



Higher Education Support Amendment (Indexation) Act 2010

No. 111, 2010

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 111, 2010

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

[Assented to 14 July 2010]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Higher Education Support Amendment (Indexation) Act 2010*.

2 Commencement

This Act commences on 1 January 2011.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Higher Education Support Act 2003

1 Section 198-5

Repeal the section, substitute:

198-5 The amounts that are to be indexed

This table sets out the amounts that are to be indexed.

Amounts that are to be indexed		
Item	Amounts:	See:
1	*Commonwealth contribution amounts	Section 33-10
2	Reduction amount	Section 33-37
3	*Maximum student contribution amounts for places	Section 93-10
4	The *FEE-HELP limit	Section 104-20
5	The *maximum OS-HELP amount	Section 121-5

2 Subsection 198-10(1)

Repeal the subsection, substitute:

- (1) An amount is indexed on 1 January 2012, and on each subsequent 1 January, by multiplying it by the *indexation factor for the relevant year.

3 Section 198-20

Repeal the section, substitute:

198-20 Meaning of *index number*

- (1) For the purpose of applying section 198-10 to the amounts specified in the table in section 198-5 for a year, the *index number* is the Higher Education Grants Index number for the year published by the Minister in the *Gazette*.

- (2) The Higher Education Grants Index number for a year must reflect the following amounts:
- (a) 25% of the amount of the movement in the All Groups Consumer Price Index for the weighted average of the 8 capital cities, based on index numbers published by the *Australian Statistician for each *quarter in the *indexation period;
 - (b) 75% of 90% of the amount of the movement in the Professional, Scientific and Technical Services Labour Price Index, based on index numbers published by the Australian Statistician for each quarter in the indexation period.
- (3) Subject to subsection (4), if, at any time before or after the commencement of this subsection:
- (a) the *Australian Statistician has published or publishes an index number in respect of a *quarter; and
 - (b) that index number is in substitution for an index number previously published by the Australian Statistician in respect of that quarter;
- regard may be had to the publication of the later index for the purposes of calculating the Higher Education Grants Index number for a year.
- (4) If, at any time before or after the commencement of this subsection, the *Australian Statistician has changed or changes the reference base for the All Groups Consumer Price Index or the Professional, Scientific and Technical Services Labour Price Index, then, for the purposes of applying this section after the change took place or takes place, have regard to index numbers published in terms of the new reference base.
- (5) For the purpose of applying section 198-10 to the amounts specified in each item of the table in section 198-5 for 2012, the ***index number*** for 2011 is taken to be 1.
- (6) A notice in the *Gazette* specifying an index number is not a legislative instrument.
- (7) In this section:
- indexation period***, in relation to a calendar year, means the period beginning on 1 January 2010 and ending on 31 December of the calendar year before the immediately preceding calendar year.
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4 Section 198-25

Repeal the section.

5 Subclause 1(1) of Schedule 1

Insert:

indexation period has the meaning given by subsection 198-20(7).

6 Application

The amendments made by this Schedule (other than item 4) apply in respect of the Higher Education Grants Index number published by the Minister in the *Gazette* for the 2012 year and subsequent years.

*[Minister's second reading speech made in—
House of Representatives on 12 May 2010
Senate on 24 June 2010]*

(78/10)
