



# Australian Government

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**Government Response to the Senate Select Committee on Scrutiny of  
New Taxes inquiry “The Student Amenities Fee – Another Tax by  
Another Name”**

**September 2011**

The Government rejects the Committee's assertion that the proposed student services and amenities fee is a tax. The conclusion expressed by the Committee on this point was unsupported by evidence. To the contrary, the Clerk of the Senate provided advice to the Committee that the proposed Student Services and Amenities Fee was not a tax, as did the Department of Education, Employment and Workplace Relations.

The Student Services and Amenities Fee is a fee for student services and amenities to be provided by higher education providers to their enrolled students. It is a decision for each higher education provider whether or not to charge a fee. The Bill does not raise general revenue for the Commonwealth.

The Government notes that the only term of reference cited by the Committee as providing the basis for its inquiry was the term of reference which allowed it to consider "any other related matter".

The Committee's report made the following three recommendations:

**Recommendation 1**

The Committee recommends that the Government publicly release an exposure draft of the instrument to amend the Administration Guidelines made under the *Higher Education Support Act 2003* as soon as possible.

**Recommendation 2**

The Committee recommends that the Senate postpone consideration of the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 until the draft instrument to amend the Administration Guidelines made under the *Higher Education Support Act 2003* is publicly released.

**Recommendation 3**

The Committee recommends that the Senate reject the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010.

**Response**

**Recommendation 1** – Noted. Administration Guidelines are currently being finalised and will be available well in advance of the implementation date. The Administration Guidelines will be published on the Department of Education, Employment and Workplace Relations' website.

**Recommendation 2** – Disagree. It is noted that Recommendation 2 is internally inconsistent with Recommendation 3. The Bill should be considered by the Senate in a timely fashion to ensure that students have the benefit of improved student services and amenities with effect from the new academic year in 2012.

**Recommendation 3** – Disagree. The Government is committed to the Bill's passage through the Senate in a timely fashion to ensure that students have the benefit of improved student services and amenities with effect from the new academic year in 2012.