



Higher Education Support Amendment (2009 Budget Measures) Act 2009

No. 86, 2009

**An Act to amend the law in relation to higher
education and research funding, and for related
purposes**

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

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**An Act to amend the law in relation to higher
education and research funding, and for related
purposes**

[Assented to 18 September 2009]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Higher Education Support
Amendment (2009 Budget 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		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	18 September 2009
2. Schedule 1	The day on which this Act receives the Royal Assent.	18 September 2009
3. Schedule 2	1 January 2010.	1 January 2010
4. Schedule 3	The day on which this Act receives the Royal Assent.	18 September 2009
5. Schedule 4, item 1	1 January 2010.	1 January 2010
6. Schedule 4, item 2	The day on which this Act receives the Royal Assent.	18 September 2009
7. Schedule 5	1 January 2010.	1 January 2010
8. Schedules 6 and 7	The day on which this Act receives the Royal Assent.	18 September 2009

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule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—Grants

Higher Education Support Act 2003

1 Paragraphs 30-5(1)(f) to (h)

Repeal the paragraphs, substitute:

(f) for the year 2010—\$4,467,881,000; or

(g) for the year 2011—\$4,695,755,000.

2 At the end of subsection 33-1(1)

Add:

; and (c) if applicable, and if the year is 2011 or a later year—adding the performance funding grant amount for the provider for that year.

3 After subsection 33-1(1)

Insert:

(1A) In subsection (1):

performance funding grant amount for a higher education provider for a year is the amount (if any) worked out under the Commonwealth Grant Scheme Guidelines.

4 Subsection 41-45(1) (table items 6 to 8)

Repeal the items, substitute:

6	2010	\$1,887,252,000
7	2011	\$2,027,324,000
8	2012	\$1,996,679,000
9	2013	\$2,067,383,000

5 Section 46-40 (table items 7 to 9)

Repeal the items, substitute:

7	2010	\$301,136,000
8	2011	\$315,711,000
9	2012	\$303,844,000

10	2013	\$275,133,000
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Schedule 2—Funding clusters

Higher Education Support Act 2003

1 Section 30-15 (table)

Repeal the table, substitute:

Funding clusters
Law, Accounting, Administration, Economics, Commerce
Humanities
Mathematics, Statistics, Behavioural Science, Social Studies, Computing, Built Environment, Other Health
Education
Clinical Psychology, Allied Health, Foreign Languages, Visual and Performing Arts
Nursing
Engineering, Science, Surveying
Dentistry, Medicine, Veterinary Science, Agriculture

2 Section 33-10 (table)

Repeal the table, substitute:

Commonwealth contribution amount		
Item	Funding cluster	Commonwealth contribution amount
1	Law, Accounting, Administration, Economics, Commerce	\$1,765
2	Humanities	\$4,901
3	Mathematics, Statistics, Behavioural Science, Social Studies, Computing, Built Environment, Other Health	\$8,670
4	Education	\$9,020
5	Clinical Psychology, Allied Health, Foreign Languages, Visual and Performing Arts	\$10,662

Commonwealth contribution amount		
Item	Funding cluster	Commonwealth contribution amount
6	Nursing	\$11,903
7	Engineering, Science, Surveying	\$15,156
8	Dentistry, Medicine, Veterinary Science, Agriculture	\$19,235

3 Transitional provision—indexation

Amounts in the table in section 33-10 of the *Higher Education Support Act 2003*, as amended by this Schedule, are not to be indexed on 1 January 2010.

4 Transitional provision

For the purposes of working out if and how a higher education provider’s basic grant amount for the year 2010 or an earlier year is to be adjusted under Subdivision 33-C of the *Higher Education Support Act 2003*, disregard the amendments made by this Schedule.

Schedule 3—Adjustment of basic grant amounts

Higher Education Support Act 2003

1 Paragraph 33-25(7)(b)

Omit “5%”, substitute “10%”.

2 Application

The amendment made by this Schedule applies to adjustments of basic grant amounts for 2011 and later years.

Schedule 4—Other grants

Higher Education Support Act 2003

1 Subsection 41-10(1) (table items 3 and 8A)

Repeal the items.

2 Subsection 41-10(1) (after table item 9A)

Insert:

9B Grants to support structural
adjustment

*Table A providers and *Table B
providers that are universities

Schedule 5—Maximum student contribution amounts

Higher Education Support Act 2003

1 Subsection 93-10(1) (table)

Repeal the table, substitute:

Maximum student contribution amounts for places		
Item	Column 1 For a place in a unit in this funding cluster:	Column 2 The maximum student contribution is:
1	Law, Accounting, Administration, Economics, Commerce	\$8,859
2	Humanities	\$5,310
3	Mathematics, Statistics, Behavioural Science, Social Studies, Computing, Built Environment, Other Health	(a) for a place in a unit in Computing, Built Environment or Other Health—\$7,567; or (b) for a place in a unit in Behavioural Science or Social Studies—\$5,310; or (c) for a place in a unit in Mathematics or Statistics— \$4,249.
4	Education	\$5,310
5	Clinical Psychology, Allied Health, Foreign Languages, Visual and Performing Arts	(a) for a place in a unit in Clinical Psychology, Foreign Languages or Visual and Performing Arts— \$5,310; or (b) for a place in a unit in Allied Health—\$7,567.
6	Nursing	\$5,310
7	Engineering, Science, Surveying	(a) for a place in a unit in Engineering or Surveying— \$7,567; or (b) for a place in a unit in Science— \$4,249.

Maximum student contribution amounts for places

Item	Column 1 For a place in a unit in this funding cluster:	Column 2 The maximum student contribution is:
8	Dentistry, Medicine, Veterinary Science, Agriculture	(a) for a place in a unit in Dentistry, Medicine or Veterinary Science—\$8,859; or (b) for a place in a unit in Agriculture—\$7,567.

2 Transitional provision—indexation

Amounts in the table in subsection 93-10(1) of the *Higher Education Support Act 2003*, as amended by this Schedule, are not to be indexed on 1 January 2010.

3 Saving provision—maximum student contribution amounts for old funding clusters

- (1) This item applies in relation to a person if:
- (a) the person started a course of study with a higher education provider before 1 January 2010; and
 - (b) the person was a Commonwealth supported student in relation to a unit of study in that course; and
 - (c) any of the following apply to the person:
 - (i) the person had not completed the course by 31 December 2009;
 - (ii) in 2009, the person was undertaking an enabling course;
 - (iii) the person has completed the related course for an honours course of study and is undertaking the honours course of study; and
 - (d) the person is undertaking a unit that would have been included in:
 - (i) Education in the funding cluster Mathematics, Statistics, Behavioural Science, Social Studies, Education, Computing, Built Environment, Other Health; or
 - (ii) the funding cluster Nursing;
 if the amendments made by Schedule 2 to this Act had not been made.

- (2) Despite subsection 93-10(1) of the *Higher Education Support Act 2003* as amended by this Schedule, the ***maximum student contribution amount for a place*** in the unit referred to in paragraph (1)(d) of this item for the person is the amount that would have been the maximum student contribution amount for a place in that unit if the amendment of subsection 93-10(1) made by this Schedule had not been made.

Schedule 6—OS-HELP debts

Higher Education Support Act 2003

1 Subsection 137-15(2)

Repeal the subsection, substitute:

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

2 Application

The amendment made by this Schedule applies in relation to OS-HELP debts incurred on or after 1 January 2010.

Schedule 7—Indexation

Higher Education Support Act 2003

1 Section 198-20

Omit “The”, substitute “(1) Subject to subsections (2) and (3), the”.

2 At the end of section 198-20

Add:

- (2) For the purpose of applying section 198-10 to the amounts specified in item 2 of the table in section 198-5 for 2011, the *index number* is the Higher Education Student Contribution Amounts Index number for that year published by the Minister in the *Gazette*. Publication may occur at any time, including any time before the start of the year.
- (3) 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.
- (4) A notice in the *Gazette* specifying an index number is not a legislative instrument.

[Minister’s second reading speech made in—
House of Representatives on 28 May 2009
Senate on 19 August 2009]

(104/09)
