



Overseas Students Charge Amendment Act 1982

No. 22 of 1982

An Act to amend the *Overseas Students Charge Act 1979*

[Assented to 3 May 1982]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Overseas Students Charge Amendment Act 1982*.

(2) The *Overseas Students Charge Act 1979*¹ is in this Act referred to as the Principal Act.

Interpretation

2. Section 4 of the Principal Act is amended—

(a) by inserting after the definition of “charge” in sub-section (1) the following definition:

“ ‘declared course’ means a course that is a declared course for the purposes of this Act by virtue of a declaration in force under section 4A;”;

- (b) by omitting from paragraph (b) of the definition of “prescribed course” in sub-section (1) “or” (last occurring); and
- (c) by adding at the end of the definition of “prescribed course” in sub-section (1) the following word and paragraph:
“; or (d) any declared course;”.

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

Declared course

“4A. The regulations may declare a specified course of study offered, or to be offered, by a specified educational institution (other than a prescribed educational institution) to be a declared course for the purposes of this Act.”.

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

Application in relation to declared courses

“7A. (1) In this section, ‘prescribed year’, in relation to a declared course, means the year in which the declaration with respect to that course was made.

“(2) The charge is not payable in respect of the enrolment of an overseas student in a declared course for the prescribed year in relation to that declared course or for an earlier year.

“(3) Subject to sub-section (4), where an overseas student—

- (a) was or is enrolled in a declared course for the prescribed year in relation to that course or for an earlier year;
- (b) commenced or commences to undertake that course in the year of that enrolment; and
- (c) was or is enrolled in that course for each succeeding year,

the charge is not payable in respect of his enrolment for any year in that course or any other prescribed course that, in accordance with the regulations, is to be treated for the purposes of this section as being the same course as the first-mentioned course.

“(4) For the purposes of sub-section (3), where at any time (including a time before the declaration of the declared course concerned)—

- (a) the enrolment of a person in a declared course is or was interrupted by a period of deferment approved by the educational institution offering the course; and
- (b) the enrolment is resumed in accordance with the terms of the approval as specified at the time of the giving of the approval,

the person shall be deemed to be enrolled in respect of that course during that interruption.

“(5) In relation to a time before the commencement of this section or this Act, a reference in this section to a declared course shall be read as a reference to a course that would have been a declared course if the relevant provisions of this Act and the relevant regulations had been in force at that time.

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“(6) A reference in this section to a year, or a time, before the declaration of a declared course includes a reference to a year, or a time, before the commencement of this section or this Act.”.

Regulations

5. Section 8 of the Principal Act is amended by omitting “sections 4, 6 and 7” and substituting “any provision of this Act”.

NOTE

1. No. 119, 1979, as amended. For previous amendments, see No. 61, 1981.