

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(Employment, Education and Training)

A BILL

FOR

An Act to amend the *Higher Education Funding Act 1988*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Higher Education Funding (Student Organisations) Amendment Bill 1994*.

5 (2) In this Act, “**Principal Act**” means the *Higher Education Funding Act 1988*¹.

Commencement

2. This Act commences, or is taken to have commenced, on 31 December 1994.

Grants to support student organisations—payments to institutions

3. Section 25A of the Principal Act is amended by omitting from subsection (1) “there is payable to that institution in respect of that year for that organisation” and substituting “the Minister may authorise payment to that institution in respect of that year for that organisation of”.

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Insertion of section

4. Before section 26 of the Principal Act the following section is inserted:

Grants to support student organisations—direct payments

“25B.(1) If, in respect of a year the Minister is satisfied that a State has taken, or refused or failed to reverse, action that has or would have the effect, directly or indirectly, of preventing or hindering:

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- (a) acceptance by an institution, or payment by an institution to a student organisation, of such amount of financial assistance as the Minister determines, or proposes to determine, under subsection 25A(1); or
- (b) the application, for one or more permitted purposes, by the institution or student organisation of fees imposed, or imposed and collected, on behalf of a student organisation;

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the Minister may authorise payment to that student organisation in respect of that year of such an amount, by way of financial assistance, as the Minister determines to be appropriate.

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“(2) The total amount determined by the Minister under subsection (1) for payment to the student organisation must not exceed:

- (a) if paragraph (1)(a) applies—an amount that the Minister determines would have been imposed, or imposed and collected, by the institution for the student organisation in respect of that year; or
- (b) if paragraph (1)(b) applies—an amount that the Minister determines would have been available for application by the institution or the student organisation in respect of permitted purposes in respect of that year;

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but for that action of the State, or that refusal or failure by the State to reverse action already taken.

“(3) Financial assistance is granted to the student organisation under subsection (1) in respect of a year on the conditions that the student organisation:

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- (a) uses the financial assistance for permitted purposes; and
- (b) gives to the Minister, not later than 30 June next following that year, a statement by a qualified auditor, in an appropriate form, certifying that the financial assistance was used in accordance with paragraph (a).

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“(4) The student organisation may accept and use the financial assistance for permitted purposes.

“(5) This section has effect despite the provisions of any law, whether written or unwritten, of a State to the contrary.

5 “(6) In this section:

‘permitted purposes’ means:

(a) the purposes of providing benefits to students within the meaning of paragraph 51 (xxiiiA) of the Constitution; or

(b) purposes that otherwise further the objects of a student organisation.

10 **‘student organisation’** means an organisation that represents the interests generally of students at an institution and that is:

(a) a financial corporation or trading corporation within the meaning of paragraph 51(xx) of the Constitution; or

15 (b) an incorporated body or an unincorporated body of any other kind.”.

NOTE

1. No. 2, 1989, as amended. For previous amendments, see No. 138, 1988; Nos. 80, 168 and 179, 1989; No. 122, 1990; Nos. 53, 177 and 216, 1991; Nos. 74 and 158, 1992; No. 116, 1993; and No. 24, 1994.



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