

1985-86

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 19 August 1986

(Minister representing the Minister for Education)

A BILL

FOR

**An Act to amend the *Overseas Students Charge Act 1979*,
and for related purposes**

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

Short title, &c.

5 1. (1) This Act may be cited as the *Overseas Students Charge Amendment Act 1986*.

 (2) The *Overseas Students Charge Act 1979*¹ is in this Act referred to as the Principal Act.

• **Commencement**

10 2. This Act shall come into operation on a day to be fixed by Proclamation.

Title

3. The title of the Principal Act is amended by inserting “secondary and” after “certain” (second occurring).

Interpretation

4. Section 4 of the Principal Act is amended— 5

(a) by inserting after the definition of “charge” in sub-section (1) the following definition:

“‘college of advanced education’ means a college of advanced education within the meaning of the *Commonwealth Tertiary Education Commission Act 1977*;” 10

(b) by omitting from sub-section (1) the definition of “overseas student” and substituting the following definition:

“‘overseas student’ means a person who is not an Australian citizen and who is enrolled or proposes to become enrolled in a prescribed course for a year, but does not include— 15

(a) a person who is the holder of a permanent entry permit;

(b) if the prescribed course is a secondary education course—a person to whom sub-section 8 (1) of the *Migration Act 1958* applies; or 20

(c) if the course is a university or advanced education course or a technical and further education course—a person referred to in paragraph (b) (other than a person to whom paragraph 8 (1) (b) of that Act applies);” 25

(c) by omitting from sub-section (1) the definitions of “prescribed course” and “prescribed educational institution” and substituting the following definitions:

“‘prescribed course’ means a university or advanced education course, a technical and further education course or a secondary education course; 30

‘prescribed educational institution’ means a university, a college of advanced education, a technical and further education institution or a secondary school;

‘secondary education course’ means a course of study offered by a secondary school; 35

‘secondary school’ means a school or similar institution, not being a technical and further education institution, at which full-time secondary education is provided or at which education is provided that includes full-time secondary education;” 40

(d) by inserting after the definition of “study” in sub-section (1) the following definitions:

“‘technical and further education course’ means a course of instruction or training that is offered by a technical and further education institution;

‘technical and further education institution’ means—

- 5 (a) a technical and further education institution within the meaning of the *Commonwealth Tertiary Education Commission Act 1977*; or
- 10 (b) an institution declared by the Minister in writing to be a technical and further education institution for the purposes of this Act;”;

(e) by inserting after the definition of “temporary entry permit” in sub-section (1) the following definitions:

“‘university’ means a university within the meaning of the *Commonwealth Tertiary Education Commission Act 1977*;

15 ‘university or advanced education course’ means—

- (a) a course of study that is offered by a university or college of advanced education and entitles a person by whom it is duly completed to a degree, diploma or other award of that institution;
- 20 (b) a course of study offered by a university or college of advanced education the due completion of which is, in appropriate cases, or in all cases, required by that or any other university or college of advanced education as a pre-requisite to the undertaking of a course referred to in paragraph (a);
- 25 (c) any other course of study that is offered by a university or college of advanced education and is declared by the regulations to be a university or advanced education course for the purposes of this paragraph; or
- 30 (d) any declared course;”;

(f) by adding at the end the following sub-section:

35 “(4) Where the enrolment of an overseas student in a prescribed course for a year entitles the student to undertake that course or a part of that course in that year and in a subsequent year or years, the student shall, for the purposes of this Act, be deemed to become enrolled in that course for any such subsequent year in which the student undertakes that course or a part of that course.”.

Rates of charge

5. Section 6 of the Principal Act is amended—

40 (a) by omitting sub-sections (1), (2), (3) and (4) and substituting the following sub-sections:

“6. (1) The amount of charge imposed by this Act in respect of the enrolment of an overseas student in a university or advanced education course for a year after 31 December 1986 is—

(a) in the case of a student who is an eligible overseas student in relation to the year—

(i) \$4,100 in the case where the student is enrolled in a course of study in medicine, veterinary science or dentistry; or

(ii) \$3,306 in the case of any other course; or

(b) in any other case—

(i) \$5,756 in the case where the student is enrolled in a course of study in medicine, veterinary science or dentistry; or

(ii) \$4,916 in the case of any other course.

“(2) The amount of charge imposed by this Act in respect of the enrolment of an overseas student in a technical and further education course for a year after 31 December 1986 is—

(a) in the case of a student who is an eligible overseas student in relation to the year—\$530; or

(b) in any other case—\$740.

“(3) The amount of charge imposed by this Act in respect of the enrolment of an overseas student in a secondary education course for a year after 31 December 1986 is \$300.

“(4) For the purposes of this section, an overseas student who is enrolled in a university or advanced education course (not being a postgraduate student who is the holder of a scholarship awarded by the Australian-American Educational Foundation) for a year (in this sub-section referred to as the ‘enrolment year’) is an eligible overseas student in relation to the enrolment year if the student—

(a) was enrolled in a university or advanced education course before 1 January 1986; and

(b) was or is enrolled in—

(i) that course; or

(ii) if the student has, on one or more occasions, transferred his or her enrolment to another university or advanced education course—that other course,

for the enrolment year and for each year after 31 December 1985 and before the enrolment year.

“(4A) For the purposes of this section, an overseas student who—

(a) being a postgraduate student who is the holder of a scholarship awarded by the Australian-American Educational Foundation, is enrolled in a university or advanced education course; or

(b) is enrolled in a technical and further education course, for a year (in this sub-section referred to as the ‘enrolment year’) is an eligible overseas student in relation to the enrolment year if the student—

(c) was enrolled in a university or advanced education course or a technical and further education course, as the case may be, before 1 January 1987; and

(d) was or is enrolled in—

(i) that course; or

(ii) if the student has, on one or more occasions, transferred his or her enrolment to another university or advanced education course or technical and further education course, as the case may be—that other course,

for the enrolment year and for each year after 31 December 1986 and before the enrolment year.”;

(b) by omitting from sub-section (5) “sub-section (4)” and substituting “sub-sections (4) and (4A)”;

(c) by adding at the end the following sub-section:

“(6) Where an overseas student is liable to pay higher education administration charge in respect of enrolment in a course for a year and is also liable to pay charge for that year in respect of that enrolment, the amount of charge in respect of the enrolment shall be reduced by the amount of that higher education administration charge.”.

6. Section 8 of the Principal Act is repealed and the following section is substituted:

Regulations

“8. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and in particular, providing for reductions in the amount of charge imposed by this Act in cases specified in the regulations.”.

Application of amendments

7. The amendments made by this Act apply in respect of enrolments in prescribed courses for the year commencing on 1 January 1987 and for subsequent years.

Transitional

8. Regulations made for the purposes of the Principal Act and in force immediately before the commencement of this Act shall, to the extent that those regulations are consistent with the Principal Act as amended by this Act, continue in force as if they had been made under the Principal Act as so amended.

NOTE

1. No. 119, 1979, as amended. For previous amendments, see No. 61, 1981; No. 22, 1982; Nos. 68 and 84, 1983; Nos. 136 and 165, 1984; and No. 155, 1985.

