Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009

No.  , 2009

(Education)

A Bill for an Act to amend legislation relating to higher education, and for related purposes
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A Bill for an Act to amend legislation relating to higher education, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Act 2009.

2 Commencement

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

<table>
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<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
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<td>2. Schedule 1</td>
<td>A single day to be fixed by Proclamation.</td>
<td>However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.</td>
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<td>The day after this Act receives the Royal Assent.</td>
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Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Student services and amenities

**Higher Education Support Act 2003**

1 **Paragraph 3-10(c)**

   Omit “study.”, substitute “study;”.

2 **After paragraph 3-10(c)**

   Insert:

   (d) SA-HELP assistance for meeting student services and amenities fees imposed by higher education providers.

3 **Subsection 5-1(2) (after table item 5)**

   Insert:

   5A 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.

4 **At the end of section 19-37**

   Add:

   (4) Subsection (2) does not apply to a *student services and amenities fee that the higher education provider requires the person to pay.

   (5) A **student services and amenities fee** is an amount:

   (a) that a higher education provider requires a person enrolled, or seeking to enrol, with the provider to pay for a period starting on or after 1 July 2009 to support the provision to students of amenities and services not of an academic nature, regardless of whether the person chooses to use any of those amenities and services; and

   (b) that is determined by the provider in accordance with the Student Services and Amenities Fee Guidelines; and

   (c) that is not more than the amount worked out for that period for the person in accordance with those guidelines; and
(d) that is payable on a day determined in accordance with those guidelines; and
(e) that is such that the total of all amounts that are covered by paragraphs (a), (b), (c) and (d) for the same provider and person is not more than:
   (i) $125, for amounts for periods falling wholly or partly within the 6 months starting on 1 July 2009; or
   (ii) $250, for amounts for periods falling wholly or partly within a calendar year starting on or after 1 January 2010.

Note 1: The Student Services and Amenities Fee Guidelines are made by the Minister under section 238-10.
Note 2: The amount of $250 mentioned in subparagraph (5)(e)(ii) is indexed under Part 5-6.
Note 3: Paragraph 19-102(3)(b) prevents a student services and amenities fee from being a fee as defined in section 19-102.

(6) If a higher education provider determines a *student services and amenities fee, the provider:
   (a) must publish, in accordance with the Student Services and Amenities Fee Guidelines:
      (i) enough information to enable a person liable to pay the fee to work out the amount of the fee; and
      (ii) notice of the day on which the fee is payable; and
   (b) must, on request by a person who is or may become liable to pay the fee, inform the person of the amount of the fee and the day on which it is or would be payable.

5 After section 19-37
   Insert:

19-38 Higher education providers’ expenditure of student services and amenities fees

(1) A higher education provider must not spend an amount paid to the provider as a *student services and amenities fee to support:
   (a) a political party; or
   (b) the election of a person as a member of:
      (i) the legislature of the Commonwealth, a State or a Territory; or
(ii) a local government body.

(2) If a higher education provider pays a person or organisation an amount paid to the provider as a "student services and amenities fee, the provider must make the payment on the condition that none of the payment is to be spent by the person or organisation to support:
(a) a political party; or
(b) the election of a person as a member of:
   (i) the legislature of the Commonwealth, a State or a Territory; or
   (ii) a local government body.

(3) A higher education provider must not spend, for purposes other than those specified by the Student Services and Amenities Fee Guidelines, an amount paid to the provider as a "student services and amenities fee.

Note: The Student Services and Amenities Fee Guidelines are made by the Minister under section 238-10.

(4) To avoid doubt, subsections (1), (2) and (3) apply to an advance made to a higher education provider on account of "SA-HELP assistance in the same way as they apply to an amount paid to the provider as a "student services and amenities fee.

Note: An amount of SA-HELP assistance paid to a provider is an amount paid to the provider as a student services and amenities fee because, under section 128-1, the SA-HELP assistance is paid to discharge the student’s liability to pay the fee.

(5) Subsection (4) does not limit subsection 164-10(2).

Note: Subsection 164-10(2) applies to an advance on account of an amount the conditions that would apply to payment of the amount.

6 After section 19-65

Insert:

19-67 Special requirements for student services, amenities, representation and advocacy in 2010 and later years

(1) A higher education provider that receives a grant under Part 2-2 in respect of the year 2010 or a later year must comply in respect of the year with the requirements of the Student Services, Amenities,
Representation and Advocacy Guidelines as those guidelines were in force on the 30 June just before the year.

Note: The Student Services, Amenities, Representation and Advocacy Guidelines are made by the Minister under section 238-10.

(2) The Student Services, Amenities, Representation and Advocacy Guidelines may provide for:
   (a) requirements for providing students with information about services that are not of an academic nature and that support students; and
   (b) requirements for providing students with access to such services; and
   (c) requirements relating to the representation and advocacy of the interests of students.

(3) However, the Student Services, Amenities, Representation and Advocacy Guidelines cannot require a provider to fund an organisation of students, or of students and other persons.

(4) Subsection 19-65(1) does not apply in relation to the Student Services, Amenities, Representation and Advocacy Guidelines.

7 Section 65-1
Omit “3 kinds” (wherever occurring), substitute “4 kinds”.

8 Section 65-1
Omit:

- OS-HELP assistance—assistance to a student who, as part of his or her course of study, is to undertake study at an overseas higher education institution (see Part 3.4).

Substitute:

- OS-HELP assistance—assistance to a student who, as part of his or her course of study, is to undertake study at an overseas higher education institution (see Part 3-4);
- SA-HELP assistance—assistance to a student on whom a student services and amenities fee is imposed (see Part 3-5).
9 Section 65-1
   Omit “and FEE-HELP assistance)”, substitute “, FEE-HELP assistance
   and SA-HELP assistance)”.

10 At the end of Chapter 3
   Add:

Part 3-5—SA-HELP assistance

Division 125—Introduction

125-1 What this Part is about

A student may be entitled to SA-HELP assistance for a student
services and amenities fee imposed on him or her by a higher
education provider, if certain requirements are met.

The amount of the assistance is the amount of the fee, less any
amounts of the fee paid on or before the day the fee is payable
(except any SA-HELP assistance paid under this Part). The
assistance is paid to the provider to discharge the student’s liability
to pay the fee.

Note: Amounts of assistance under this Part may form part of a person’s
HELP debts that the Commonwealth recovers under Part 4-2.

Division 126—Who is entitled to SA-HELP assistance?

126-1 Entitlement to SA-HELP assistance

(1) A student is entitled to *SA-HELP assistance for a *student
   services and amenities fee imposed on the student for a period by a
   higher education provider if:
   (a) the student meets the citizenship or residency requirements
      under section 126-5; and
   (b) the student is enrolled with the provider in a *course of study
      or a *bridging course for overseas-trained professionals on
      the day on which the fee is payable; and
   (c) the student *meets the tax file number requirements (see
      section 187-1); and
(d) the student has, on or before the day on which the fee is payable, completed, signed and given to an appropriate officer of the provider a request for Commonwealth assistance in relation to the fee.

(2) A request for Commonwealth assistance, in relation to a student services and amenities fee imposed for a period on a person who is enrolled with a higher education provider in a course of study or a bridging course for overseas-trained professionals, means a document:

(a) in which the person requests the Commonwealth to provide assistance under this Act in relation to the fee for the period (and any student services and amenities fee imposed for a later period during which the person is enrolled in the course or bridging course); and

(b) that is in the form approved by the Minister.

126-5 Citizenship or residency requirements

(1) A student meets the citizenship or residency requirements under this section in relation to a student services and amenities fee imposed on the student by a higher education provider if the student is, on the day the fee is payable:

(a) an Australian citizen; or

(b) a permanent humanitarian visa holder resident in Australia.

(2) Despite subsection (1), a permanent humanitarian visa holder does not meet the citizenship or residency requirements in relation to a student services and amenities fee imposed on the visa holder by a higher education provider if the provider reasonably expects that the visa holder will not undertake in Australia any units of study with the provider.
Division 127—How are amounts of SA-HELP assistance worked out?

127-1 The amount of SA-HELP assistance for a student services and amenities fee

The amount of *SA-HELP assistance to which a student is entitled for a *student services and amenities fee is the difference (if any) between:
(a) the fee; and
(b) the sum of any payments of the fee (other than a payment of SA-HELP assistance under this Part) made on or before the day on which the fee is payable.

Division 128—How are amounts of SA-HELP assistance paid?

Note: Part 5-1 deals generally with payments by the Commonwealth under this Act.

128-1 Payments to higher education providers of loans to students

If a student is entitled to an amount of *SA-HELP assistance for a *student services and amenities fee imposed by a higher education provider, the Commonwealth must:
(a) as a benefit to the student, lend to the student the amount of SA-HELP assistance; and
(b) pay to the provider the amount lent in discharge of the student’s liability to pay the fee.

128-5 Repayment by higher education provider if student does not have tax file number

A higher education provider must repay the Commonwealth an amount paid to the provider under section 128-1 in discharge of a person’s liability to pay a *student services and amenities fee if subsection 193-15(1) applies to the person.

Note 1: Subsection 193-15(1) applies to a person who does not have a tax file number.

Note 2: The person’s SA-HELP debt will be remitted if the higher education provider must repay the amount under this section: see subsection 137-16(4).
11 **Section 134-1**

Omit “or OS-HELP assistance”, substitute “, OS-HELP assistance or SA-HELP assistance”.

12 **After paragraph 137-1(c)**

Insert:

(c) *SA-HELP debts;

13 **After section 137-15**

Insert:

137-16 *SA-HELP debts*

*Incurring SA-HELP debts*

(1) A person incurs a debt to the Commonwealth if, under section 128-1, the Commonwealth:

(a) makes a loan to the person; and

(b) uses the amount lent to make a payment of the person’s liability to pay *student services and amenities fee*. The debt is a *SA-HELP debt*.

(2) The amount of the *SA-HELP debt is an amount equal to the loan.*

*When SA-HELP debts are incurred*

(3) A *SA-HELP debt is taken to have been incurred by a person immediately after the day on which the *student services and amenities fee to which the loan relates is payable, whether or not the Commonwealth has made a payment in respect of the fee.*

*Remission of SA-HELP debts*

(4) A person’s *SA-HELP debt in relation to a *student services and amenities fee imposed by a higher education provider is taken to be remitted if, under section 128-5, the provider must repay the Commonwealth the amount the Commonwealth paid the provider in relation to the fee.*
Insert:

(ea) *SA-HELP assistance for *student services and amenities fees imposed on the person by one particular higher education provider; or

15 Subsection 140-5(1) (method statement, step 2, note)
After “(e),”, insert “(ea),”.

16 Subsection 140-25(1A) (method statement, step 1, after paragraph (e))
Insert:

(ea) *SA-HELP assistance for *student services and amenities fees imposed on the person by one particular higher education provider; or

17 Subsection 140-25(1A) (method statement, step 1, note)
After “(e),”, insert “(ea),”.

18 Paragraph 154-55(1)(a)
After “applied for”, insert “one or more of the following”.

19 Subparagraph 154-55(1)(a)(i)
Omit “or” (last occurring).

20 Subparagraph 154-55(1)(a)(ii)
Omit “and”.

21 At the end of paragraph 154-55(1)(a)
Add:

(iii) *SA-HELP assistance for a *student services and amenities fee for a period; and

22 Subparagraph 169-5(1)(b)(i)
After “unit”, insert “or for a *student services and amenities fee imposed on the person by the provider”.

Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures)
Bill 2009 No. 2009 11
23 Section 169-30

Before “In”, insert “(1)”.

24 At the end of section 169-30

Add:

(2) In communications under, or for the purposes of, this Act between the Commonwealth and a higher education provider concerning a person who:
   (a) has had a "student services and amenities fee imposed on him or her by the provider; and
   (b) has indicated that the person is seeking "SA-HELP assistance for the fee;

the provider must use any identifier for that person that the Secretary has indicated must be used in such communications.

25 Section 169-35

Before “If:”, insert “(1)”.

26 At the end of paragraph 169-35(b)

Add “other than "SA-HELP assistance”.

27 At the end of section 169-35

Add:

(2) If:

(a) more than 6 weeks after the day on which a "student services and amenities fee imposed on a person by a higher education provider was payable, the person gives the provider information in writing (the correct information) that establishes that information contained in or accompanying a *request for Commonwealth assistance made by the person in relation to the fee was incorrect; and

(b) the correct information establishes that the person was entitled to "SA-HELP assistance for the fee;

this Act applies as if the person had never been entitled to the SA-HELP assistance.

28 Subsections 187-1(1) and (1A)

After “Chapter 3”, insert “, except "SA-HELP assistance,”.”
Student services and amenities  Schedule 1

Note:  The following heading to subsection 187-1(1) is inserted “Assistance other than SA-HELP assistance”.

29  Subsection 187-1(3)

After “*request for Commonwealth assistance”, insert “, except a request for Commonwealth assistance relating to a *student services and amenities fee,”.

30  After subsection 187-1(3A)

Insert:

SA-HELP assistance

(3B) A student who is enrolled, or proposes to enrol, with a higher education provider in a *course of study or *bridging course for overseas-trained professionals meets the tax file number requirements for *SA-HELP assistance if:

(a) the student notifies his or her *tax file number to an appropriate officer of the provider, and the provider is satisfied (in accordance with subsection (4)) that this number is a valid tax file number; or

(b) the student gives to the officer a certificate from the Commissioner stating that the student has applied to the Commissioner asking the Commissioner to issue a tax file number to the student.

(3C) Compliance by a person with subsection (3B) in relation to the person’s actual or proposed enrolment in a *course of study or *bridging course for overseas-trained professionals is to be ignored in determining whether there has been compliance by the person with subsection (3B) in relation to the person’s actual or proposed enrolment in another such course or bridging course.

(3D) If the student is seeking *SA-HELP assistance for a *student services and amenities fee, he or she does not meet the tax file number requirements for the assistance unless he or she complies with subsection (3B) on or before the day the fee is payable.

(3E) A notification under paragraph (3B)(a) may be included in any *request for Commonwealth assistance relating to a *student services and amenities fee imposed on the student in connection with this act.
with his or her enrolment in the "course of study or "bridging course for overseas-trained professionals.

31 Paragraph 187-1(4)(a)

After "paragraph (1)(a)", insert "or (3B)(a)".

Note: The following heading to subsection 187-1(4) is inserted "Commissioner’s role".


(1) Guidelines in force under subsection 187-1(4) of the Higher Education Support Act 2003 immediately before the commencement of the amendment of that subsection by this Schedule have effect after that commencement as if they had been issued under that subsection as amended by this Schedule.

(2) Subitem (1) does not prevent the repeal or amendment of the guidelines.

33 Subsection 187-1(5)

After "paragraph (1)(b)", insert "or (3B)(b)".

Note: The following heading to subsection 187-1(7) is inserted "Commissioner’s guidelines are legislative instruments".

34 After subsection 193-1(4)

Insert:

Requests for SA-HELP assistance

(4A) A higher education provider must notify a person in writing how to meet the tax file number requirements if:

(a) the person is enrolled with the provider in a "course of study or "bridging course for overseas-trained professionals; and

(b) the provider has imposed a "student services and amenities fee on the person; and

(c) the person has, on or before the day on which the fee is payable, completed, signed and given to the "appropriate officer of the provider a "request for Commonwealth assistance in relation to a student services and amenities fee imposed on the person for a period during which he or she is enrolled in the course or bridging course; and
(d) in that request, the person requests *SA-HELP assistance for the student services and amenities fee; and
(e) the request does not include a number that purports to be the person’s *tax file number.

(4B) The provider must notify the person under subsection (4A):
(a) on or before the day the *student services and amenities fee is payable; or
(b) within 7 days after the person gives the provider the *request for Commonwealth assistance;
whichever is earlier.

35 Paragraph 193-1(5)(a)
Omit “or *OS-HELP assistance”, substitute “, *OS-HELP assistance or *SA-HELP assistance”.

36 At the end of Division 193
Add:

193-15 No entitlement to SA-HELP assistance for students without tax file numbers
(1) This subsection applies to a person if:
(a) a higher education provider has imposed a *student services and amenities fee on the person; and
(b) the provider receives notice under section 190-15 or 190-20 to the effect that the person does not have, or no longer has, a *tax file number; and
(c) at the end of 28 days after the provider receives that notice, the provider has not been notified of a number that the provider is satisfied (in accordance with subsection (2)) is a valid tax file number; and
(d) the person is entitled to *SA-HELP assistance for the fee (ignoring paragraph 126-1(1)(c)).

Note: If subsection (1) applies to a person:
(a) the provider must repay any amount paid to the provider by the Commonwealth to discharge the person’s liability for the student services and amenities fee (see section 128-5); and
(b) the person’s SA-HELP debt relating to the payment by the Commonwealth is remitted (see subsection 137-16(4)).
(2) A higher education provider must, in deciding whether it is satisfied that a number is a valid *tax file number for the purposes of paragraph (1)(c), comply with the guidelines issued by the *Commissioner under subsection 187-1(4).

(3) A higher education provider must comply with any requirements, set out in guidelines issued by the *Commissioner, relating to procedures for informing persons of the need to obtain a valid *tax file number, where the persons may be affected by subsection (1) applying to them.

(4) A guideline issued under subsection (3) is a legislative instrument.

37 Section 198-5 (before table item 1)

Insert:

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<th>Amount mentioned in subparagraph</th>
<th>Section</th>
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<tr>
<td>19-37(5)(c)(ii)</td>
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</table>

38 Subsection 238-10(1) (after table item 10)

Insert:

10A Student Services, Amenities, Representation and Advocacy Guidelines

10B Student Services and Amenities Fee Guidelines

sections 19-37 and 19-38

39 Subclause 1(1) of Schedule 1 (after paragraph (b) of the definition of request for Commonwealth assistance)

Insert:

(ba) in relation to a *student services and amenities fee imposed on a person enrolled with a higher education provider in a *course of study or *bridging course for overseas-trained professionals—has the meaning given by subsection 126-1(2); and

40 Subclause 1(1) of Schedule 1

Insert:

SA-HELP assistance means assistance payable under Part 3-5.

41 Subclause 1(1) of Schedule 1

Insert:

Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 No. 2, 2009
SA-HELP debt has the meaning given by section 137-16.

42 Subclause 1(1) of Schedule 1

Insert:

student services and amenities fee has the meaning given by subsection 19-37(5).

Income Tax Assessment Act 1936

43 Paragraph 202(c)

After “institutions of higher education”, insert “or in respect of the costs of other services and amenities available to students in connection with such institutions”.

Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 No. 1, 2009 17
Schedule 2—VET FEE-HELP

Higher Education Support Act 2003

1 Subsection 137-18(2)

Repeal the subsection, substitute:

(2) The amount of the *VET FEE-HELP debt is:

(a) 120% of the loan; or
(b) if the *VET FEE-HELP Guidelines specify a lesser percentage of the loan for the person—that lesser percentage of the loan.

Note: For specification by class, see subsection 13(3) of the Legislative Instruments Act 2003.

2 Application

The amendment of section 137-18 of the Higher Education Support Act 2003 made by this Schedule applies to VET FEE-HELP debts relating to VET units of study whose census dates are on or after 1 July 2009.

3 Paragraph 6(g) of Schedule 1A

Omit “relating to *VET credit transfer arrangements”.

4 Application

The amendment of clause 6 of Schedule 1A to the Higher Education Support Act 2003 made by this Schedule applies in relation to decisions made on or after the commencement of the amendment on applications for approval as a VET provider, whether the applications were made before, on or after that commencement.

5 Paragraph 45(1)(a) of Schedule 1A

Omit “relating to *VET credit transfer arrangements”.

6 After subclause 45(1) of Schedule 1A

Insert:

(1A) For the purposes of paragraph (1)(a), the *VET FEE-HELP Guidelines:
(a) may set out different requirements relating to different students undertaking the VET unit of study; and
(b) may set out requirements relating to only some students undertaking the VET unit of study (while not setting out requirements relating to other students undertaking the unit).

7 Application

The amendments of clause 45 of Schedule 1A to the Higher Education Support Act 2003 made by this Schedule apply to VET units of study whose census dates are on or after 1 July 2009.

8 Paragraph 99(1)(a) of Schedule 1A

Omit “Part”, substitute “provisions”.

9 Paragraph 99(1)(b) of Schedule 1A

Omit “that Part”, substitute “those provisions”.

10 Subclause 99(1) of Schedule 1A (cell in table heading, column headed “Part”)

Repeal the cell, substitute:
Provisions

11 Subclause 99(1) of Schedule 1A (cell in table item 2, column headed “Part”)

Repeal the cell, substitute:
Section 137-18 and Part 2

12 Transitional—guidelines made under clause 99 of Schedule 1A to the Higher Education Support Act 2003

(1) Guidelines in force under clause 99 of Schedule 1A to the Higher Education Support Act 2003 immediately before the commencement of the amendments of that clause by this Schedule have effect after that commencement as if they had been issued under that clause as amended by this Schedule.

(2) Subitem (1) does not prevent the repeal or amendment of the guidelines.
Schedule 3—Tertiary Admission Centres

Higher Education Support Act 2003

1 Section 179-5 (paragraph (b) of the definition of Personal information)
   After “purposes of”, insert “Chapter 2 or”.

2 At the end of subsection 179-15(1)
   Add:
   ; or (d) the person is or was an *officer of a Tertiary Admission Centre (see subsection (3B)).

3 After subsection 179-15(3A)
   Insert:
   (3B) A person is an officer of a Tertiary Admission Centre if the person is:
   (a) an officer or employee of the *Tertiary Admission Centre; or
   (b) a person who, although not an officer or employee of the Tertiary Admission Centre, performs services for or on behalf of the Tertiary Admission Centre.

4 At the end of subsection 179-15(4)
   Add:
   ; or (d) for an *officer of a Tertiary Admission Centre—service as such an officer.

5 After paragraph 179-20(ca)
   Insert:
   (cb) disclosure by a Commonwealth officer of personal information to an *officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act;

6 After paragraph 179-20(e)
   Insert:
(ea) disclosure by an officer of a Tertiary Admission Centre of personal information to a Commonwealth officer to assist the Commonwealth officer in the Commonwealth officer’s official employment;

7 At the end of section 179-20

Add:

; (h) disclosure by an officer of a higher education provider of personal information to an officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act;

(i) disclosure by an officer of a Tertiary Admission Centre of personal information to an officer of a higher education provider to assist the provider’s officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act.

8 At the end of subsection 179-25(1)

Add:

; or (d) in the case of an *officer of a Tertiary Admission Centre—to assist the officer in performing duties or functions, or in exercising powers, under, or the purposes of, this Act.

9 At the end of paragraph 179-35(1)(d)

Add:

; (v) the personal information is held on a computer of a *Tertiary Admission Centre;

(vi) the personal information is held on behalf of a Tertiary Admission Centre.

10 After paragraph 74(1)(a) of Schedule 1A

Insert:

(aa) the person is or was an *officer of a Tertiary Admission Centre (see subsection 179-15(3B)); or

11 After paragraph 74(3)(a) of Schedule 1A

Insert:
Schedule 3  Tertiary Admission Centres

(aa) for an *officer of a Tertiary Admission Centre—service as such an officer; or

12 After paragraph 75(c) of Schedule 1A

Insert:

(ca) disclosure by a Commonwealth officer of VET personal information to an *officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule;

13 At the end of clause 75 of Schedule 1A

Add:

; (e) disclosure by an officer of a VET provider of VET personal information to an officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule;

14 After paragraph 76(1)(a) of Schedule 1A

Insert:

(aa) in the case of an *officer of a Tertiary Admission Centre—to assist the officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule; or

15 At the end of paragraph 78(1)(d) of Schedule 1A

Add:

; (iii) the VET personal information is held on a computer of a *Tertiary Admission Centre;
(iv) the VET personal information is held on behalf of a Tertiary Admission Centre.

16 Subclause 1(1) of Schedule 1

Insert:

officer of a Tertiary Admission Centre has the meaning given by subsection 179-15(3B).

17 Subclause 1(1) of Schedule 1

Insert:

Tertiary Admission Centre means a person, body or organisation that provides services in relation to student admissions and enrolments on behalf of:

(a) higher education providers; or

(b) VET providers; or

(c) both higher education providers and VET providers.