

HIGHER EDUCATION BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Miscellaneous Acts (Higher Education) Amendment Bill 1988 is cognate with this Bill.

The object of this Bill is to repeal the Higher Education Act 1975 so as to abolish the New South Wales Higher Education Board. It is proposed that some of the functions of the Board will be undertaken by an Office of Higher Education which is to be established within the Ministry of Education and Youth Affairs.

The Bill continues (with modifications) certain provisions of the Higher Education Act 1975, including—

- (a) provisions for the approval of advanced education courses; and
- (b) prohibitions relating to unofficial universities and colleges of advanced education.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day to be appointed by proclamation.

Clause 3 continues the existing provisions of the Higher Education Act 1975 (section 11(3), (4)) relating to the approval of advanced education courses and the nomenclature of the academic awards for those courses. Colleges of advanced education are required by the legislation under which they are established to have their advanced education courses approved and private higher education institutions seek approval of their courses to gain recognition. The role of the Higher Education Board in granting approvals is to be transferred to the Secretary of the Ministry of Education and Youth Affairs and to any other officer of that Ministry delegated by the Secretary (such as the Director of the proposed Office of Higher Education). The clause provides for an institution to approve (by delegation made with the Minister's consent) its own advanced education courses or carry out its own assessment of courses etc.

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Clause 4 continues the existing provision of the Higher Education Act 1975 (section 14) which prohibits Australian institutions from being represented as universities or colleges of advanced education unless they are established by an Act or Ordinance, or by the Government, of the Commonwealth, a State or a Territory. The clause also continues the existing prohibition on an Australian institution conferring a “degree” unless it is such a university or college of advanced education or an institution approved by the Minister or unless the “degree” evidences the completion of an approved advanced education course referred to in clause 3 above. The existing provision has been modified to ensure that institutions such as the Bond University in Queensland may also be recognised.

Clause 5 provides that the offences created by or under the proposed Act are to be dealt with summarily by a Local Court.

Clause 6 empowers the Governor to make regulations.

Clause 7 repeals the Higher Education Act 1975.

Clause 8 abolishes the Higher Education Board.

Clause 9 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

Schedule 1 contains savings and transitional provisions. Part 1 confers authority for the making of savings and transitional regulations consequent on the enactment of the proposed Act and cognate Act. Part 2 contains provisions consequent on the abolition of the Higher Education Board, including provisions which terminate the appointment of the existing members of the Board without compensation, transfer its assets, liabilities etc. to the Crown and preserve existing approvals of advanced education courses.
