





# **Higher Education Support Amendment (Asian Century) Act 2013**

**No. 112, 2013**

**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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# Higher Education Support Amendment (Asian Century) Act 2013

No. 112, 2013

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

[Assented to 29 June 2013]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Higher Education Support Amendment (Asian Century) Act 2013*.

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## 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.

| <b>Commencement information</b>   |   |                     |
|---|---|---------------------|
| <b>Column 1</b>   | <b>Column 2</b>                                   | <b>Column 3</b>     |
| <b>Provision(s)</b>   | <b>Commencement</b>                               | <b>Date/Details</b> |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent.       | 29 June 2013        |
| 2. Schedule 1   | The day after this Act receives the Royal Assent. | 30 June 2013        |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—OS-HELP assistance for study in Asia**

### **Part 1—Amendments**

#### *Higher Education Support Act 2003*

##### **1 Section 65-1**

Omit “at an overseas higher education institution”, substitute “overseas”.

##### **2 Section 115-1**

Omit “periods of study with overseas higher education institutions”, substitute “periods during which they are undertaking study overseas”.

##### **3 Paragraph 118-1(1)(b)**

Omit “on more than one other occasion”, substitute “in relation to more than one other period of 6 months”.

##### **4 Paragraph 118-1(1)(c)**

Omit “an \*undergraduate course of study”, substitute “a \*course of study”.

##### **5 Paragraph 118-1(1)(ca)**

Omit “undergraduate”.

##### **6 Paragraph 118-1(1)(f)**

Omit “0.5 EFTSL”, substitute “0.125 EFTSL”.

##### **7 After section 118-1**

Insert:

##### **118-2 Entitlement to supplementary amount for Asian language study**

- (1) A student is entitled to a \*supplementary amount for Asian language study in relation to a period of 6 months if:

- (a) the student is entitled to \*OS-HELP assistance in relation to that period; and
- (b) the OS-HELP assistance is for overseas study in Asia; and
- (c) the student undertakes intensive study in an Asian language in preparation for undertaking that overseas study; and
- (d) the student has applied to the home provider for receipt of a supplementary amount for Asian language study in relation to the period; and
- (e) the home provider has selected the student for receipt of a supplementary amount for Asian language study in relation to the period (see section 118-15).

Note: If a student is entitled to a supplementary amount for Asian language study, the amount of OS-HELP assistance to which the student is entitled may include an amount for that language study in addition to the amount the student may receive for overseas study: see section 121-1.

- (2) However, the student is not entitled to a \*supplementary amount for Asian language study in relation to that period if the student applies to the home provider for the assistance after the student has completed the intensive study in an Asian language in relation to the period.
- (3) For the purposes of subsection (1), the OS-HELP Guidelines may specify circumstances in which a student undertakes intensive study in an Asian language in preparation for undertaking overseas study in Asia.

### **8 Subparagraph 118-10(a)(i)**

Repeal the subparagraph, substitute:

- (i) is undertaking full-time study; and

### **9 At the end of section 118-10**

Add:

Note: For paragraph (a), the study need not be at a higher education provider's overseas campus or with an overseas higher education institution.

### **10 Section 118-15 (at the end of the heading)**

Add “and supplementary amounts for Asian language study”.

### **11 Subsection 118-15(1)**

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After “\*OS-HELP assistance”, insert “or \*supplementary amounts for Asian language study”.

**12 Subsection 118-15(3)**

After “\*OS-HELP assistance”, insert “or a \*supplementary amount for Asian language study”.

**13 Paragraph 118-15(4)(a)**

After “\*OS-HELP assistance”, insert “or \*supplementary amounts for Asian language study”.

**14 Section 121-1**

Repeal the section, substitute:

**121-1 The amount of OS-HELP assistance for a period**

- (1) The amount of \*OS-HELP assistance to which a student is entitled for a period of 6 months is the sum of the following amounts determined by the higher education provider to which the student applied for selection for receipt of the assistance:
  - (a) the amount determined by the provider for the overseas study (see subsections (2) and (3));
  - (b) if the student is entitled to a \*supplementary amount for Asian language study—the supplementary amount determined by the provider for that language study (see subsections (4) and (5)).

*Determining amounts for overseas study*

- (2) The amount determined for overseas study must not exceed:
  - (a) the amount specified in the application; or
  - (b) the \*maximum OS-HELP (overseas study) amount for a period of 6 months.
- (3) The amount determined for overseas study must not be less than the higher education provider’s \*minimum OS-HELP (overseas study) amount, if the provider has a minimum OS-HELP (overseas study) amount.

*Determining supplementary amounts for Asian language study*

- (4) The supplementary amount determined for Asian language study must not exceed:
  - (a) the amount specified in the application; or
  - (b) the \*maximum OS-HELP (Asian language study) amount for a period of 6 months.
- (5) The supplementary amount determined for Asian language study must not be less than the higher education provider's \*minimum OS-HELP (Asian language study) amount, if the provider has a minimum OS-HELP (Asian language study) amount.

**15 Section 121-5**

Repeal the section, substitute:

**121-5 Maximum OS-HELP (overseas study) amount**

- (1) The *maximum OS-HELP (overseas study) amount*, for a period of 6 months, is:
  - (a) if the \*OS-HELP assistance is for overseas study undertaken in Asia—\$7,500; or
  - (b) in any other case—\$6,250.

Note: The maximum OS-HELP (overseas study) amount is indexed under Part 5-6.

- (2) For the purposes of subsection (1), the OS-HELP Guidelines may specify whether overseas study undertaken at a particular place is undertaken in Asia.

**16 Section 121-10 (heading)**

Omit “OS-HELP amounts”, substitute “OS-HELP (overseas study) amount”.

**17 Subsection 121-10(1)**

After “OS-HELP”, insert “(overseas study)”.

**18 At the end of Division 121**

Add:

### **121-15 Maximum OS-HELP (Asian language study) amount**

The *maximum OS-HELP (Asian language study) amount*, for a period of 6 months, is \$1,000.

Note: The maximum OS-HELP (Asian language study) amount is indexed under Part 5-6.

### **121-20 Minimum OS-HELP (Asian language study) amount**

- (1) A higher education provider may determine, in writing, its *minimum OS-HELP (Asian language study) amount*.
- (2) The determination has effect until:
  - (a) it is replaced by a later determination; or
  - (b) it is revoked.

### **19 After subsection 124-1(2)**

Insert:

- (2A) The OS-HELP Guidelines may provide that a student who is entitled to a \*supplementary amount for Asian language study may be paid:
  - (a) an amount for that language study; and
  - (b) an amount for the overseas study;at different times determined in accordance with those guidelines.
- (2B) If a student is paid amounts at different times as mentioned in subsection (2A), each amount is taken to be a separate loan for the purposes of section 137-15 (OS-HELP debts).

### **20 At the end of subsection 137-15(1)**

Add:

Note: For a student who is entitled to a supplementary amount for Asian language study, see subsections 124-1(2A) and (2B).

### **21 Subsection 140-5(1) (method statement, step 2, paragraph (e))**

Omit “an \*undergraduate course of study”, substitute “a \*course of study”.

**22 Subsection 140-25(1A) (method statement, step 1, paragraph (e))**

Omit “an \*undergraduate course of study”, substitute “a \*course of study”.

**23 Subsection 198-5(1) (table item 5)**

Repeal the item, substitute:

|   |  |                |
|---|--|----------------|
| 5 | *Maximum OS-HELP (overseas study) amounts          | Section 121-5  |
| 6 | The *maximum OS-HELP (Asian language study) amount | Section 121-15 |

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**24 Subclause 1(1) of Schedule 1 (definition of *maximum OS-HELP amount*)**

Repeal the definition.

**25 Subclause 1(1) of Schedule 1**

Insert:

*maximum OS-HELP (Asian language study) amount* has the meaning given by section 121-15.

*maximum OS-HELP (overseas study) amount* has the meaning given by section 121-5.

**26 Subclause 1(1) of Schedule 1 (definition of *minimum OS-HELP amount*)**

Repeal the definition.

**27 Subclause 1(1) of Schedule 1**

Insert:

*minimum OS-HELP (Asian language study) amount*, in relation to a higher education provider, means an amount determined by the provider under section 121-20.

*minimum OS-HELP (overseas study) amount*, in relation to a higher education provider, means an amount determined by the provider under section 121-10.

**28 Subclause 1(1) of Schedule 1**

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Insert:

*supplementary amount for Asian language study* means a supplementary amount of \*OS-HELP assistance included under paragraph 121-1(1)(b).

## Part 2—Application of amendments

### 29 Application of amendments relating to OS-HELP assistance

- (1) Part 3-4 of the *Higher Education Support Act 2003*, as amended by this Schedule, applies in relation to OS-HELP assistance paid to a student if:
  - (a) the assistance is paid on or after 1 January 2014; and
  - (b) the student is selected, on or after 1 January 2014, by the home provider for receipt of OS-HELP assistance, or a supplementary amount for Asian language study, in relation to a period of 6 months; and
  - (c) in the case of overseas study—the overseas study to which the assistance relates is completed on or after 1 January 2014; and
  - (d) in the case of a supplementary amount for Asian language study—the intensive study in an Asian language to which the supplementary amount relates is completed on or after 1 January 2014.
- (2) To avoid doubt, subitem (1) applies even if:
  - (a) the student applied for OS-HELP assistance before 1 January 2014; or
  - (b) the period of 6 months to which the assistance relates started before 1 January 2014; or
  - (c) the student started to undertake the overseas study to which the assistance relates, or the intensive study in an Asian language, before 1 January 2014.

### 30 Indexation of amounts in 2014

- (1) Despite section 198-10 of the *Higher Education Support Act 2003*, the amounts set out in items 5 and 6 of the table in subsection 198-5(1) of that Act, as in force on and after the commencement of this item, are not to be indexed on 1 January 2014 in accordance with Part 5-6 of that Act.
- (2) Despite Part 5-6 of the *Higher Education Support Act 2003*, the maximum OS-HELP amount for a period of 6 months under section 121-5 of that Act, as in force immediately before the commencement of this item, is taken to be \$6,250 for a student who:

- (a) is paid OS-HELP assistance on or after 1 January 2014; and
  - (b) either:
    - (i) is selected for receipt of OS-HELP assistance before 1 January 2014; or
    - (ii) completes the overseas study in respect of the period before 1 January 2014.
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*[Minister's second reading speech made in—  
House of Representatives on 14 February 2013  
Senate on 29 June 2013]*

(26/13)

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