2004-2005

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education, Science and Training, the Honourable Dr Brendan Nelson MP)
HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

OUTLINE

The Bill will amend the Higher Education Support Act 2003 to provide for the inclusion in the Commonwealth Grant Scheme Guidelines, requirements to be known as the Higher Education Workplace Relations Requirements.

This will mean that a Higher Education Provider's basic grant amount for a year is increased (5% if the year is 2006; 7.5% if the grant year is a later year) under section 33-15 of the Higher Education Support Act 2003 if the Minister is satisfied that the provider has met the requirements of:

- the National Governance Protocols; and
- the Higher Education Workplace Relations Requirements

by the respective dates set out in the Commonwealth Grant Scheme Guidelines.

FINANCIAL IMPACT

Nil. Any increases to Commonwealth Grant Scheme funding that higher education providers may receive if the Minister is satisfied they meet the requirements set out in paragraphs 33-15(1)(a) (the National Governance Protocols) and (b) (the Higher Education Workplace Relations Requirements) will be funded from existing appropriations.
Clause 1 - Short title

Provides for the Act to be cited as the Higher Education Legislation Amendment (Workplace Relations Requirements) Act 2005.

Clause 2 - Commencement

Provides for the Act to commence on the day after it receives the Royal Assent.

Clause 3 - Schedule(s)

Provides that each Act that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule and that any other item in a Schedule has effect according to its terms.
Schedule 1—Amendment of the *Higher Education Support Act 2003*

**Item 1** Paragraphs 33-15(1)(b) and (c)

Repeals paragraphs 33-15(1)(b) and (c) and substitutes new paragraphs which allow for the Commonwealth Grant Scheme Guidelines to impose the Higher Education Workplace Relations Requirements on higher education providers.

A higher education provider’s basic grant amount for a year is increased under section 33-15 if the Minister is satisfied that the provider met the National Governance Protocols and the Higher Education Workplace Relations Requirements as at the dates specified in the Commonwealth Grant Scheme Guidelines in the preceding year.

**Item 2** Saving provision

A saving provision to ensure that, despite item 1, a higher education provider’s basic grant amount for a year before the grant year 2006 is not affected by the amendments made by item 1. That is, subsection 33-15(1) of the *Higher Education Support Act 2003* is to be taken to continue in force in relation to a grant year prior to 2006 as if that subsection had not been amended.