





# **Higher Education Support Amendment (Freedom of Speech) Act 2021**

**No. 22, 2021**

**An Act to amend the *Higher Education Support Act 2003*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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# Higher Education Support Amendment (Freedom of Speech) Act 2021

No. 22, 2021

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## An Act to amend the *Higher Education Support Act 2003*, and for related purposes

[Assented to 22 March 2021]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Higher Education Support Amendment (Freedom of Speech) Act 2021*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	23 March 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Higher Education Support Act 2003*

#### **1 Subparagraph 2-1(a)(iv)**

Omit “free intellectual inquiry in learning, teaching and research”, substitute “freedom of speech and academic freedom”.

#### **2 Section 19-115 (heading)**

Omit “free intellectual inquiry”, substitute “**freedom of speech and academic freedom**”.

#### **3 Section 19-115**

Omit “free intellectual inquiry in relation to learning, teaching and research”, substitute “freedom of speech and academic freedom”.

#### **4 Subclause 1(1) of Schedule 1**

Insert:

*academic freedom* means the following:

- (a) the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
- (b) the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- (c) the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- (d) the freedom of academic staff to participate in professional or representative academic bodies;
- (e) the freedom of students to participate in student societies and associations;
- (f) the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.

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*[Minister's second reading speech made in—  
House of Representatives on 28 October 2020  
Senate on 24 February 2021]*

(140/20)

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