

Queensland



Higher Education (General Provisions) Act 1993

HIGHER EDUCATION (GENERAL PROVISIONS) REGULATION 1996

**Reprinted as in force on 22 December 2000
(includes amendments up to SL No. 344 of 2000)**

Reprint No. 2A *

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* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 22 December 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



HIGHER EDUCATION (GENERAL PROVISIONS) REGULATION 1996

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HIGHER EDUCATION (GENERAL PROVISIONS) REGULATION 1996

[as amended by all amendments that commenced on or before 22 December 2000]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Higher Education (General Provisions) Regulation 1996*.

PART 2—INTERPRETATION

2 Definitions

In this regulation—

“proposal” means a proposal made under part 3 by a higher education institution for its establishment or recognition as a university in Queensland under an Act.

“proposed university” means the higher education institution to which a proposal relates.

3 Meaning of “characteristics and role of a university”

A higher education institution has the characteristics, and fulfils the role, of a university if it has—

- (a) the capacity to advance, preserve and transmit knowledge through research, scholarly activity and teaching; and
- (b) the capacity to provide courses of study leading to higher education awards under national and international standards; and

- (c) the commitment to constitute a governing structure that will enable the institution to fulfil its obligations for academic autonomy, independent enquiry and self-management; and
- (d) the capacity to have sufficient and satisfactory financial, human and material resources (including, for example, buildings, equipment and plant) to support its research, scholarly activity and teaching.

PART 3—ESTABLISHMENT OR RECOGNITION OF UNIVERSITIES IN QUEENSLAND

4 Ministerial decision about establishment or recognition of university

The Minister may decide that a higher education institution may be established or recognised as a university in Queensland under an Act only if—

- (a) the institution has, under this part, proposed it be so established or recognised; and
- (b) after the proposal has been considered under this part—the Minister is satisfied the institution has the characteristics, and fulfils the role, of a university.

5 Proposal to be established or recognised as university in Queensland

(1) A higher education institution may propose, in writing to the Minister, that it should be established or recognised as a university in Queensland under an Act.

(2) The proposal must include detailed documentation about the way the proposed university has the characteristics, and fulfils the role, of a university.

(3) The proposal may also include other relevant information.

6 Establishment of committee and referral of proposal to it

(1) As soon as possible after receiving the proposal, the Minister must establish a committee and refer the proposal to the committee for its consideration and a report.

(2) The committee must consist of 3 or more persons appointed by the Minister.

(3) The Minister may appoint a person to be a member of the committee only if the Minister is satisfied the person has substantial knowledge and experience of academic affairs or university management.

7 Considerations for committee

The committee must decide the extent to which the proposed university has the characteristics, and fulfils the role, of a university by considering—

- (a) the information provided in the proposal; and
- (b) other relevant information obtained from the proposed university or other sources.

8 Committee may stop its consideration

If the committee decides that a reasonable request for cooperation from the proposed university has not been met, the committee may stop considering the proposal and advise the Minister that it has stopped and its reasons for stopping.

9 Committee to report to the Minister

(1) The committee must give a written report to the Minister about the proposal, within the time agreed between the Minister and the committee.

(2) The report must include—

- (a) an analysis of the extent to which the proposed university has the characteristics, or fulfils the role, of a university; and
- (b) the committee's recommendation about whether the proposed university should or should not be established or recognised as a university and its reasons for the recommendation; and

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- (c) any conditions recommended by the committee to which the establishment or recognition should be subject.

10 Minister to decide proposal after receipt of committee's report

After the Minister receives and considers the committee's report, the Minister must decide whether the proposed university should be established or recognised as a university in Queensland under an Act.

11 Decision and notice to institution

(1) The Minister must give to the proposed university written notice of the Minister's decision under section 10.

(2) If the Minister has decided that the proposed university should be established or recognised, on conditions, as a university in Queensland under an Act, the notice must also state the conditions.

(3) If the Minister decides that the proposed university should not be established or recognised as a university in Queensland under an Act, the notice must also state the reasons for the decision.¹

(4) The notice must also state that, under section 16 of the Act,² a person who is aggrieved by a decision of the Minister may appeal against the decision to a District Court judge within 28 days after the person receives notice of the decision.

PART 4—FOREIGN UNIVERSITIES IN QUEENSLAND

12 Approval for foreign institutions to operate as universities

(1) An institution may apply for approval for the institution under section 6 of the Act.

1 Section 16 of the Act sets out that a person may appeal to a District Court judge if the person is aggrieved by a Minister's decision under this Act.

2 Section 16 of the Act (Appeal against Minister's decision)

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1996*

(2) The Minister may approve an institution under section 6 of the Act only if the Minister is satisfied about—

- (a) the legal status of the institution and its standing in its own country (including recognition by the relevant accreditation body); and
- (b) the adequacy of the proposed arrangements for the institution's operation, having regard to State and Commonwealth requirements.

13 Minister to decide application

(1) The Minister must decide an application under section 12—

- (a) by granting the application, with or without conditions; or
- (b) by refusing the application.

(2) The Minister must give to the applicant written notice of the Minister's decision.

(3) If the Minister has approved the application on conditions, the notice must also state the conditions.

(4) If the Minister has not approved the application, the notice must also state the reasons for the decision.

(5) If the decision is not the decision sought by the applicant, the notice must also state that, under section 16 of the Act,³ a person who is aggrieved by a decision of the Minister may appeal against the decision to a District Court judge within 28 days after the person receives notice of the decision.

PART 4A—ACCREDITATION OF COURSES

13A Application and examination fees

(1) An application by a non-university provider for accreditation of 1 or more courses leading to a higher education award must be accompanied by the application fee for each course.

³ Section 16 of the Act (Appeal against Minister's decision)

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(2) Also, if the course assessment panel for the application is to examine the applicant's operation or proposed operation for a course, the applicant must, before the examination is conducted, pay the examination fee for the course.

(3) However, if the application is for 2 or more courses and the same course assessment panel is to examine the applicant's operation or proposed operation for more than 1 of the courses, the applicant must, before the examination is conducted, pay—

- (a) the examination fee for the highest fee course of the courses for which the operation or proposed operation is to be examined or, if there is more than 1 highest fee course, the examination fee for 1 of them; and
- (b) one-quarter of the examination fee for each other course for which the operation or proposed operation is to be examined.

(4) If the applicant has made 2 or more applications at the same time, the applications are, for subsection (3), taken to have been made as 1 application.

(5) In this section—

“course assessment panel” means the panel established by the Minister to assess an application for accreditation of a course leading to a higher education award.

“highest fee course”, for an application for accreditation of courses leading to a higher education award, means the course for which the highest examination fee is prescribed under this regulation.

13B Waiver of examination fee

(1) This section applies if the application—

- (a) is for the accreditation of a course proposed to be offered in 2 or more States; and
- (b) has been made in accordance with the MCEETYA procedures.

(2) The Minister may waive payment of the fee mentioned in section 13A(2) or (3) if the Minister is not the receiving authority, for the application, under the MCEETYA procedures.

(3) In this section—

“MCEETYA procedures” means the procedures approved by the Ministerial Council on Education, Employment, Training and Youth Affairs for considering applications by non-university providers for the concurrent accreditation of courses, proposed to be offered in 2 or more States, leading to a higher education award.

PART 5—MISCELLANEOUS MATTERS

14 Definition “higher education award”—s 3 of the Act

The following are higher education awards—

- (a) awards offered by a university, other than an award mentioned in section 3 of the Act, definition “higher education award”, paragraph (a) or (b);
- (b) diplomas (however described) and associate degrees for courses offered by a non-university provider and accredited by the Minister under section 10 of the Act.

15 Exclusion of U3A from operation of s 7 of the Act

The body known as the ‘University of the Third Age (U3A)’ is excluded from the operation of section 7 of the Act.

16 Fees

The fees payable under the Act are in the schedule.

SCHEDULE

FEES

section 16

\$

1. Application by non-university provider for accreditation of a course 1 500.00
2. Examination of non-university provider's operation, or proposed operation, for—
 - (a) associate degree level course 3 000.00
 - (b) bachelor degree level course 5 000.00
 - (c) graduate/postgraduate certificate level course 3 000.00
 - (d) graduate/postgraduate diploma level course 3 000.00
 - (e) masters degree level course 3 000.00
 - (f) doctorate level course 6 500.00

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 December 2000. Future amendments of the Higher Education (General Provisions) Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	4 April 1996
1A	to SL No. 76 of 1996	6 November 1996
1B	to SL No. 199 of 1997	12 November 1997
2	to SL No. 199 of 1997	27 January 1998

5 List of legislation

Higher Education (General Provisions) Regulation 1996 SL No. 46

made by the Governor in Council on 14 March 1996

notfd gaz 15 March 1996 pp 1178–9

commenced on date of notification

exp 1 September 2006 (see SIA s 54)

as amended by—

Higher Education (General Provisions) Amendment Regulation (No. 1) 1996 SL No. 76

notfd gaz 26 April 1996 pp 1781–2

commenced on date of notification

Higher Education (General Provisions) Amendment Regulation (No. 1) 1997 SL No. 199

notfd gaz 4 July 1997 pp 1143–4

commenced on date of notification

Higher Education (General Provisions) Amendment Regulation (No. 1) 2000 SL No. 344

notfd gaz 15 December 2000 pp 1478–83

commenced on date of notification

6 List of annotations

Decision and notice to institution

s 11 amd 1996 SL No. 76 s 3

Minister to decide application

s 13 amd 1996 SL No. 76 s 4

PART 4A—ACCREDITATION OF COURSES

pt hdg ins 1997 SL No. 199 s 3

Application and examination fees

s 13A ins 1997 SL No. 199 s 3

Waiver of examination fee

s 13B ins 2000 SL No. 344 s 3

Fees

s 16 ins 1997 SL No. 199 s 4

SCHEDULE—FEES

ins 1997 SL No. 199 s 4