EXPLANATORY STATEMENT

Issued by the authority of the Secretary for Education, Science and Training

Subject: Higher Education Funding Act 1988
Guidelines for Remission of Higher Education Contribution Scheme (HECS)/Open Learning Deferred Payment Scheme (OLDPS) study period/Postgraduate Education Loan Scheme (PELS)/Bridging for Overseas Trained Professionals (BOTPLS) debt in special circumstance

Subsection 106L(3A) of the Higher Education Funding Act 1988 (the Act) provides that the Secretary may make guidelines for the purposes of the Act. In particular, the Secretary may issue guidelines relating to circumstances in which the Secretary will be satisfied of a matter referred to in paragraphs 106(3)(a),(b) or (c).

The Act provides for the Commonwealth to give financial support to eligible higher education institutions and the eligible students attending them. Section 106(L) contains provisions to allow the Secretary to remit debt in special circumstances.

The Act was amended on 30 June 2004 to allow remissions of Postgraduate Education Loan Scheme (PELS) semester debt and Bridging for Overseas Trained Professionals (BOTP) study period debt to be considered under sections 106L and 106M. Previously, only Higher Education Contribution Scheme (HECS) and Open Learning Deferred Payment Scheme study period debts could be considered under these sections of the Act.

As such, the guidelines for the Remission of HECS/OLDPS Debt in Special Circumstances, made under section 106L(3A) of the Act, have been amended to include the remission of PELS and BOTPLS debts. The guidelines previously made are revoked.

The guidelines commenced on the day after they were registered on the Federal Register of Legislative Instruments.