



New South Wales

Higher Education Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Universities Legislation Amendment (Financial and Other Powers) Bill 2001*.

Overview of Bill

The objects of this Bill are:

- (a) to make provision for the statutory recognition of certain universities and higher education institutions, and
- (b) to make provision for the accreditation of courses of study provided by certain universities and higher education institutions, and
- (c) to make provision for the approval of certain universities and higher education institutions in connection with their provision of courses of study to overseas students, and
- (d) to prohibit the unlawful use of the title “university”, the unlawful conferral of certain higher education qualifications and the unlawful provision of higher education courses, and
- (e) to enact other provisions of a minor, consequential and ancillary nature.

The Bill also repeals the *Higher Education Act 1988*, makes consequential amendments to other Acts and instruments and enacts savings and transitional provisions.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides for the amendment of Schedule 1 (Australian universities) by proclamation made on the recommendation of the Minister. Such a recommendation is required to comply with certain national protocols.

Part 2 Registration, accreditation and approvals

Division 1 Registration of higher education institutions

Clause 5 provides for the registration of education institutions as Australian or overseas higher education institutions or overseas universities. Registration is reviewable at intervals of not more than 5 years.

Clause 6 provides for the variation, suspension and cancellation of an education institution's registration.

Division 2 Accreditation of higher education courses

Clause 7 provides for the accreditation of certain courses of study in relation to universities and higher education institutions. Accreditation will be granted only to those courses that comply with the requirements of the Australian Qualifications Framework. Accreditation is reviewable at intervals of not more than 5 years.

Clause 8 provides for the variation, suspension and cancellation of the accreditation of a course of study in relation to an education institution.

Division 3 Approval to provide courses of study to overseas students

Clause 9 provides that the Director-General of the Department of Education and Training is to be the person responsible for approving providers to provide courses to overseas students in New South Wales for the purposes of the *Education Services for Overseas Students Act 2000* of the Commonwealth (*the Commonwealth Act*).

Clause 10 provides for the approval of certain universities and higher education institutions in connection with the provision of specified courses of study to overseas students. Approval will be granted only to those courses that comply with the requirements of the National Code established under Part 4 of the Commonwealth Act. Approval is reviewable at intervals of not more than 5 years.

Clause 11 provides for the variation, suspension and cancellation of an education institution's approval in relation to a course of study.

Division 4 Offences

Clause 12 prohibits the use of the title "university" by an Australian institution that is not recognised as a university under the proposed Act.

Clause 13 prohibits a person from representing that an Australian institution provides degree or post-graduate courses unless the institution is a university or higher education institution and (in the case of a degree or post-graduate qualification conferred by an overseas university or an Australian or overseas higher education institution) unless the courses are accredited in relation to the institution.

Clause 14 prohibits a person from representing that an Australian institution has conferred, or is authorised to confer, degrees or post-graduate qualifications unless:

- (a) the institution was or is a university or higher education institution, and
- (b) the degree or post-graduate qualification was conferred, or is authorised to be conferred, in connection with a higher education course or a body of research, and

- (c) in the case of a degree or post-graduate qualification conferred by an overseas university or an Australian or overseas higher education institution in connection with a higher education course, the course was or is accredited in relation to the institution.

Clause 15 prohibits a person from making false or misleading statements in or in connection with any application under the proposed Act.

Division 5 Miscellaneous

Clause 16 provides for the review by the Administrative Decisions Tribunal of certain decisions of the Director-General under the proposed Act.

Clause 17 requires the Director-General to maintain a Register of Higher Education and provides that a certificate by the Director-General that, as at a specified date or during a specified period, particulars contained in the Register as to specified matters were as so specified is admissible in any proceedings as evidence of the matters so certified.

Part 3 General provisions

Clause 18 empowers the Minister to issue guidelines for the purposes of the proposed Act, and requires persons involved in the administration of the proposed Act to comply with any such guidelines. The guidelines are required to give effect to certain national protocols.

Clause 19 empowers the Director-General to appoint advisory committees to assist in the administration of the proposed Act.

Clause 20 empowers the Minister and the Director-General to delegate their functions under the proposed Act.

Clause 21 provides that any fees payable under the proposed Act are recoverable by the Crown as a debt in any court of competent jurisdiction.

Clause 22 excludes certain persons involved in the administration of the proposed Act from personal liability in respect of certain acts and omissions.

Clause 23 provides that the proposed Act is to bind the Crown.

Clause 24 enables regulations to be made for the purposes of the proposed Act. In particular, it provides for the making of regulations with respect to the exemption of any person or body from the operation of the proposed Act or any of its provisions.

Clause 25 repeals the *Higher Education Act 1988*.

Clause 26 is a formal provision that gives effect to Schedule 2, which contains consequential amendments to certain other Acts and instruments.

Clause 27 is a formal provision that gives effect to Schedule 3, which contains consequential savings and transitional provisions.

Clause 28 provides for the review of the proposed Act after 5 years from its date of assent.

Schedules

Schedule 1 contains a list of the Australian universities recognised by the proposed Act. As mentioned above, clause 4 provides for the amendment of that Schedule by proclamation.

Schedule 2 contains a number of consequential amendments to the following Acts and instruments:

- (a) the *Environmental Planning and Assessment Regulation 2000*,
- (b) the *Protection of the Environment Operations (Penalty Notices) Regulation 1999*,
- (c) the *Vocational Education and Training Accreditation Act 1990*.

Schedule 3 contains a number of consequential savings and transitional provisions, including a provision that allows the regulations under the proposed Act to make further provision of a savings or transitional nature.



New South Wales

Higher Education Bill 2001

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New South Wales

Higher Education Bill 2001

No , 2001

A Bill for

An Act to make provision with respect to the recognition of Australian and overseas universities and higher education institutions, the accreditation of courses of study and the approval of universities and higher education institutions for the purposes of certain Commonwealth legislation; to repeal the *Higher Education Act 1988*; and for other purposes.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Higher Education Act 2001*. 4

2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6
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3 Definitions 8

(1) In this Act: 9

Australian higher education institution means an education institution that is registered as an Australian higher education institution under Division 1 of Part 2. 10
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Australian institution means: 13

(a) a company (including a foreign company) that is registered under the *Corporations Act 2001* of the Commonwealth, or 14
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(b) any other body corporate constituted in Australia, or 16

(c) an unincorporated body of persons associated together in Australia, or 17
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(d) any other institution established in Australia. 19

Australian university means an education institution listed in Schedule 1. 20
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degree includes a degree of any kind, including in particular the degrees of doctor, master and bachelor. 22
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degree course means a course of study that leads to a degree. 24

Department means the Department of Education and Training. 25

Director-General means the Director-General of the Department. 26

education institution means: 27

(a) a company (including a foreign company) that is registered under the *Corporations Act 2001* of the Commonwealth, or 28
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(b) any other body corporate constituted in Australia,	1
that provides or proposes to provide courses of study.	2
<i>exercise</i> a function includes perform a duty.	3
<i>function</i> includes a power, authority or duty.	4
<i>higher education course</i> means a course of study that leads to a	5
higher education qualification.	6
<i>higher education qualification</i> means:	7
(a) a degree, or	8
(b) a post-graduate qualification, or	9
(c) a diploma or advanced diploma.	10
<i>National Code</i> means the code established under Part 4 of the	11
Commonwealth Act, as amended from time to time.	12
<i>National Protocols</i> means the <i>National Protocols for Higher</i>	13
<i>Education Approval Processes</i> (first endorsed by the Ministerial	14
Council on Education, Employment, Training and Youth Affairs on 31	15
March 2000), as in force from time to time.	16
<i>overseas higher education institution</i> means an education institution	17
that is registered as an overseas higher education institution under	18
Division 1 of Part 2.	19
<i>overseas student</i> has the same meaning as it has in the	20
Commonwealth Act.	21
<i>overseas university</i> means an education institution that is registered as	22
an overseas university under Division 1 of Part 2.	23
<i>post-graduate course</i> means a course of study that leads to a post-	24
graduate qualification.	25
<i>post-graduate qualification</i> means:	26
(a) any qualification that is described as a graduate diploma or a	27
graduate certificate, or	28
(b) any other qualification (other than a degree) that is declared by	29
the regulations to be a post-graduate qualification,	30
but does not include a graduate diploma or graduate certificate	31
awarded in connection with a person's successful completion of an	32
accredited vocational course within the meaning of the <i>Vocational</i>	33
<i>Education and Training Accreditation Act 1990</i> .	34

the Commonwealth Act means the *Education Services for Overseas Students Act 2000* of the Commonwealth.

(2) For the purposes of this Act:

- (a) a person represents that a state of affairs exists if the person does or says anything, or causes or allows anything to be done or said, by which it is represented, or by which a belief may be induced, that the state of affairs exists, and
- (b) a person provides a course of study if the person enrolls or registers students to undertake such a course, provides face-to-face instruction in connection with such a course or provides distance education facilities for the conduct of such a course (for example, facilities for students to undertake such a course by means of post, facsimile or electronic mail).

4 Amendment of Schedule 1

- (1) The Governor may, on the recommendation of the Minister, by proclamation published in the Gazette:
 - (a) include the name of an education institution in Schedule 1, or
 - (b) vary the name of an education institution listed in Schedule 1 as a consequence of any change in its corporate name, or
 - (c) omit the name of an education institution from Schedule 1.
- (2) A recommendation to include the name of an education institution in Schedule 1 may be given only in relation to an education institution that is established or recognised as a university:
 - (a) by or under an Act of the Commonwealth, or
 - (b) by or under an Act of this or some other State or Territory.
- (3) In deciding whether to make such a recommendation, the Minister must have regard to the National Protocols.
- (4) A proclamation under this section is not invalid only because of a failure of the Minister to comply with the requirements of subsection (2) or (3).

Part 2 Registration, accreditation and approvals

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Division 1 Registration of higher education institutions

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5 Registration of higher education institutions

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- (1) On the application of an education institution, the Director-General may register the institution:
 - (a) as an Australian or overseas higher education institution, or
 - (b) if the Minister so approves, as an overseas university.
- (2) An approval referred to in subsection (1) (b) may be given only if the Minister is satisfied that the education institution will be able to operate in New South Wales to a standard no lower than that of Australian universities.
- (3) An education institution is to be registered as an overseas university or higher education institution only if it operates as a university or higher education institution in its country of origin.
- (4) An education institution is not eligible to be registered under this section unless at least one course of study is accredited in relation to the institution as a higher education course under Division 2.
- (5) Registration may be unconditional or subject to such conditions as the Director-General determines.
- (6) An education institution's registration must be reviewed by the Director-General at intervals of not more than 5 years.

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21**6 Variation, suspension and cancellation of registration**

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- (1) The Director-General may at any time:
 - (a) suspend or cancel an education institution's registration, or
 - (b) vary or revoke any condition to which an education institution's registration is subject, or
 - (c) impose additional conditions on an education institution's registration.
- (2) The Director-General may suspend or cancel an education institution's registration only on one or more of the following grounds:
 - (a) that the institution requests the suspension or cancellation,

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(b)	vary or revoke any condition to which the accreditation of a course of study in relation to an education institution is subject, or	1 2 3
(c)	impose additional conditions on the accreditation of a course of study in relation to an education institution.	4 5
(2)	The Director-General may suspend or cancel the accreditation of a course of study in relation to an education institution only on one or more of the following grounds:	6 7 8
(a)	that the institution requests the suspension or cancellation,	9
(b)	that the institution no longer exists,	10
(c)	that the institution has contravened this Act, the regulations, or a condition to which accreditation of the course is subject.	11 12
Division 3	Approval to provide courses of study to overseas students	13 14
9	Director-General to be designated authority under Commonwealth Act	15
	For the purposes of the Commonwealth Act, the Director-General is the person responsible for approving providers to provide courses to overseas students in New South Wales.	16 17 18
10	Approval of courses provided by universities and higher education institutions	19 20
(1)	On the application of an education institution that is:	21
(a)	an Australian or overseas university, or	22
(b)	an Australian or overseas higher education institution,	23
	the Director-General may approve the institution to provide specified courses of study to overseas students.	24 25
(2)	An approval may be granted in respect of a course of study only if the Director-General is satisfied that the education institution complies with the relevant requirements of the National Code.	26 27 28
(3)	In the case of an Australian university, the Director-General is to rely on a statement by the governing body of the university as to the university's compliance with the relevant requirements of the National Code unless the Director-General has reason to believe that those requirements have not been complied with.	29 30 31 32 33

Clause 10 Higher Education Bill 2001

Part 2 Registration, accreditation and approvals

Division 3 Approval to provide courses of study to overseas students

- (4) An approval may be granted unconditionally or subject to such conditions as the Director-General determines. 1
2
- (5) An approval under this Division must be reviewed by the Director-General at intervals of not more than 5 years. 3
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11 Variation, suspension and cancellation of approval 5

- (1) The Director-General may at any time: 6
- (a) suspend or cancel an education institution's approval, or 7
- (b) vary or revoke any condition to which an education institution's approval is subject, or 8
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- (c) impose additional conditions on an education institution's approval. 10
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- (2) The Director-General may suspend or cancel an education institution's approval only on one or more of the following grounds: 12
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- (a) that the institution requests the suspension or cancellation, 14
- (b) that the institution no longer exists, 15
- (c) that the institution has contravened this Act, the regulations or a condition to which the approval is subject, 16
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- (d) that the institution has failed to comply with a requirement of the National Code. 18
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Division 4 Offences 20

12 Unlawful use of title "university" 21

A person must not represent that an Australian institution is a university unless the institution is an Australian or overseas university. 22
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Maximum penalty: 200 penalty units. 24

13 Unlawful provision of higher education courses 25

A person must not represent that an Australian institution provides any degree or post-graduate course, or is authorised to provide any degree or post-graduate course, unless: 26
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(a) the institution is: 29

(i) an Australian or overseas university, or 30

(ii)	an Australian or overseas higher education institution, and	1 2
(b)	if the course is provided, or is authorised to be provided, by:	3
(i)	an overseas university, or	4
(ii)	an Australian or overseas higher education institution,	5
	the course is accredited in relation to the institution under Division 2.	6 7
	Maximum penalty: 200 penalty units.	8
14	Unlawful conferral of higher education qualifications	9
(1)	A person must not represent that an Australian institution has conferred, or is authorised to confer, a degree or post-graduate qualification unless:	10 11 12
(a)	the institution was or is, as the case requires:	13
(i)	an Australian or overseas university, or	14
(ii)	an Australian or overseas higher education institution, and	15 16
(b)	the degree or post-graduate qualification was conferred or is authorised to be conferred, as the case requires, in connection with a person's successful completion of:	17 18 19
(i)	a higher education course, or	20
(ii)	a thesis, dissertation or other body of research, and	21
(c)	if the degree or post-graduate qualification was conferred or is authorised to be conferred in connection with a person's successful completion of a higher education course:	22 23 24
(i)	by an overseas university, or	25
(ii)	by an Australian or overseas higher education institution,	26 27
	the course was or is accredited, as the case requires, in relation to the institution.	28 29
	Maximum penalty: 200 penalty units.	30
(2)	Subsection (1) (b) and (c) do not apply to the conferral of honorary degrees:	31 32
(a)	by an Australian or overseas university, or	33
(b)	by any other education institution that the Minister may from time to time authorise to confer honorary degrees.	34 35

Clause 15 Higher Education Bill 2001

Part 2 Registration, accreditation and approvals

Division 4 Offences

15 Provision of false or misleading information 1

A person must not, in or in connection with any application under this Act, make any statement that the person knows to be false or misleading. 2
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Maximum penalty: 200 penalty units. 5

Division 5 Miscellaneous 6

16 Review of decisions 7

An education institution that is aggrieved by any of the following decisions of the Director-General may apply to the Administrative Decisions Tribunal for a review of the decision: 8
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(a) a decision to refuse the institution's application for registration or approval, or for accreditation of a course of study, under this Part, 11
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(b) a decision to impose conditions on the institution's registration or approval, or on a course of study's accreditation in relation to the institution, under this Part, 14
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16

(c) a decision to suspend or cancel the institution's registration or approval, or a course of study's accreditation in relation to the institution, under this Part, 17
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19

(d) a decision to vary the conditions of the institution's registration or approval, or of a course of study's accreditation in relation to the institution, under this Part. 20
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17 Register of higher education institutions 23

(1) The Director-General must maintain a register (to be called the *Register of Higher Education*) in relation to: 24
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(a) each education institution that is registered under Division 1, and 26
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(b) each course of study that is accredited in relation to an education institution as a higher education course under Division 2, and 28
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(c) each education institution that is approved under Division 3 in relation to any course of study, 31
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-
- (2) The regulations may make provision for or with respect to: 1
- (a) the particulars to be recorded in the register, and 2
 - (b) the manner and form in which the register is to be maintained. 3
- (3) The Director-General is to cause the register to be made available free 4
of charge to the public at the Department's head office and on the 5
Department's website on the Internet. 6
- (4) A certificate: 7
- (a) that is signed by the Director-General, and 8
 - (b) that certifies that, on a specified date or during a specified 9
period, the particulars contained in the register as to specified 10
matters were as so specified, 11
- is admissible in any proceedings and is evidence of the matters so 12
certified. 13

Part 3 General provisions

1

18 Administrative guidelines

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- (1) The Minister may from time to time issue guidelines (not inconsistent with this Act, the regulations or the National Protocols) for or with respect to the following matters:
- (a) the procedure for assessing a proposal to recommend the making of a proclamation to include the name of an education institution in Schedule 1, as referred to in section 4 (1),
- (b) the procedure for assessing a proposal for legislation to establish or recognise a university within New South Wales,
- (c) the procedure for making an application for registration, accreditation or approval under this Act,
- (d) the requirements to be satisfied by an applicant for registration, accreditation or approval under this Act,
- (e) the procedure for assessing an application for registration, accreditation or approval under this Act,
- (f) the conditions to be imposed on an education institution's registration or approval, or on a course of study's accreditation in relation to an education institution, under this Act, including conditions with respect to:
- (i) the provision of statistical data and other information, and
- (ii) the provision of access to the institution's premises, records, documents and staff,
- (g) the procedure for determining whether to vary, suspend or cancel an education institution's registration or approval, or a course of study's accreditation in relation to an education institution, under this Act,
- (h) such other matters relevant to an education institution's registration or approval, or to a course of study's accreditation in relation to an education institution, under this Act as the Minister determines.
- (2) In particular, the guidelines under this section must give effect to the National Protocols.

(3) It is the duty of any person involved in the administration of this Act to comply with the requirements of the guidelines under this section.	1 2
19 Appointment of advisory committees	3
(1) The Director-General may appoint advisory committees to assist in the administration of this Act.	4 5
(2) The constitution, functions and procedure of an advisory committee are to be as determined by the Director-General.	6 7
20 Delegation	8
(1) The Minister may delegate to any person any of the Minister's functions under this Act, other than this power of delegation.	9 10
(2) The Director-General may delegate to any person any of the Director-General's functions under this Act, other than a function delegated to the Director-General by the Minister and other than this power of delegation.	11 12 13 14
21 Recovery of fees	15
Any fee payable under this Act may be recovered by the Crown as a debt in any court of competent jurisdiction.	16 17
22 Exclusion of personal liability	18
An act or omission of:	19
(a) the Minister, or	20
(b) the Director-General, or	21
(c) any person acting under the direction of the Minister or Director-General,	22 23
does not subject the Minister, the Director-General or person so acting personally to any action, liability, claim or demand if the act or omission was done, or omitted to be done, in good faith for the purpose of executing this Act or the regulations.	24 25 26 27
23 Act binds Crown	28
This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	29 30 31

24 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to the following:
- (a) the procedure for assessing a proposal to recommend the making of a proclamation to include the name of an education institution in Schedule 1, as referred to in section 4 (1),
 - (b) the procedure for assessing a proposal for legislation to establish or recognise a university within New South Wales,
 - (c) the procedure for making an application for registration, accreditation or approval under this Act,
 - (d) the requirements to be satisfied by an applicant for registration, accreditation or approval under this Act,
 - (e) the procedure for assessing an application for registration, accreditation or approval under this Act,
 - (f) the conditions to be imposed on an education institution's registration or approval, or on a course of study's accreditation in relation to an education institution, under this Act, including conditions with respect to:
 - (i) the provision of statistical data and other information, and
 - (ii) the provision of access to the institution's premises, records, documents and staff,
 - (g) the procedure for determining whether to vary, suspend or cancel an education institution's registration or approval, or a course of study's accreditation in relation to an education institution, under this Act,
 - (h) the fees payable under this Act, including the waiving, remittal, reduction and refund of any such fee,
 - (i) transitional arrangements arising from the suspension or cancellation of an education institution's registration or approval, or on a course of study's accreditation in relation to an education institution, under this Act.
- (2) A regulation may make provision for or with respect to the exemption of any person or body from the operation of this Act, or any specified provision of this Act, either unconditionally or subject to conditions.

25	Repeal of Higher Education Act 1988	1
	The <i>Higher Education Act 1988</i> is repealed.	2
26	Amendment of other Acts and instruments	3
	Each Act and instrument specified in Schedule 2 is amended as set out in that Schedule.	4 5
27	Savings and transitional provisions	6
	Schedule 3 has effect.	7
28	Review of Act	8
(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	9 10 11
(2)	The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.	12 13
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	14 15

Schedule 1 Australian universities	1
(Sections 3 and 4)	2
New South Wales	3
Australian Catholic University	4
Australian William E. Simon University	5
Charles Sturt University	6
Macquarie University	7
Southern Cross University	8
The University of New England	9
The University of New South Wales	10
The University of Newcastle	11
The University of Sydney	12
University of Technology, Sydney	13
University of Western Sydney	14
University of Wollongong	15
Queensland	16
Bond University	17
Central Queensland University	18
Griffith University	19
James Cook University	20
Queensland University of Technology	21
The University of Queensland	22
University of Southern Queensland	23
University of the Sunshine Coast	24

South Australia	1
The Flinders University of South Australia	2
The University of Adelaide	3
University of South Australia	4
Tasmania	5
University of Tasmania	6
Victoria	7
Deakin University	8
La Trobe University	9
Monash University	10
Royal Melbourne Institute of Technology	11
Swinburne University of Technology	12
University of Ballarat	13
University of Melbourne	14
Victoria University of Technology	15
Western Australia	16
Curtin University of Technology	17
Edith Cowan University	18
Murdoch University	19
The University of Notre Dame Australia	20
The University of Western Australia	21

Australian Capital Territory	1
The Australian National University	2
University of Canberra	3
Northern Territory	4
Northern Territory University	5

Schedule 2	Amendment of other Acts and instruments	1
	(Section 26)	2
2.1	Environmental Planning and Assessment Regulation 2000	3
	Clause 226 Prescribed persons: section 116B	4
	Omit clause 226 (1) (c). Insert instead:	5
	(c) an Australian university within the meaning of the <i>Higher Education Act 2001</i> ,	6 7
2.2	Protection of the Environment Operations (Penalty Notices) Regulation 1999	8 9
	Clause 6 Authorised officers: section 226	10
	Omit clause 6 (5) (j). Insert instead:	11
	(j) class 10—an officer or employee of an Australian university within the meaning of the <i>Higher Education Act 2001</i> ,	12 13 14
2.3	Vocational Education and Training Accreditation Act 1990 No 120	15
[1]	Section 4 Definitions	16
	Omit the definition of <i>official university</i> from section 4 (1). Insert instead:	17
	<i>official university</i> means an Australian or overseas university within the meaning of the <i>Higher Education Act 2001</i> .	18 19

[2] Section 4 (1), definition of “the Commonwealth Act”	1
Omit “ <i>Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991</i> ”.	2
Insert instead “ <i>Education Services for Overseas Students Act 2000</i> ”.	3
	4
[3] Section 4 (1), definition of “vocational course”	5
Omit the definition. Insert instead:	6
<i>vocational course</i> means a course or proposed course of	7
vocational education or vocational training, other than a course	8
that leads to, or is part of a course of study that leads to, a	9
degree.	10
[4] Schedule 2 Savings and transitional provisions	11
Omit clause 1 (1). Insert instead:	12
(1) The regulations may contain provisions of a savings or	13
transitional nature consequent on the enactment of the	14
following Acts:	15
<i>Vocational Education and Training Accreditation</i>	16
<i>(Amendment) Act 1993</i>	17
<i>Higher Education Act 2001</i>	18

Schedule 3	Savings and transitional provisions	1
	(Section 27)	2
Part 1	Preliminary	3
1	Regulations	4
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of following Acts:	5
	this Act	6
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	7
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	8
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	9
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	10
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Part 2	Provisions consequent on enactment of this Act	19
2	Definition	20
	In this Part, <i>the 1988 Act</i> means the <i>Higher Education Act 1988</i> , as in force immediately before its repeal by this Act.	21
		22
3	Approvals to conduct advanced education courses	23
	Any course of study that, immediately before the commencement of this clause, was approved under section 3 of the 1988 Act is taken to have been accredited, on that commencement, under Division 2 of Part 2 of this Act.	24
		25
		26
		27

4 Approvals to conduct courses for overseas students	1
Any university that, immediately before the commencement of this	2
clause, was approved under section 4B of the 1988 Act in relation to	3
a course of education or training is taken to have been approved in	4
relation to that course, on that commencement, under Division 3 of	5
Part 2 of this Act.	6