

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Higher Education Legislation Amendment (Student Services and Amenities) Act 2011

The *Higher Education Legislation Amendment (Student Services and Amenities) Act 2011* (the Act) amends the *Higher Education Support Act 2003* to allow higher education providers to charge a compulsory student services and amenities fee. The fee will be capped at \$250 per student per annum (indexed to \$254 in 2011, and thereafter indexed annually).

The Act also establishes a new component of the Higher Education Loan Program (HELP): Services and Amenities–HELP (SA–HELP), which will provide eligible students with an option to access a loan for the fee through SA–HELP if they wish. In addition, the Act also requires higher education providers that receive funding for student places under the Commonwealth Grant Scheme, to comply with new benchmarks from 2011 onwards, for the provision of information on and access to basic student support services of a non-academic nature; and requirements to ensure the provision of student representation and advocacy.

Item 2 of the table under subsection 2(1) of the Act provides that Schedule 1 to the Act shall commence on a day to be fixed by Proclamation or if any of the provision(s) do not commence within the period of six months beginning on the day the Act receives the Royal Assent, they commence on the day after the end of that period.

The purpose of the proposed Proclamation is to fix 1 January 2012 as the day on which Schedule 1 to the Act commences.

Sections 1 to 3 of the Act, providing for the short title, the commencement provisions and amendment information relating to the Schedules of the Act, commenced on Royal Assent which was 3 November 2011.

Schedule 1 contains the operative provisions of the Act.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.