



Higher Education Funding Amendment Act (No. 2) 1990

No. 122 of 1990

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Higher Education Funding Amendment Act (No. 2) 1990

No. 122 of 1990

**An Act to amend the *Higher Education Funding Act 1988*,
and for related purposes**

[Assented to 28 December 1990]

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

Short title etc.

1. (1) This Act may be cited as the *Higher Education Funding Amendment Act (No. 2) 1990*.

(2) In this Act, “Principal Act” means the *Higher Education Funding Act 1988*¹.

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Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Definitions

3. Section 3 of the Principal Act is amended by omitting “or the year 1992” from paragraph (b) of the definition of “year to which this Chapter applies” and substituting “, the year 1992 or the year 1993”.

Institutions

4. Section 4 of the Principal Act is amended by omitting the Table from subsection (1) and substituting the following Table:

“NEW SOUTH WALES

Avondale College
Catholic College of Education Sydney Ltd
Charles Sturt University
Macquarie University
The University of New South Wales
The University of Newcastle
The University of Wollongong
University of New England
University of Sydney
University of Technology, Sydney
University of Western Sydney

VICTORIA

Ballarat University College
Bendigo College of Advanced Education
Chisholm Institute of Technology
Deakin University
Footscray Institute of Technology
Gippsland Institute of Advanced Education
Hawthorn Institute of Education
Institute of Catholic Education
La Trobe University
Marcus Oldham College of Farm Management
Monash University
Phillip Institute of Technology
Royal Melbourne Institute of Technology Ltd
Swinburne Limited
The Victorian College of the Arts
The Western Institute
The Wodonga Institute of Tertiary Education
University of Melbourne
Victoria College

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Victoria University of Technology
Victorian College of Agriculture and Horticulture
Victorian College of Pharmacy Ltd
Warrnambool Institute of Advanced Education

QUEENSLAND

Griffith University
James Cook University of North Queensland
McAuley College
Queensland Conservatorium of Music
Queensland University of Technology
The University of Queensland
University College of Central Queensland
University College of Southern Queensland

WESTERN AUSTRALIA

Curtin University of Technology
Murdoch University
The University of Western Australia
Western Australian College of Advanced Education

SOUTH AUSTRALIA

Roseworthy Agricultural College
South Australian College of Advanced Education
South Australian Institute of Technology
The Flinders University of South Australia
The University of Adelaide

TASMANIA

Tasmanian State Institute of Technology
University of Tasmania

AUSTRALIAN CAPITAL TERRITORY

Signadou College of Education

NORTHERN TERRITORY

Batchelor College
Northern Territory University".

Maximum grants

5. Section 17 of the Principal Act is amended:

- (a) by omitting from paragraph (b) "\$2,282,996,000" and substituting "\$2,441,844,000";
- (b) by omitting from paragraph (c) "\$2,297,052,000; and" and substituting "\$2,520,739,000;"

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- (c) by omitting from paragraph (d) “\$2,342,969,000” and substituting “\$2,571,228,000”;
- (d) by adding at the end the following word and paragraph:
“; and (e) in the case of the year 1993—\$2,657,966,000.”.

Grants for Aboriginal participation projects

6. Section 19 of the Principal Act is amended:

- (a) by omitting from paragraph (4) (c) “\$13,476,000” and substituting “\$22,990,000”;
- (b) by omitting from paragraph (4) (d) “\$13,476,000” and substituting “\$23,662,000”.

Grants for superannuation expenses

7. Section 20 of the Principal Act is amended:

- (a) by omitting from paragraph (3) (b) “\$48,560,000” and substituting “\$104,931,000”;
- (b) by omitting from paragraph (3) (c) “\$57,653,000; and” and substituting “\$59,050,000;”;
- (c) by omitting from paragraph (3) (d) “\$66,629,000” and substituting “\$67,092,000”;
- (d) by adding at the end of subsection (3) the following word and paragraph:
“; and (e) in the case of the year 1993—\$67,092,000.”.

Grants for projects of national priority

8. Section 21 of the Principal Act is amended:

- (a) by omitting from paragraph (3) (b) “\$27,139,000” and substituting “\$28,367,000”;
- (b) by omitting from paragraph (3) (c) “\$27,987,000; and” and substituting “\$29,948,000;”;
- (c) by omitting from paragraph (3) (d) “\$28,855,000” and substituting “\$30,877,000”;
- (d) by adding at the end of subsection (3) the following word and paragraph:
“; and (e) in the case of the year 1993—\$31,753,000.”.

Promotion of equality of opportunity

9. (1) Section 22 of the Principal Act is amended:

- (a) by omitting subsections (3) and (4) and substituting the following subsection:

“(3) Where the Minister approves a proposal for expenditure by an institution in respect of a year, the Minister is to determine an amount, not exceeding the estimated expenditure on the proposal in that year, as the amount of the approved

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expenditure in relation to the proposal and, subject to subsection (5), as from 1 January in that year, the amount specified in a determination under section 15 or 16, as the case requires, in relation to the institution in respect of that year is to be taken to be increased by the amount of the approved expenditure.”;

- (b) by omitting from paragraph (5) (b) “\$1,315,000” and substituting “\$1,487,000”;
- (c) by omitting from paragraph (5) (c) “\$1,315,000; and” and substituting “\$1,555,000.”;
- (d) by omitting from paragraph (5) (d) “\$1,315,000” and substituting “\$1,555,000”;
- (e) by adding at the end of subsection (5) the following word and paragraph:
“; and (e) in the case of the year 1993—\$3,667,000.”;
- (f) by omitting subsection (6).

(2) Where, before the commencement of this Act, the Minister had approved a proposal for expenditure under subsection 22 (2) of the Principal Act (whether or not a determination had also been made under subsection 22 (3) of the Principal Act in relation to the proposal), but an amount had not been paid to a State under subsection 22 (4) of the Principal Act for the purpose of financial assistance in relation to the approved proposal, the approval under subsection 22 (2) and any determination made under subsection 22 (3) in relation to the proposal are taken, after the commencement of this Act, to have been given or made, as the case requires, under the Principal Act as amended by this Act.

(3) Where, before the commencement of this Act:

- (a) an amount of financial assistance was paid to a State under subsection 22 (4) of the Principal Act; and
- (b) a condition under subsection 22 (6) of the Principal Act relevant to that payment had not been satisfied;

section 22 of the Principal Act, as in force immediately before the commencement of this Act, continues to apply in relation to that payment.

Special research assistance

10. (1) Section 23 of the Principal Act is amended:

- (a) by omitting from paragraph (1) (c) “research”;
- (b) by inserting after paragraph (1) (e) the following word and paragraph:
“ or (f) research fellowships.”;
- (c) by omitting from paragraph (4) (b) “\$144,396,000” and substituting “\$149,169,000”;

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- (d) by omitting from paragraph (4) (c) "\$185,338,000; and" and substituting "\$215,266,000;";
- (e) by omitting from paragraph (4) (d) "\$196,003,000" and substituting "\$224,710,000";
- (f) by adding at the end of subsection (4) the following word and paragraph:
 - “; and (e) in the case of the year 1993—\$227,195,000.”.

(2) An approval made by the Minister under subsection 23 (1) of the Principal Act as in force immediately before the commencement of this Act is to be taken, after that commencement, to have been made under subsection 23 (1) of the Principal Act as amended by this Act.

Grants in respect of teaching hospitals

11. Section 24 of the Principal Act is amended:

- (a) by omitting from paragraph (3) (b) "\$3,836,000" and substituting "\$4,029,000";
- (b) by omitting from paragraph (3) (c) "\$3,836,000; and" and substituting "\$4,105,000;";
- (c) by omitting from paragraph (3) (d) "\$3,836,000" and substituting "\$4,105,000";
- (d) by adding at the end of subsection (3) the following word and paragraph:
 - “; and (e) in the case of the year 1993—\$4,105,000.”.

Grants in respect of drug and alcohol education in teaching hospitals

12. Section 25 of the Principal Act is amended by omitting from paragraph (2) (b) "\$588,000" and substituting "\$618,000”.

Grants for building projects

13. Section 26 of the Principal Act is amended:

- (a) by omitting from paragraph (5) (b) "\$87,731,000" and substituting "\$94,129,000";
- (b) by omitting from paragraph (5) (c) "\$87,731,000; and" and substituting "\$102,261,000;";
- (c) by omitting from paragraph (5) (d) "\$87,731,000" and substituting "\$102,261,000";
- (d) by adding at the end of subsection (5) the following word and paragraph:
 - “; and (e) in the case of the year 1993—\$212,453,000.”.

Promotion of equality of opportunity

14. (1) Section 30 of the Principal Act is amended:

- (a) by omitting subsections (3) and (4) and substituting the following subsection:

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“(3) Where the Minister approves a proposal for expenditure by an institution in respect of a year, the Minister is to determine an amount, not exceeding the estimated expenditure on the proposal in that year, as the amount of the approved expenditure in relation to the proposal and, subject to subsection (5), as from 1 January in that year, the amount specified in a determination under section 15 or 16, as the case requires, in relation to the institution in respect of that year is to be taken to be increased by the amount of the approved expenditure.”;

(b) by omitting subsection (6).

(2) Where, before the commencement of this Act, the Minister had approved a proposal for expenditure under subsection 30 (2) of the Principal Act (whether or not a determination had also been made under subsection 30 (3) of the Principal Act in relation to the proposal), but an amount had not been paid to a State under subsection 30 (4) of the Principal Act for the purpose of financial assistance in relation to the approved proposal, the approval under subsection 30 (2) and any determination made under subsection 30 (3) in relation to the proposal are taken, after the commencement of this Act, to have been given or made, as the case requires, under the Principal Act as amended by this Act.

(3) Where, before the commencement of this Act:

(a) an amount of financial assistance was paid to a State under subsection 30 (4) of the Principal Act; and

(b) a condition under subsection 30 (6) of the Principal Act relevant to that payment had not been satisfied;

section 30 of the Principal Act, as in force immediately before the commencement of this Act, continues to apply in relation to that payment.

Interpretation

15. Section 34 of the Principal Act is amended:

(a) by omitting paragraph (a) of the definition of “census date” in subsection (1) and substituting the following paragraph:

“(a) in the case of a course undertaken in a period that is taken to be a semester by virtue of subsection 37 (2) or (3):

(i) if the course is of not less than 6 weeks duration—the date that is 14 days after the date on which the student starts to undertake the course of study; or

(ii) if the course is of less than 6 weeks duration—the date on which the student starts to undertake the course of study; or”;

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- (b) by omitting paragraph (a) of the definition of “designated course of study” in subsection (1) and substituting the following paragraph:

“(a) a course leading to an undergraduate award that provides an initial qualification in relation to nursing;”.

Semesters

16. Section 37 of the Principal Act is amended:

- (a) by omitting from subsection (1) “subsection (2)” and substituting “this section”;
- (b) by omitting from subsection (2) “second semester” and substituting “last semester to end”;
- (c) by adding at the end the following subsection:

“(3) Where an institution provides a course or courses of study during a period that does not fully coincide with a period that is otherwise, for the purposes of this Chapter a semester for the purposes of the institution, that period is taken for the purposes of this Chapter (other than subsection (2)) to be a separate semester for the purposes of the institution.”.

Power of Secretary to remit semester debt in special circumstances

17. (1) Section 63 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

“(1) Subject to subsection (1A), where a student has incurred an HEC semester debt, the Secretary may, on written application made by the student within 3 months after the debt was incurred, if the Secretary is satisfied:

- (a) that the student, because of special circumstances, did not complete his or her course requirements during the semester or during the year in which the semester occurred; and
- (b) that those circumstances justify the Secretary so doing;

by writing signed by the Secretary remit the whole, or such part as the Secretary thinks fit, of the debt.

“(1A) An application may be made under subsection (1) within 15 months after the debt was incurred, or, in the case of a debt incurred earlier than 12 months before the commencement of this subsection, within 3 months after that commencement, if:

- (a) the student was unable, because of circumstances beyond his or her control, to make an application within the period of 3 months referred to in that subsection; or
- (b) the special circumstances referred to in subsection (1) only became known after the end of that period of 3 months.”.

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(2) Section 63 of the Principal Act as in force immediately before the commencement of this section continues to apply in relation to applications duly made under that section before the commencement of this Act.

Compulsory payments in respect of accumulated HEC debt

18. Section 68 of the Principal Act is amended:

(a) by omitting subparagraph (1)(c)(ii) and substituting the following subparagraphs:

“(ii) in the case of the year of income ending on 30 June 1990—1% of that taxable income; or

(iii) in the case of a subsequent year of income—2% of that taxable income; or”;

(b) by omitting subparagraph (1)(d)(ii) and substituting the following subparagraphs:

“(ii) in the case of the year of income ending on 30 June 1990—2% of that taxable income; or

(iii) in the case of a subsequent year of income—3% of that taxable income; or”;

(c) by omitting subparagraph (1)(e)(ii) and substituting the following subparagraphs:

“(ii) in the case of the year of income ending on 30 June 1990—3% of that taxable income; or

(iii) in the case of a subsequent year of income—4% of that taxable income.”.

NOTE

1. No. 2, 1989, as amended. For previous amendments, see No. 138, 1988; and Nos. 80, 168 and 179, 1989.

*[Minister's second reading speech made in—
House of Representatives on 11 October 1990
Senate on 15 November 1990]*