the day this Schedule commences.

1 **Schedule 5—Research funding and research**
2 **students**

3 **Part 1—Research funding**

4 *Australian Research Council Act 2001*

5 **1 At the end of subsection 48(2)**

6 Add:
7 ; (n) the financial year starting on 1 July 2017.

8 **2 Paragraphs 49(o), (p) and (q)**

9 Repeal the paragraphs, substitute:
10 (o) for the financial year starting on 1 July 2014—\$875,642,000;
11 and
12 (p) for the financial year starting on 1 July 2015—\$776,078,000;
13 and
14 (q) for the financial year starting on 1 July 2016—\$723,472,000;
15 and
16 (r) for the financial year starting on 1 July 2017—\$736,972,000.

1 **Part 2—Research students**

2 *Higher Education Support Act 2003*

3 **3 Section 41-25 (heading)**

4 Repeal the heading, substitute:

5 **41-25 Conditions on grants: main conditions**

6 **4 After section 41-25**

7 Insert:

8 **41-26 Conditions on grants: research students**

9 (1) A grant made to a higher education provider for the purpose
10 specified in paragraph 41-10(1)(g) is, in addition to any conditions
11 under section 41-25, made on the condition that the provider must
12 not charge a *research student of the provider a *tuition fee for a
13 unit of study in the *research course that exceeds the amount
14 worked out as follows:

15
$$\text{Maximum research tuition fee} \times \text{*EFTSL value of the unit}$$

16 (2) The *maximum research tuition fee* is:

- 17 (a) for a unit in a *course of study that is a high cost course under
18 the Other Grants Guidelines—\$3,900; or
19 (b) for a unit in a course of study that is a low cost course under
20 the Other Grants Guidelines—\$1,700.

21 (3) A person is a *research student* of a higher education provider if the
22 provider classifies the person as a Research Training Scheme
23 student in accordance with the Other Grants Guidelines in relation
24 to a *course of study (the *research course*) that the person is
25 undertaking with the provider.

26 **5 Subsection 198-5(1) (after table item 2)**

27 Insert:

28 2A Amounts mentioned in subsection 41-26(2) Section 41-26

1

2 **6 Subclause 1(1) of Schedule 1**

3 Insert:

4 *maximum research tuition fee* has the meaning given by
5 subsection 41-26(2).

6 *research course* has the meaning given by subsection 41-26(3).

7 *research student* has the meaning given by subsection 41-26(3).

8 **7 Application of amendments**

9 The amendments made by this Part apply in relation to:

- 10 (a) grants in respect of years commencing on or after the day this
11 Part commences; and
12 (b) tuition fees for units of study that have a census date on or
13 after the day this Part commences.

1 **Part 3—Repeals of instruments**

2 *Determination made on 13 August 2004 under*
3 *subsection 169-20(1) of the Higher Education*
4 *Support Act 2003 (Federal Register of Legislative*
5 *Instruments No. F2007B01092)*

6 **8 The whole of the Determination**

7 Repeal the Determination.

1 **Part 4—Amendments of Guidelines**

2 ***Other Grants Guidelines (Research) 2012***

3 **9 Paragraph 2.1.1(2)**

4 Omit “section 41-15(2)”, substitute “sections 41-15(2) and 41-26”.

5 **10 Paragraph 2.10.5**

6 Repeal the paragraph, substitute:

7
8 2.10.5 A student supported under paragraph 2.10.1 is referred to as a
9 ‘Research Training Scheme student’.

10 **11 After paragraph 2.20**

11 Insert:

12 **2.21 High cost and low cost courses**

13
14
15 2.21.1 For the purposes of section 41-26 of *the Act*, a high cost course is a
16 course of study specified in the following table:
17

ASCED Code	ASCED Title
010300-010303	Physics and Astronomy
010500-010599	Chemical Sciences
010700-010799	Earth Sciences
010900-010999	Biological Sciences
019900-019999	Other Natural and Physical Sciences
030101	Manufacturing Engineering
030300-030399	Process and Resources Engineering
030501	Automotive Engineering
030701	Mechanical Engineering
030703	Industrial Engineering
030900-030999	Civil Engineering
031100-031199	Geomatic Engineering
031300	Electrical and Electronic Engineering and Technology

031301	Electrical Engineering
031303	Electronic Engineering
031305	Computer Engineering
031307	Communications Technologies
031501	Aerospace Engineering
031503	Aircraft Maintenance Engineering
031701	Maritime Engineering
039901	Environmental Engineering
039903	Biomedical Engineering
050000-059999	Agriculture, Environmental and Related Studies
060100-060199	Medical Studies
060501	Pharmacy
060701	Dentistry
061101	Veterinary Studies
069903	Human Movement
090701	Psychology

- 1
2 2.21.2 For the purposes of section 41-26 of *the Act*, a low cost course is any
3 course of study not specified in the table in paragraph 2.21.1.

1 **Schedule 6—VET FEE-HELP loan fees and**
2 **limits**

3 **Part 1—Main amendments**

4 *Higher Education Support Act 2003*

5 **1 Subsection 137-18(2)**

6 Repeal the subsection, substitute:

7 (2) The amount of the *VET FEE-HELP debt is the amount of the
8 loan.

9 **2 Subsection 137-18(4)**

10 Repeal the subsection (including the note), substitute:

11 *Remission of VET FEE-HELP debts*

12 (4) A person's *VET FEE-HELP debt in relation to a *VET unit of
13 study is taken to be remitted if any of the following applies to the
14 person in relation to the unit (even if subclause 56(2) of
15 Schedule 1A applies to the provider in relation to the unit):

16 (a) subclause 46(2) of Schedule 1A (special circumstances);

17 (b) subclause 51(1) of Schedule 1A (course ceasing);

18 (c) subclause 89(1) of Schedule 1A (no tax file number).

19 **3 Clause 40 of Schedule 1A (paragraph dealing with amount**
20 **of assistance)**

21 Omit “, but there is a limit on the total amount of assistance that the
22 student can receive”.

23 **4 Paragraph 43(1)(b) of Schedule 1A**

24 Repeal the paragraph.

25 **5 Clause 45A of Schedule 1A**

26 Omit “43(e)”, substitute “43(1)(e)”.

1 **6 Subdivision 7-B of Division 7 of Schedule 1A (heading)**

2 Repeal the heading, substitute:

3 **Subdivision 7-B—Provider repayment of VET FEE-HELP**
4 **assistance**

5 **7 Clause 46 of Schedule 1A (heading)**

6 Repeal the heading, substitute:

7 **46 Provider repayment of VET FEE-HELP assistance—special**
8 **circumstances**

9 **8 Subclause 46(1) of Schedule 1A**

10 Repeal the subclause.

11 **9 Subclause 46(2) of Schedule 1A**

12 Omit “re-credit a person’s *FEE-HELP balance with an amount equal to
13 the amounts of *VET FEE-HELP assistance that the person received for
14 a *VET unit of study”, substitute “determine that this subclause applies
15 to a person”.

16 **10 Paragraph 46(2)(a) of Schedule 1A**

17 Repeal the paragraph, substitute:

- 18 (a) the person has been enrolled in a *VET unit of study with the
19 provider; and
20 (aa) the person received *VET FEE-HELP assistance for the unit;
21 and

22 **11 Paragraph 46(2)(d) of Schedule 1A**

23 Repeal the paragraph, substitute:

- 24 (d) the person applies in writing to the provider for the remission
25 of the person’s *VET FEE-HELP debt in relation to the unit;
26 and

27 **12 Subparagraph 46(2)(e)(ii) of Schedule 1A**

28 After “provider”, insert “, on request made no later than 2 years after
29 the end of that period,”.

1 **13 Subclause 46(2) of Schedule 1A (note)**

2 Repeal the note, substitute:

3 Note 1: If this subclause applies, the VET FEE-HELP debt of the person is
4 remitted (see subsection 137-18(4)) and the provider must repay the
5 amount of the VET FEE-HELP assistance to the Commonwealth (see
6 clause 56).

7 Note 2: A decision that this subclause does not apply to a person is reviewable
8 under Division 16.

9 **14 At the end of clause 46 of Schedule 1A**

10 Add:

11 (4) If a determination made under this clause is made in writing, the
12 determination is not a legislative instrument.

13 **15 Clause 47 of Schedule 1A**

14 Repeal the clause.

15 **16 Paragraph 49(1)(a) of Schedule 1A**

16 Omit “for the re-crediting of the person’s *FEE-HELP balance”.

17 **17 Paragraph 50(1)(b) of Schedule 1A**

18 After “provider”, insert “, on request made no later than 2 years after
19 the end of that period,”.

20 **18 Clause 51 of Schedule 1A**

21 Repeal the clause, substitute:

22 **51 Provider repayment of VET FEE-HELP assistance—provider**
23 **ceases to provide course**

- 24 (1) A *VET provider must, on the *Secretary’s behalf, determine that
25 this subclause applies to a person if:
- 26 (a) the person has been enrolled in a *VET unit of study with the
27 provider; and
 - 28 (b) the person received *VET FEE-HELP assistance for the unit;
29 and
 - 30 (c) the person has not completed the requirements for the unit
31 during the period during which the person undertook, or was
32 to undertake, the unit because the provider ceased to provide
-

- 1 the unit as a result of ceasing to provide the course of which
2 the unit formed part; and
3 (d) the *VET tuition assurance requirements applied to the
4 provider at the time the provider ceased to provide the unit;
5 and
6 (e) the person chose the option designated under the VET tuition
7 assurance requirements as VET tuition fee repayment in
8 relation to the unit.

9 Note: If this subclause applies, the VET FEE-HELP debt of the person is
10 remitted (see subsection 137-18(4)) and the provider must repay the
11 amount of the VET FEE-HELP assistance to the Commonwealth (see
12 clause 56).

- 13 (2) If the provider is unable to make the determination referred to in
14 subclause (1), the *Secretary may make the determination.
15 (3) If a determination made under this clause is made in writing, the
16 determination is not a legislative instrument.

17 **19 Clause 52 of Schedule 1A (note)**

18 Repeal the note.

19 **20 Clause 54 of Schedule 1A**

20 Repeal the clause.

21 **21 Clause 56 of Schedule 1A**

22 Repeal the clause, substitute:

23 **56 Repayment of VET FEE-HELP assistance by providers**

- 24 (1) A *VET provider must pay to the Commonwealth an amount equal
25 to the amount of *VET FEE-HELP assistance a person received for
26 a *VET unit of study with the provider if any of the following
27 applies to the person in relation to the unit:
28 (a) subclause 46(2) (special circumstances);
29 (b) subclause 51(1) (course ceasing);
30 (c) subclause 89(1) (no tax file number).

31 Note: The person's VET FEE-HELP debt in relation to the unit will also be
32 remitted (see subsection 137-18(4)).

Schedule 6 VET FEE-HELP loan fees and limits

Part 1 Main amendments

1 (2) Subclause (1) does not apply to a *VET provider because of the
2 application of subclause 46(2) to the person in relation to the unit if
3 the person enrolled in the unit in circumstances that make it a
4 replacement unit within the meaning of the *VET tuition assurance
5 requirements.

6 (3) The *VET Guidelines may, in setting out the *VET tuition
7 assurance requirements, specify, in relation to circumstances to
8 which subclause (2) applies:

9 (a) the amount (if any) that is to be paid to the Commonwealth;
10 and

11 (b) the person (if any) who is to pay the amount.

12 **22 Subclause 89(1) of Schedule 1A (note)**

13 Repeal the note, substitute:

14 Note: If this subclause applies, the VET FEE-HELP debt of the person is
15 remitted (see subsection 137-18(4)) and the provider must repay the
16 amount of the VET FEE-HELP assistance to the Commonwealth (see
17 clause 56).

18 **23 Clause 91 of Schedule 1A (table item 1)**

19 Repeal the item, substitute:

20
21
1 A decision that subclause 46(2) (a) the *VET provider
subclause 46(2) does with whom the
not apply to a person in student is enrolled
relation to a unit of in the unit; or
study (b) if the *Secretary
made the decision
that the subclause
does not apply—the
Secretary

1 **Part 2—Application, saving and transitional**
2 **provisions**

3 **24 Application**

- 4 (1) The amendment made by item 1 of this Schedule applies in relation to
5 debts incurred on or after the day this Schedule commences.
- 6 (2) The other amendments made by this Schedule apply in relation to units
7 of study that have a census date on or after the day this Schedule
8 commences.

9 **25 VET FEE-HELP assistance given before commencement**

- 10 (1) If, immediately before the day this Schedule commences, a valid
11 application had been made under clause 46 of Schedule 1A of the
12 *Higher Education Support Act 2003* but not determined, the application
13 is to be determined after that day in accordance with the Act as
14 amended by this Schedule, as if the application had been made under
15 clause 46 as amended.
- 16 (2) Subparagraph 46(2)(e)(ii) of Schedule 1A to the *Higher Education*
17 *Support Act 2003* as amended by this Schedule applies in relation to
18 circumstances that occurred, and periods that began, before, on or after
19 the day this Schedule commences.

20 **26 Reviewable decisions made before commencement**

- 21 (1) If, before the day this Schedule commences, a decision referred to in
22 item 1 of the table in clause 91 of Schedule 1A to the *Higher Education*
23 *Support Act 2003* was made, then, after that day, a decision that
24 subclause 46(2) of Schedule 1A of that Act does not apply to the person
25 is taken to have been made instead of the decision that was actually
26 made.
- 27 (2) Subitem (1) does not have the effect of changing the day the original
28 decision was made.

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Schedule 7—HECS-HELP benefit

Higher Education Support Act 2003

1 Paragraphs 140-1(2)(d) and (e)

Repeal the paragraphs, substitute:

(d) *compulsory repayment amounts in respect of the debt.

2 Subsection 140-5(1) (method statement, step 4A)

Repeal the step.

3 Subsection 140-5(1) (example)

Omit “Step 4A: Does not apply because Lorraine does not satisfy the eligibility requirements for the HECS-HELP benefit.”.

4 Subsection 140-5(3)

Repeal the subsection.

5 Section 148-1

Omit:

Repayment amounts may be reduced by the HECS-HELP benefit. To receive the benefit, a person must satisfy eligibility requirements and apply for it. The Commissioner determines whether a person is eligible for the benefit, and if so, the amount of the benefit.

6 Section 148-5

Repeal the section.

7 Subsection 154-1(1)

Omit “Subject to section 154-3, if”, substitute “If”.

8 Section 154-3

Repeal the section.

9 Section 154-35 (note)

Repeal the note.

10 Section 154-40

Repeal the section, substitute:

If:

(a) the *Commissioner is required to serve on a person a notice of assessment in respect of the person's income of an *income year under section 174 of the *Income Tax Assessment Act 1936*; and

(b) the Commissioner has made, in respect of the person, an assessment under section 154-35 of this Act of the amounts referred to in that section; and

(c) notice of the assessment under that section has not been served on the person;

notice of the assessment under that section may be served by specifying the amounts concerned in the notice referred to in paragraph (a).

11 Section 154-85

Repeal the section.

12 Division 157

Repeal the Division.

13 Section 206-1 (table item 4A)

Repeal the item.

14 Subsection 238-10(1) (table item 4A)

Repeal the item.

15 Subclause 1(1) of Schedule 1 (definition of *HECS-HELP benefit*)

Repeal the definition.

1 ***Income Tax Assessment Act 1997***

2 **16 Section 11-15 (table item headed “education and training”)**

3 Omit:
4 HECS-HELP benefit, recipient of..... 51-10

4 **17 Subsection 51-10 (table item 2.9)**

5 Repeal the item.

6 **18 Subsection 995-1(1) (definition of *HECS-HELP benefit*)**

7 Repeal the definition.

8 **19 Application and saving provision**

9 (1) In this item:

10 *Act* means the *Higher Education Support Act 2003*.

11 *commencement* means the day this Schedule commences.

12 *earlier income year* means an income year commencing before
13 commencement.

14 (2) The amendments made by this Schedule do not apply in relation to
15 HECS-HELP benefit for an earlier income year.

16 (3) Without limiting subitem (2):

17 (a) a person may, after commencement, make an application in
18 respect of an earlier income year in accordance with
19 Subdivision 157-A of Division 157 of the Act as in force
20 immediately before commencement; and

21 (b) the Commissioner must make a determination for any
22 application in respect of an earlier year in accordance with
23 Subdivision 157-C of Division 157 of the Act as in force
24 immediately before commencement; and

25 (c) section 140-5 of the Act, as in force immediately before
26 commencement, continues to apply after commencement in
27 relation to working out a former accumulated HELP debt of a
28 person in respect of whom HECS-HELP benefit has been
29 determined for an earlier income year; and

30 (d) section 154-3 of the Act, as in force immediately before
31 commencement, continues to apply after commencement in
32 relation to working out the amount that a person in respect of

-
- 1 whom a HECS-HELP benefit has been determined for an
 2 earlier income year is liable to pay under section 154-1 of the
 3 Act; and
- 4 (e) a person may apply, after commencement, for review of a
 5 decision referred to in item 4A of the table in section 206-1
 6 of the Act as in force immediately before commencement;
 7 and
- 8 (f) such a decision may be reviewed and given effect in
 9 accordance with the Act as in force immediately before
 10 commencement; and
- 11 (g) a provision of a taxation law (within the meaning of the
 12 *Income Tax Assessment Act 1997*) has the effect necessary to
 13 give effect to this item.
- 14 (4) The HECS-HELP Benefit Guidelines in force immediately before
 15 commencement continue in force for the purposes of the application of
 16 the *Higher Education Support Act 2003* in relation to HECS-HELP
 17 benefit for earlier income years. The Guidelines as continued under this
 18 subitem may be amended or repealed as if they were Guidelines made
 19 under section 238-10 of the Act.

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Schedule 8—Indexation of amounts

3

Higher Education Support Act 2003

4

1 Subsection 198-10(1)

5

Repeal the subsection, substitute:

6

- (1) An amount is indexed on 1 January each year, by multiplying it by the *indexation factor for the year.

7

8

2 Subsection 198-15(1) (formula)

9

Repeal the formula, substitute:

10

$$\frac{\text{The *index number for the December reference quarter}}{\text{The *index number for the December base quarter}}$$

11

where:

12

December base quarter means the *quarter ending on the 31 December that is 2 years and a day before the relevant 1 January.

13

14

15

December reference quarter means the *quarter ending on the 31 December that is a year and a day before the relevant 1 January.

16

17

3 Section 198-20

18

Repeal the section, substitute:

19

198-20 Meaning of *index number*

20

- (1) The *index number* for a *quarter is the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the *Australian Statistician in respect of that quarter.

21

22

23

- (2) Subject to subsection (3), if, at any time before or after the commencement of this subsection:

24

25

- (a) the *Australian Statistician has published or publishes an index number in respect of a *quarter; and

26

1 (b) that index number is in substitution for an index number
2 previously published by the Australian Statistician in respect
3 of that quarter;
4 disregard the publication of the later index number for the purposes
5 of this section.

6 (3) If, at any time before or after the commencement of this
7 subsection, the *Australian Statistician has changed or changes the
8 index reference period for the Consumer Price Index, then, for the
9 purposes of applying this section after the change took place or
10 takes place, have regard only to *index numbers published in terms
11 of the new index reference period.

12 **4 Subclause 1(1) of Schedule 1 (definition of *indexation***
13 ***period*)**

14 Repeal the definition.

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Schedule 9—University name change

3

Higher Education Support Act 2003

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1 Subsection 16-15(1) (after table item dealing with Edith Cowan University)

6

Insert:

Federation University Australia

7
8
9

2 Subsection 16-15(1) (table item dealing with University of Ballarat)

Repeal the item.

1 **Schedule 10—New Zealand citizens**
2

3 ***Higher Education Support Act 2003***

4 **1 After subsection 90-5(2)**

5 Insert:

6 (2A) A student also meets the citizenship or residency requirements
7 under this section in relation to a unit of study if the student:

8 (a) is a New Zealand citizen; and

9 (b) holds a special category visa under the *Migration Act 1958*;
10 and

11 (c) both:

12 (i) first began to be usually resident in Australia at least 10
13 years before the test day in subsection (2B) (the *test*
14 *day*); and

15 (ii) was a *dependent child when he or she first began to be
16 usually resident in Australia; and

17 (d) has been in Australia for a period of, or for periods totalling,
18 8 years during the 10 years immediately before the test day;
19 and

20 (e) has been in Australia for a period of, or for periods totalling,
21 18 months during the 2 years immediately before the test day.

22 (2B) For the purposes of subsection (2A), the test day is the earlier of:

23 (a) if the student has previously made a successful *request for
24 Commonwealth assistance under this Chapter for a unit that
25 formed part of the same *course of study—the day the
26 student first made such a request; or

27 (b) otherwise—the day the student made the request for
28 Commonwealth assistance in relation to the unit.

29 **2 Section 90-5(3)**

30 Omit “and (2)”, substitute “, (2) and (2A)”.

31 **3 After subsection 104-5(2)**

32 Add:

- 1 (2A) A student also meets the citizenship or residency requirements
2 under this section in relation to a unit of study if the student:
3 (a) is a New Zealand citizen; and
4 (b) holds a special category visa under the *Migration Act 1958*;
5 and
6 (c) both:
7 (i) first began to be usually resident in Australia at least 10
8 years before the test day in subsection (2B) (the *test*
9 *day*); and
10 (ii) was a *dependent child when he or she first began to be
11 usually resident in Australia; and
12 (d) has been in Australia for a period of, or for periods totalling,
13 8 years during the 10 years immediately before the test day;
14 and
15 (e) has been in Australia for a period of, or for periods totalling,
16 18 months during the 2 years immediately before the test day.
- 17 (2B) For the purposes of subsection (2A), the test day is the earlier of:
18 (a) if the student has previously made a successful *request for
19 Commonwealth assistance under this Chapter for a unit that
20 formed part of the same *course of study—the day the
21 student first made such a request; or
22 (b) otherwise—the day the student made the request for
23 Commonwealth assistance in relation to the unit.

24 **4 Subsections 104-5(3) and (4)**

25 Omit “and (2)”, substitute “, (2) and (2A)”.

26 **5 Section 118-5**

27 Before “The”, insert “(1)”.

28 **6 At the end of section 118-5**

29 Add:

30 ; or (c) a student to whom subsection (2) applies.

31 (2) This subsection applies to a student who:

- 32 (a) is a New Zealand citizen; and
33 (b) holds a special category visa under the *Migration Act 1958*;
34 and
-

- 1 (c) both:
- 2 (i) first began to be usually resident in Australia at least 10
- 3 years before the test day in subsection (3) (the *test day*);
- 4 and
- 5 (ii) was a *dependent child when he or she first began to be
- 6 usually resident in Australia; and
- 7 (d) has been in Australia for a period of, or for periods totalling,
- 8 8 years during the 10 years immediately before the test day;
- 9 and
- 10 (e) has been in Australia for a period of, or for periods totalling,
- 11 18 months during the 2 years immediately before the test day.
- 12 (3) For the purposes of subsection (2), the test day is the earlier of:
- 13 (a) if the student has previously made a successful *request for
- 14 Commonwealth assistance under this Chapter in relation to
- 15 the *course of study the student is enrolled in with the home
- 16 provider—the day the student first made such a request; or
- 17 (b) otherwise—the day the student made the request for
- 18 Commonwealth assistance in relation to the period.

19 **7 After subsection 126-5(1)**

20 Insert:

- 21 (1A) A student also meets the citizenship or residency requirements
- 22 under this section in relation to a *student services and amenities
- 23 fee imposed on the student by a higher education provider if the
- 24 student:
- 25 (a) is a New Zealand citizen on the day the fee is payable; and
- 26 (b) holds a special category visa under the *Migration Act 1958*
- 27 on the day the fee is payable; and
- 28 (c) both:
- 29 (i) first began to be usually resident in Australia at least 10
- 30 years before the test day in subsection (1B) (the *test*
- 31 *day*); and
- 32 (ii) was a *dependent child when he or she first began to be
- 33 usually resident in Australia; and
- 34 (d) has been in Australia for a period of, or for periods totalling,
- 35 8 years during the 10 years immediately before the test day;
- 36 and

1 (e) has been in Australia for a period of, or for periods totalling,
2 18 months during the 2 years immediately before the test day.

3 (1B) For the purposes of subsection (1A), the test day is the earlier of:

4 (a) if the student:

5 (i) is enrolled with the provider in a *course of study; and

6 (ii) has previously made a successful *request for
7 Commonwealth assistance under this Chapter in relation
8 to the course—the day the student first made such a
9 request; or

10 (b) otherwise—the day the student made the request for
11 Commonwealth assistance in relation to the fee.

12 **8 Subsection 126-5(2)**

13 Omit “subsection (1)”, substitute “subsections (1) and (1A)”.

14 **9 At the end of subclause 44(1) of Schedule 1A**

15 Add:

16 ; or (c) a student to whom subclause (3) applies.

17 (3) This subclause applies to a student who:

18 (a) is a New Zealand citizen; and

19 (b) holds a special category visa under the *Migration Act 1958*;
20 and

21 (c) both:

22 (i) first began to be usually resident in Australia at least 10
23 years before the test day in subclause (4) (the *test day*);
24 and

25 (ii) was a *dependent child when he or she first began to be
26 usually resident in Australia; and

27 (d) has been in Australia for a period of, or for periods totalling,
28 8 years during the 10 years immediately before the test day;
29 and

30 (e) has been in Australia for a period of, or for periods totalling,
31 18 months during the 2 years immediately before the test day.

32 (4) For the purposes of subclause (3), the test day is the earlier of:

33 (a) if the student has previously made a successful *request for
34 Commonwealth assistance under this Part for a *VET unit of

- 1 study that formed part of the same *VET course of study—
2 the day the student first made such a request; or
3 (b) otherwise—the day the student made the request for
4 Commonwealth assistance in relation to the unit.

5 **10 Subclause 1(1) of Schedule 1**

6 Insert:

7 *dependent child*: see clause 2.

8 **11 At the end of Schedule 1**

9 Add:

10 **2 Definition of *dependent child***

- 11 (1) A child of a person is a *dependent child* if the child:
12 (a) the child is aged under 18; and
13 (b) does not have a spouse or de facto partner (within the
14 meaning of the *Acts Interpretation Act 1901*).
- 15 (2) Without limiting who is a child of a person for the purposes of
16 subclause (1), someone is the *child* of a person if he or she is a
17 child of the person within the meaning of the *Family Law Act*
18 *1975*.

19 **12 Application**

20 The amendments made by this Schedule apply in relation to a unit of
21 study that has a census date on or after the day this Schedule
22 commences.