

# Tertiary Education (Amendment) Bill

## As Sent Print

### EXPLANATORY MEMORANDUM

- Clause 1 defines the main purpose of the Act to repeal certain provisions relating to voluntary student unionism and to make further provision about non-academic fees, subscriptions and charges.
- Clause 2 provides for the Act to commence on the day after Royal Assent.
- Clause 3
- repeals section 12C of the **Tertiary Education Act 1993** which provided that certain powers of a post-secondary education institution were not limited by the provisions of Division 3 of Part 2.
  - amends section 12F(1) to provide that the governing body of a post-secondary education institution must not spend certain money collected as fees, subscriptions or charges except for providing facilities, services or activities of direct benefit to students at the institution.
  - amends section 12F to repeal sub-sections (3), (4) and (5) which provided for the facilities, services or activities on which the money collected could be spent.
  - repeals section 22(3) which provides related regulation making powers.
- Clause 4 substitutes a new section 12D to provide procedures for ensuring that students have an opportunity to decline automatic membership of a student organisation.
- Clause 5 amends section 12I to provide that information about compulsory non-academic fees, subscriptions and charges are included in the annual report of a post-secondary education institution prepared under the **Financial Management Act 1994**.

Clause 6 substitutes a new section 12J to make a transitional provision removing the constraints imposed by section 12F on funds that were collected before the commencement of the Act.

Clause 7 makes a statute law revision to change a reference to "college" to "institution" in section 15(2) of the Act.