



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**Higher Education Support Amendment  
(Maximum Payment Amounts  
and Other Measures) Bill 2012**

**Second Reading**

**SPEECH**

**Wednesday, 10 October 2012**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Wednesday, 10 October 2012  
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**Questioner**  
**Speaker** Pyne, Christopher, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr PYNE** (Sturt—Manager of Opposition Business) (10:13): I rise to speak on the Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012. The bill updates indexed amounts for other grants and Commonwealth scholarships under the Higher Education Support Act 2003, HESA, and appropriations under the Australian Research Council Act 2001, the ARCA. The bill also authorises the disclosure of information about students and staff of higher and vocational education providers to government bodies and agencies as determined by the minister through legislative instrument.

The explanatory memorandum provided for the bill suggests that the purpose of schedule 1 is to amend the maximum payment amounts for other grants and Commonwealth scholarships to account for changes in indexation and to add the next funding year. Schedule 2 of the bill amends the Australian Research Council Act 2001 to update appropriation amounts to apply indexation and to insert a new funding cap for the last year of the forward estimates.

Schedule 3 of the bill permits a wider disclosure of information, including personal information, to the Tertiary Education Quality and Standards Agency, otherwise known as TEQSA; the national VET regulator; the staff of state and territory agencies; higher education providers; VET providers; and bodies or associations determined by the minister by legislative instrument. The explanatory memorandum provides some further background information in relation to schedule 3. It suggests that the government has received a higher volume of requests from higher education providers, higher education groups, the Tertiary Education Quality and Standards Agency and state and territory governments for student and staff data at the unit record level, a level at which an individual may be identified.

The government suggests that data at this level will allow more accurate assessment and monitoring of the impact of the Australian government's higher education demand driven funding reforms, for planning and quality assurance purposes. Currently, HESA, in division 180, provides that the only information that can be disclosed to TEQSA and the national VET regulator is personal information that is obtained in connection with an application by a registered higher education provider for approval as a higher education provider under HESA or non-personal information that is obtained by a Commonwealth officer for the purposes of chapter 2 and chapter 3 of HESA. The entities that can receive this information are limited to TEQSA and the national VET regulator.

The government's Advancing Quality in Higher Education Reference Group has recommended the centralisation of Australian government endorsed student surveys. The government suggests that it is envisaged that the Department of Innovation, Industry, Science, Research and Tertiary Education would give a third party access to the Commonwealth higher education student support numbers to construct accurate and robust survey sample frames to conduct the surveys. Currently, HESA does not allow the use of personal information or VET personal information in order to conduct a survey of students, former students or staff of higher education providers or VET providers for any purpose. Current division 179 and division 14 of schedule 1A do not have provisions explicitly allowing Commonwealth officers to use personal information in the course of the official employment of the officers.

The explanatory memorandum to this bill suggests that the types of bodies or associations that may be determined by the minister through a legislative instrument are peak bodies and other advocacy groups for the higher education sector. The groups listed in the memorandum include, for example, Universities Australia, the Council of Private Higher Education, the Australian Council for Private Education and Training and the Tertiary Admissions Centre. Furthermore, it is proposed that these bodies or associations will be determined through a legislative instrument in order to avoid unnecessary amendments to HESA in situations such as a body changing its name.

The government states that the proposed measures are reasonable, necessary and proportionate to achieve the legitimate objectives identified above. It has been suggested that all higher education and vocational education

and training providers will need to ensure that their privacy agreements are up to date and meet legislative requirements and that privacy notices provided to students meet the requirements of the Privacy Act 1988. The government proposes that the privacy notices currently printed on student enrolment forms given to them by the higher education or vocational education and training providers will be amended to make them aware of potential use and disclosure of their personal information.

Issues of privacy arise in relation to schedule 3 of the bill that warrant further investigation and consideration. Are these various protections, as the government suggests, enough to protect against the misuse of information? The ability to better monitor and assess the effectiveness of higher and vocational education spending is desirable. However, care must be taken to ensure that the disclosure regime is not misused for purposes other than what it is designed to do. This bill was referred to the House Standing Committee on Education and Employment on 13 September 2012 for an inquiry. The committee's role was to take a closer look at the implications of the new information sharing regime for privacy as well as for potential red tape reduction. Accordingly, the coalition wanted to reserve our judgement on the bill until the committee reported with their recommendations.

Just prior to the bill being debated this morning, the member for Kingston and the member for Grey spoke on the recent report of the committee, which was handed down moments before I began to speak. Obviously, that did not give the coalition in general enough time to consider the report before the debate commenced today. We will now consider the implications of the report and it will inform our final decision on how we proceed with the bill.

The DEPUTY SPEAKER ( Mr Oakeshott ): The debate is now adjourned and resumption of the debate is an order of the day for a later hour.