The Parliament of the
Commonwealth of Australia

THE SENATE

Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

(Amendments to be moved by Senator Carr, on behalf of the Opposition, in committee of the whole)

(1) Clause 2, page 2 (at the end of the table), add:

4. Schedule 3          At the same time as the provisions covered
                      by table item 2.                                    [VET FEE-HELP loan limit]

(2) Page 31 (after line 26), at the end of the Bill, add:

Schedule 3—VET FEE-HELP loan limit

Higher Education Support Act 2003

1 Subdivision 104-B (heading)
    Repeal the heading, substitute:

Subdivision 104-B-FEE-HELP and VET FEE-HELP balances

2 Sections 104-15 and 104-20
    Repeal the sections, substitute:

104-15 A person’s FEE-HELP balance or VET FEE-HELP balance

FEE-HELP balance

(1) A person’s FEE-HELP balance at a particular time is:

(a) if the "FEE-HELP limit in relation to the person at the time exceeds the sum of all of the amounts of FEE-HELP assistance that have previously been payable to the person, being that sum as reduced by any amounts previously re-credited under this Subdivision—that excess; and

(b) otherwise—zero.
Note: If an amount is to be re-credited to a FEE-HELP balance, the balance that is to be re-credited is worked out immediately before that re-crediting. The balance is worked out after the re-crediting by taking account of the amount re-credited. If a person’s FEE-HELP limit has been reduced, the balance might not increase, or might not increase by the same amount as the amount re-credited.

(2) To avoid doubt, the sum referred to in paragraph (1)(a) includes amounts of *FEE-HELP assistance that have been repaid.

**VET FEE-HELP balance**

(3) A person’s *VET FEE-HELP balance* at a particular time is:

(a) if the *FEE-HELP limit in relation to the person at the time exceeds the sum of all of the amounts of *VET FEE-HELP assistance that have previously been payable to the person, being that sum as reduced by any amounts previously re-credited under Subdivision 7-B of Schedule 1A—that excess; and

(b) otherwise—zero.

Note: If an amount is to be re-credited to a VET FEE-HELP balance, the balance that is to be re-credited is worked out immediately before that re-crediting. The balance is worked out after the re-crediting by taking account of the amount re-credited. If a person’s FEE-HELP limit has been reduced, the balance might not increase, or might not increase by the same amount as the amount re-credited.

(4) To avoid doubt, the sum referred to in paragraph (3)(a) includes amounts of *FEE-HELP assistance that have been repaid.

### 104-20 The FEE-HELP and VET FEE-HELP limits

(1) The *FEE-HELP limit* is:

(a) $97,728;

(b) in relation to a person who is enrolled in a *course of study in medicine, a *course of study in dentistry or a *course of study in veterinary science, while the person is enrolled in that course—$122,162.

Note 1: A person is entitled to receive both FEE-HELP assistance and VET FEE-HELP assistance up to the relevant FEE-HELP limit.

Note 2: The FEE-HELP limit is indexed under Part 5-6.

(2) The *VET FEE-HELP limit* is $48,864.

Note 1: A person is entitled to receive both FEE-HELP assistance and VET FEE-HELP assistance up to the relevant FEE-HELP limit.

Note 2: The VET FEE-HELP limit is indexed under Part 5-6.

### 3 Section 107-10

Repeal the section, substitute:

### 107-10 Amounts of FEE-HELP assistance must not exceed the FEE-HELP balance

**Amount of FEE-HELP assistance for one unit**

(1) The amount of *FEE-HELP assistance to which a student is entitled for a unit of study is an amount equal to the student’s *FEE-HELP balance on the *census date for the unit if:

(a) there is no other unit of study, with the same census date, for which the student is entitled to FEE-HELP assistance; or
(b) the amount of FEE-HELP assistance to which the student would be entitled under section 107-1 for the unit would exceed that FEE-HELP balance.

Amount of FEE-HELP assistance for more than one unit

(2) If the sum of:

(a) the amount of FEE-HELP assistance to which a student would be entitled under section 107-1 for a unit of study; and

(b) any other amounts of FEE-HELP assistance to which the student would be entitled under that section for other units that have the same census date as that unit; and would exceed the student’s FEE-HELP balance on the census date for the unit, then, despite subsection (1) of this section, the total amount of FEE-HELP assistance to which the student is entitled for all of those units is an amount equal to that FEE-HELP balance.

Example: Example: Kath has a FEE-HELP balance of $2,000, and is enrolled in 4 units with the same census date. Kath’s tuition fee for each unit is $600. The total amount of FEE-HELP assistance to which Kath is entitled for the units is $2,000, even though the total amount of her tuition fees for the units is $2,400.

(3) If the student has enrolled in the units with more than one higher education provider and access to none of the units was provided by Open Universities Australia, the student must notify each provider of the proportion of the total amount of FEE-HELP assistance that is to be payable in relation to the units in which the student has enrolled with that provider.

(4) If access to some, but not all, of the units of study was provided by Open Universities Australia, the student must:

(a) notify Open Universities Australia of the proportion of the total amount of FEE-HELP assistance that is to be payable in relation to units access to which was provided by Open Universities Australia; and

(b) notify each higher education provider at which the student is enrolled in a unit, access to which was not provided by Open Universities Australia, of the proportion of the total amount of FEE-HELP assistance that is to be payable in relation to that unit.

4 Subsection 137-18(4)

Repeal the subsection, substitute:

Remission of VET FEE-HELP debts

(4) A person’s VET FEE-HELP debt in relation to a VET unit of study is taken to be remitted if the person’s FEE-HELP balance is re-credited under clause 46, 47 or 51 of Schedule 1A in relation to the unit.

Note: The debt is taken to be remitted even if the person’s VET FEE-HELP balance is not increased by an amount equal to the amount re-credited.

5 Subsection 198-5 (table item 4)

Repeal the table item, substitute:

<table>
<thead>
<tr>
<th>4</th>
<th>The &quot;FEE-HELP limit&quot;</th>
<th>Subsection 104-20(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4A</td>
<td>The &quot;VET FEE-HELP limit&quot;</td>
<td>Subsection 104-20(2)</td>
</tr>
</tbody>
</table>
6 Paragraph 43(1)(b) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

7 Subdivision 7-B of Schedule 1A (heading)

Repeal the heading, substitute:

Subdivision 7-B—VET FEE-HELP balances

8 Clause 46 of Schedule 1A (heading)

Repeal the heading, substitute:

Main case of re-crediting a person’s VET FEE-HELP balance

9 Subclause 46(1) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

10 Subclause 46(1) of Schedule 1A (note)

Repeal the note, substitute:

Note: For VET FEE-HELP balance, see section 104-15, and for VET FEE-HELP limit, see section 104-20.

11 Subclause 46(2) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

12 Paragraph 46(2)(d) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

13 Subclause 46(2) of Schedule 1A (note)

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

14 Clause 47 of Schedule 1A (heading)

Repeal the heading, substitute:

Re-crediting a person’s VET FEE-HELP balance—no tax file number

15 Subclause 47(1) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

16 Subclause 47(1) of Schedule 1A (note)

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

17 Subclause 47(2) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

18 Paragraph 49(1)(a) of Schedule 1A

Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.
19 Clause 51 of Schedule 1A (heading)
Repeal the heading, substitute:

51 Re-crediting a person’s VET FEE-HELP balance if provider ceases to provide course of which unit forms part

20 Subclause 51(1) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

21 Subclause 51(1) of Schedule 1A (note)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

22 Subclause 51(2) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

23 Clause 54 of Schedule 1A
Repeal the clause, substitute:

54 Amounts of VET FEE-HELP assistance must not exceed the VET FEE-HELP balance

Amount of VET FEE-HELP assistance for one unit

(1) The amount of VET FEE-HELP assistance to which a student is entitled for a VET unit of study is an amount equal to the student’s VET FEE-HELP balance on the census date for the unit if:

(a) there is no other VET unit of study, with the same census date, for which the student is entitled to VET FEE-HELP assistance; and

(b) the amount of VET FEE-HELP assistance to which the student would be entitled under clause 52 for the unit would exceed that VET FEE-HELP balance.

Amount of VET FEE-HELP assistance for more than one unit

(2) If the sum of:

(a) the amount of VET FEE-HELP assistance to which a student would be entitled under clause 52 for a VET unit of study; and

(b) any other amounts of VET FEE-HELP assistance to which the student would be entitled under that clause for other units that have the same census date as that unit; would exceed the student’s VET FEE-HELP balance on the census date for the unit, then, despite subclause (1) of this clause, the total amount of VET FEE-HELP assistance to which the student is entitled for all of those units is an amount equal to that VET FEE-HELP balance.

Note: Example: Kath has a VET FEE-HELP balance of $2,000, and is enrolled in 4 units with the same census date. Kath’s VET tuition fee for each unit is $600. The total amount of VET FEE-HELP assistance to which Kath is entitled for the units is $2,000, even though the total amount of her VET tuition fees for the units is $2,400.

(3) If the student has enrolled in the units with more than one VET provider, the student must notify each provider of the proportion of the total amount of VET FEE-HELP assistance that is to be payable in relation to the units in which the student has enrolled with that provider.
24 Clause 56 of Schedule 1A (heading)
Repeal the heading, substitute:

56 Effect of VET FEE-HELP balance being re-credited

25 Subclause 56(1) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

26 Subclause 56(1) of Schedule 1A (note)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

27 Paragraph 56(2)(a) of Schedule 1A
Repeal the paragraph, substitute:
(a) the person’s VET FEE-HELP balance was re-credited under subclause 46(2) (main case of re-crediting a person’s VET FEE-HELP balance); and

28 Subclause 56(3) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

29 Subclause 89(1) of Schedule 1A (note)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

30 Clause 92 of Schedule 1A (table item 1)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

31 Subclause 1(1) of Schedule 1 (definition of FEE-HELP balance)
Omit “section 104-15”, substitute “subsection 104-15(1)”.

32 Subclause 1(1) of Schedule 1 (definition of FEE-HELP limit)
Omit “section 104-20”, substitute “subsection 104-20(1)”.

33 Subclause 1(1) of Schedule 1
Insert:

VET FEE-HELP balance has the meaning given by subsection 104-15(3).

VET FEE-HELP limit has the meaning given by subsection 104-20(2).

[VET FEE-HELP loan limit]
Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

(Request for amendments to be moved by Senator Carr on behalf of the Opposition in committee of the whole)

Statement pursuant to the order of the Senate of 26 June 2000

Amendments (1) and (2)

The effect of amendments (1) and (2) would be to provide students undertaking higher level VET courses with an additional stream of student loan. Students undertaking these courses would have access to an amount of VET FEE-HELP assistance of up to $48,864, even if they have reached their FEE-HELP limit for FEE-HELP assistance. This would have the effect of increasing expenditure from the standing appropriation from the Consolidated Revenue Fund in the Higher Education Support Act 2003.

The amendments are therefore presented as requests.
Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

(Request for amendments to be moved by Senator Carr on behalf of the Opposition in committee of the whole)

Statement by the Clerk of the Senate pursuant
to the order of the Senate of 26 June 2000

Amendment (2)

Amendment (2) increases the amount students can access under student loans schemes. The Senate has long accepted that an amendment should take the form of a request if it would have the effect of increasing expenditure under a standing appropriation. This request is therefore in accordance with the precedents of the Senate.

Amendment (1)

Amendment (1) is consequential on amendment (2) and therefore should also be treated as a request.