



Higher Education Support Amendment (Cost Recovery) Act 2019

No. 86, 2019

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

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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No. 86, 2019

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

[Assented to 28 October 2019]

The Parliament of Australia enacts:

1 Short title

This Act is the *Higher Education Support Amendment (Cost Recovery) Act 2019*.

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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 October 2019
2. Schedule 1, Part 1	1 January 2020.	1 January 2020
3. Schedule 1, Part 2	At the same time as the <i>Higher Education Support (Charges) Act 2019</i> commences. However, the provisions do not commence at all if that Act does not commence.	1 January 2020

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Higher education provider application fee

Higher Education Support Act 2003

1 At the end of subsection 16-40(2)

Add:

; and (c) must be accompanied by the fee (if any) prescribed by, or worked out in accordance with the method prescribed by, the Higher Education Provider Guidelines.

Note: The guidelines may prescribe different fees, or methods, for applications made by different kinds of applicant: see subsection 33(3A) of the *Acts Interpretation Act 1901*.

2 At the end of section 16-40

Add:

(3) A fee prescribed, or worked out in accordance with a method prescribed, for the purposes of subsection (2) must not be such as to amount to taxation.

Part 2—Higher education provider charge

Higher Education Support Act 2003

3 After section 19-65

Insert:

19-66 Higher education provider charge

- (1) A higher education provider must pay the following when it is due and payable by the provider:
 - (a) *higher education provider charge;
 - (b) any penalty for late payment of higher education provider charge.

Note: Higher education provider charge is imposed by the *Higher Education Support (Charges) Act 2019*.

- (2) The Higher Education Provider Guidelines may make provision for, or in relation to, all or any of the following matters:
 - (a) the issue of notices setting out the amount of *higher education provider charge payable by a provider;
 - (b) when higher education provider charge is due and payable;
 - (c) the issue of notices extending the time for payment of higher education provider charge;
 - (d) penalties for late payment of higher education provider charge;
 - (e) to whom higher education provider charge and any penalties for late payment are payable;
 - (f) the refund, remission or waiver of higher education provider charge or penalties for late payment;
 - (g) the review of decisions made under the Higher Education Provider Guidelines in relation to the collection or recovery of higher education provider charge;
 - (h) any other matters relating to the collection or recovery of higher education provider charge.

4 Subclause 1(1) of Schedule 1

Insert:

higher education provider charge means charge imposed by the
Higher Education Support (Charges) Act 2019.

[*Minister's second reading speech made in—
House of Representatives on 4 July 2019
Senate on 11 September 2019*]

(102/19)

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