



Student Assistance Act 1973

No. 155, 1973 as amended

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Student Assistance Act 1973* as in force on 17 October 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 28 October 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide certain benefits to certain students and for other purposes

Part 1—Preliminary

1 Short title

This Act may be cited as the *Student Assistance Act 1973*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

- (1) In this Act, unless the contrary intention appears:

accumulated FS debt has the meaning given by subsection 12ZF(2) or (3).

actual repayments, in relation to financial supplement, at a particular time, means the sum of the amounts actually repaid in respect of the financial supplement before that time.

adjusted parental income, for the purposes of Part 4A, has the meaning given by the regulations.

amount notionally repaid, in relation to financial supplement, has the meaning given by subparagraph 12ZA(10)(b)(ii).

amount outstanding, in relation to a financial supplement contract, has the meaning given by section 12X.

bank includes, but is not limited to, a body corporate that is an ADI (authorised deposit-taking institution) for the purposes of the *Banking Act 1959*.

centrelink program has the same meaning as in the *Human Services (Centrelink) Act 1997*.

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Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

Commissioner means the Commissioner of Taxation.

compulsory repayment amount means an amount that:

- (a) is required to be paid in respect of an accumulated FS debt under section 12ZK; and
- (b) is included in a notice of an assessment made under section 12ZM.

contract period, in relation to a financial supplement contract, means the period beginning when the contract was entered into and ending on 31 May in the year in which the last of the periods of 12 months referred to in paragraph 12X(3)(b) ends.

current special educational assistance scheme means:

- (a) the Assistance for Isolated Children Scheme; or
- (b) the ABSTUDY Scheme (also known as the Aboriginal Study Assistance Scheme).

discount, in relation to a repayment of an amount of financial supplement, has the meaning given by section 12ZA.

education institution means:

- (a) a higher education institution; or
- (b) a technical and further education institution; or
- (c) a secondary school; or
- (d) any other institution (including an educational institution), authority or body, that is in Australia and that, in accordance with a determination by the Minister, is to be regarded as an education institution for the purposes of this Act.

eligible student, for the purposes of Part 4A, has the meaning given by section 12C.

Note: A person cannot be an eligible student for the whole or a part of a year that begins on or after the day on which the *Student Assistance Legislation Amendment Act 2006* receives the Royal Assent (see subsection 12C(1A)).

exempt foreign income has the meaning given by subsection 12ZL(4).

family assistance law has the same meaning as in the *A New Tax System (Family Assistance) (Administration) Act 1999*.

financial corporation means:

- (a) a foreign corporation within the meaning of paragraph 51(xx) of the Constitution whose sole or principal business activities in Australia are the borrowing of money and the provision of finance; or
- (b) a financial corporation within the meaning of that paragraph; and includes a bank.

financial institution has the same meaning as in the *Social Security Act 1991*.

financial supplement means a loan made by a participating corporation under a financial supplement contract to the other party to the contract.

financial supplement contract means a contract in force as provided by subsection 12K(2).

former special educational assistance scheme means:

- (a) the former Aboriginal Secondary Assistance Scheme; or
- (aa) the scheme known as the Aboriginal Overseas Study Assistance Scheme or the Aboriginal and Torres Strait Islander Overseas Study Award Scheme; or
- (b) the former Adult Secondary Education Assistance Scheme; or
- (c) the former Secondary Allowances Scheme; or
- (d) the former Living Allowance for English as a Second Language Scheme.

FS assessment debt means an amount that is required to be paid in respect of an accumulated FS debt under section 12ZK and is included in a notice of an assessment made under section 12ZM.

FS debt has the meaning given by subsection 12ZF(1).

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higher education institution means an educational institution in Australia that, in accordance with a determination by the Minister, is to be regarded as a higher education institution for the purposes of this Act.

Human Services Department means the Department administered by the Human Services Minister.

Human Services Minister means the Minister administering the *Human Services (Centrelink) Act 1997*.

income tax has the meaning given by subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

income tax law has the meaning given by section 14ZAAA of the *Taxation Administration Act 1953*.

income year has the meaning given by subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

index number, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter.

indexation amount, in relation to a financial supplement contract, has the meaning given by section 12Y.

late payment charge means an amount payable to the Commonwealth under any of the following provisions as currently or previously in force:

- (a) paragraph 40(2)(a);
- (b) subsection 246(3), or any other prescribed provision, of the *Social Security Act 1947*;
- (ba) section 1229 or 1229A, or any other prescribed provision, of the *Social Security Act 1991*;
- (c) subsection 205(5), or any other prescribed provision, of the *Veterans' Entitlements Act 1986*.

Medicare levy means the Medicare levy imposed by the *Medicare Levy Act 1986*.

medicare program has the same meaning as in the *Human Services (Medicare) Act 1973*.

minimum repayment income has the meaning given by section 12ZLA.

notional repayments, in relation to financial supplement, at a particular time, means the sum of the amounts notionally repaid in respect of the financial supplement before that time.

office, in relation to a financial corporation, has the meaning given by the regulations.

officer means a person performing duties, or exercising powers or functions, under or in relation to this Act and, in relation to a provision of Division 3 of Part 10, includes:

- (a) a person who has been such a person; and
- (b) a person who is or has been appointed or employed by the Commonwealth and who, as a result of that appointment or employment, may acquire or has acquired information concerning a person under this Act; and
- (c) a person who, although not appointed or employed by the Commonwealth, performs or did perform services for the Commonwealth and who, as a result of performing those services, may acquire or has acquired information concerning a person under this Act.

participating corporation has the meaning given by subsection 12D(2).

prescribed benefit, for the purposes of Part 4A, in relation to the ABSTUDY scheme, means a benefit under the scheme concerned that is declared by the regulations to be a prescribed benefit for the purposes of that Part.

prescribed educational scheme overpayment means an amount paid under a prescribed education scheme that should not have been paid.

Principal Member means the Principal Member of the Social Security Appeals Tribunal.

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principal sum, in relation to a financial supplement contract, at a particular time, means the total of the amounts of financial supplement paid under the contract before that time by the relevant participating corporation to the other party to the contract.

protected information means information about a person that:

- (a) has been obtained for the purposes of this Act (including the purposes of the administration of the ABSTUDY scheme); and
- (b) is held in the records of:
 - (i) the Department; or
 - (ii) a Department administered by a Minister responsible for the administration of the *Social Security Act 1991*; or
 - (iii) the Human Services Department.

repayable debt, for an income year, has the meaning given by section 12ZLB.

repayment income has the meaning given by section 12ZL.

secondary school means an educational institution in Australia that, in accordance with a determination by the Minister, is to be regarded as a secondary school for the purposes of this Act.

Secretary means the Secretary of the Department.

social security law has the same meaning as in the *Social Security Act 1991*.

special educational assistance scheme overpayment means an amount paid under a current special educational assistance scheme, or a former special educational assistance scheme, that should not have been paid.

student, in Part 4A, has a meaning affected by subsection 12B(2).

student assistance benefit means a payment under:

- (a) the AUSTUDY scheme under this Act as in force before 1 July 1998; or
- (b) the Student Financial Supplement Scheme (including the Scheme as in force before 1 July 1998); or

(c) a current or former special educational assistance scheme.

student assistance overpayment means:

- (a) an amount:
 - (i) paid under the AUSTUDY scheme under this Act as in force before 1 July 1998; and
 - (ii) that should not have been paid; or
- (b) a debt due by a person other than a financial corporation to the Commonwealth under paragraph 12QB(2)(d), 12QC(2)(d), 12S(2)(d) or 12U(2)(c) (including a debt accrued under either of those paragraphs as in force before 1 July 1998).

Student Financial Supplement Scheme means the scheme constituted by Part 4A for the payment of financial supplement to students.

Note: An application under the Student Financial Supplement Scheme cannot be made in respect of a year, or a part of a year, that begins on or after the day on which the *Student Assistance Legislation Amendment Act 2006* receives the Royal Assent (see subsection 12C(1A)).

subsidy means subsidy under an agreement referred to in section 12D.

taxable income has the meaning given by section 4-15 of the *Income Tax Assessment Act 1997*.

technical and further education institution means an educational institution in Australia that, in accordance with a determination by the Minister, is to be regarded as a technical and further education institution for the purposes of this Act.

termination date, in relation to a financial supplement contract, means the last day of the contract period.

year means a calendar year.

- (2) For the purposes of the definitions of **education institution**, **higher education institution**, **secondary school** and **technical and further education institution** in subsection (1), a reference to Australia

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includes a reference to the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands.

- (2A) A determination by the Minister for the purposes of the definition of *education institution*, *higher education institution*, *secondary school* or *technical and further education institution* is a legislative instrument.

5 Binding of the Crown

- (1) This Act binds the Crown in all its capacities.
- (2) Nothing in this Act permits the Crown to be prosecuted for an offence.

5A Extension of Act

This Act extends to the Territory of Christmas Island and to the Territory of Cocos (Keeling) Islands.

5B Secretary to have general administration

The Secretary is, subject to section 12ZEA and to any directions of the Minister, to have the general administration of this Act.

Note: Section 12ZEA provides that the Commissioner has the general administration of Division 6 of Part 4A, to the extent that the Division relates to the Commissioner.

5C Principles of administration

In administering this Act, the Secretary is to have regard to:

- (a) the desirability of achieving the following results:
 - (i) the ready availability to members of the public of advice and information services relating to benefits under this Act;
 - (ii) the ready availability of publications containing clear statements about entitlements under this Act and procedural requirements;
 - (iii) the delivery of services under this Act in a fair, courteous, prompt and cost-efficient manner;

- (iv) a process of monitoring and evaluating delivery of programs with an emphasis on the impact of programs on people who receive benefits under this Act;
- (v) the establishment of procedures to ensure that abuses of the schemes for benefits under this Act are minimised; and
- (b) the special needs of disadvantaged groups in the community; and
- (c) the need to be responsive to Aboriginality and to cultural and linguistic diversity; and
- (d) the importance of the systems of review of decisions under this Act; and
- (e) the need to apply government policy in accordance with the law and with due regard to relevant decisions of the Administrative Appeals Tribunal and the Social Security Appeals Tribunal.

Note: In administering this Act, the Secretary is also bound by the *Privacy Act 1988* and by the provisions of this Act concerning confidentiality—see Division 3 of Part 10.

5D Minister may determine secondary and tertiary courses etc.

- (1) The Minister may, for the purposes of this Act, determine in writing that:
 - (a) a course of study or instruction is a secondary course, or a tertiary course; or
 - (b) a part of a course of study or instruction is a part of a secondary course, or a part of a tertiary course.
- (2) For the purposes of this section, a determination that:
 - (a) was made under paragraph 7(1)(c) as in force before the day on which this section commences; and
 - (b) was in force immediately before that day;is taken to be a determination under subsection (1) of this section and may be amended or repealed accordingly.
- (3) A determination under subsection (1) is a legislative instrument.

5E Application of the *Criminal Code*

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part 4A—Financial supplement for tertiary students

Division 1—Preliminary

12A Object and explanation of this Part

- (1) The object of this Part is to enable a tertiary student who is, or except for the ABSTUDY parental income test would be, eligible for certain benefits under the ABSTUDY scheme to obtain a repayable financial supplement by choosing to enter into a contract for that purpose with a financial corporation that participates in the Student Financial Supplement Scheme.
- (2) The payment of financial supplement will reduce certain other benefits payable to the student under the ABSTUDY scheme. The amount of the supplement that the student is eligible to obtain depends on the total amount of those benefits that the student chooses to receive, and the student may choose to repay some of the benefits, or to receive lower benefits, in order to receive a higher supplement.
- (3) The student is not liable to pay interest to the financial corporation in respect of financial supplement obtained, but the Commonwealth will, without cost to the student, pay a subsidy to the financial corporation that includes an amount in lieu of interest.
- (4) However, the amount of the financial supplement that has to be repaid under a contract will be indexed on 1 June in the year next following the year in which the contract is entered into and on 1 June in each subsequent year. The amount by which supplement is increased by indexation is owed by the student to the Commonwealth and not to the financial corporation. The student is entitled, but not required, to make early repayments above a certain amount in respect of the supplement during the period of the contract. There is a discount, worked out under subsection 12ZA(7) or (7A), for repayments made before the end of that period.

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- (5) If financial supplement obtained by a student is not repaid in full before the end of the period of the contract, the obligation to repay the amount of the supplement that is still outstanding is assigned to the Commonwealth and the indexed amount is repayable by the student to the Commonwealth through the taxation system when the student's income reaches a certain level.

12B Interpretation

- (1) In this Part, unless the contrary intention appears, expressions that are defined in the *Income Tax Assessment Act 1936* have the same meanings as in that Act.
- (2) For the purposes of the application of this Part in relation to a person at a time after the person entered or first entered into a financial supplement contract with a participating corporation, the person is called a *student* even though the contract period or any contract period may have ended or the person may have ceased to be a student.

12C Which students are eligible for financial supplement

- (1) Subject to subsection (1A), a person is an eligible student for the purposes of this Part in relation to a year or a part of a year if:
- (a) the person is undertaking, or proposes to undertake, at an education institution in that year or that part of that year, a prescribed course of study or instruction; and
 - (b) either of the following subparagraphs applies:
 - (i) the person qualifies for a prescribed benefit under the ABSTUDY scheme in respect of that year or that part of that year;
 - (ii) the adjusted parental income in relation to the person in respect of that year or that part of that year is less than such amount as is prescribed by the regulations and, except for the parental income test applicable under the ABSTUDY scheme, the person would have qualified for a prescribed benefit under that scheme in respect of that year or that part of that year.

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- (1A) A person is not an eligible student in relation to a year, or a part of a year, that begins on or after the day on which the *Student Assistance Legislation Amendment Act 2006* receives the Royal Assent.
- (2) If:
- (a) a person is undertaking a course of study or instruction, or a part of a course of study or instruction, offered by an education institution; and
 - (b) for the purposes of that course or that part of that course, the person is required or allowed by that institution to attend, and attends, a place other than:
 - (i) that institution; or
 - (ii) a place in respect of which a determination under subsection (3) is in force;
- the person is, for the purposes of this section, taken to be undertaking that course or that part of that course wholly at that institution.
- (3) The Minister may, by legislative instrument, determine that subsection (2) does not apply in relation to a place, or a class of place, specified in the determination.
- (5) If a person is undertaking, or proposes to undertake, by correspondence with an education institution:
- (a) a course of study or instruction; or
 - (b) a part of a course of study or instruction;
- offered by that education institution, the person is, for the purposes of this section, taken to be undertaking that course, or that part of that course, wholly at that institution.

12D Agreements between Commonwealth and financial corporations

- (1) An eligible student may apply for financial supplement only to a financial corporation that has entered into an agreement with the Commonwealth to pay financial supplement in accordance with this Act.
-

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- (2) Subject to this section, if the Minister has, whether before or after the commencement of this Part, entered into, on behalf of the Commonwealth, an agreement with a financial corporation for the payment by the corporation, in the year beginning on 1 January 1993 or a subsequent year, of financial supplement to eligible students, the corporation is a participating corporation for the purposes of this Part in respect of that year.
- (3) Subsection (2) does not apply in relation to an agreement unless the agreement:
 - (a) is expressed to have effect subject to this Act; and
 - (b) provides for the payment by the Commonwealth to the financial corporation, in respect of each amount of financial supplement paid by the corporation to a student that has not been repaid, or in respect of which the rights of the corporation have been assigned to the Commonwealth, of a subsidy of such amount or amounts, or at such rate or rates, and in respect of such period or periods, as are stated in the agreement.
- (4) Subject to subsection (5), the parties to an agreement referred to in subsection (2) (or such an agreement as previously amended) may enter into an agreement amending or terminating the first-mentioned agreement (or that agreement as previously amended).
- (5) The amendment or termination of an agreement does not affect any financial supplement contract that was in force immediately before the amendment or termination took effect.
- (6) An agreement entered into between the Commonwealth and a financial corporation as mentioned in this section is not subject to any stamp duty or other tax under a law of a State or Territory.
- (7) An officer may disclose to a participating corporation any information about a student that is relevant to the exercise or performance by the corporation of any of its rights or obligations in respect of the student under this Part.

- (8) A participating corporation may disclose to an officer any information about a student that is relevant to the exercise or performance of any rights, powers or obligations conferred or imposed on an officer or on the Commonwealth in respect of the student under this Part.

Division 2—Applications for financial supplement

12E Explanation of Division

This Division sets out how an eligible student can, if he or she so chooses, obtain financial supplement, the amount of the financial supplement that can be obtained and the effect of payment of the financial supplement on the student's entitlement to certain other benefits under the ABSTUDY scheme.

12F Secretary to give student notice of entitlement

- (1) The Secretary must:
 - (a) decide whether a person (*the student*) who applies for benefits under the AUSTUDY scheme or the ABSTUDY scheme in respect of a year or a part of a year is an eligible student in respect of that year or that part of that year; and
 - (b) give to the student written notice of the decision stating whether the student is an eligible student in respect of that year or that part of that year and, if so, stating:
 - (i) the minimum and maximum amounts, as determined under the regulations, of the financial supplement that the student is eligible to obtain; and
 - (ii) such other information as is required by the regulations to be included in such a notice.
- (1A) Subsection (1) does not apply in relation to a year, or a part of a year, that begins on or after the day on which the *Student Assistance Legislation Amendment Act 2006* receives the Royal Assent.
- (2) If the notice under subsection (1) states that the student is an eligible student, the Secretary must give to the student a form of application for the financial supplement approved by the Secretary.
- (3) At any time, whether before or after the student has lodged an application for the financial supplement with a participating corporation under section 12G, the Secretary may review the

decision and must, if the decision is revoked or varied, give to the student:

- (a) a notice under paragraph (1)(b) stating that the decision has been revoked or varied and, if the decision has been varied, setting out particulars of the variation; and
 - (b) if the decision has been varied before the student lodged an application for the financial supplement—a fresh form of application.
- (4) If a notice is given to the student as mentioned in subsection (3), any notice previously given to the student under paragraph (1)(b) before the decision was reviewed is taken to be revoked and the student is not entitled to use any previous notice in connection with an application for financial supplement under section 12G.

12G When must a person apply for financial supplement?

- (1) A person who receives a notice under section 12F stating that the person is an eligible student in respect of a year or part of a year, is entitled to apply for the whole or part of the financial supplement he or she is eligible to obtain in respect of the year or part of the year. To obtain financial supplement, the person must apply in accordance with this section.
- (2) The person may obtain the financial supplement if the person applies for it while the person is an eligible student in respect of the year or part of the year, as the case requires.
- (3) The person may also obtain the financial supplement if:
 - (a) the person was an eligible student during the year or part of the year, as the case requires; and
 - (b) the person applies for financial supplement before the end of the calendar year in respect of which, or a part of which, the person was eligible for financial supplement; and
 - (c) in the opinion of the Secretary, the person:
 - (i) had taken all reasonable steps to apply for the financial supplement while still an eligible student in respect of the year or part of the year and had been prevented from applying during the year or part of the year (as the case

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- requires) only because of circumstances beyond his or her control; and
- (ii) had taken steps to apply for financial supplement in respect of the year or part of the year as soon as practicable after ceasing to be an eligible student.
- (4) An application for financial supplement must be made by lodging the form of application, duly completed, together with the notice issued under section 12F, at any office of a participating corporation.
- (5) The Secretary must notify an applicant under subsection (3) and the corporation of a decision made under that subsection in respect of the applicant.

12GA Student may give notice to participating corporation to increase or decrease financial supplement

At any time after a person applies to a participating corporation for an amount of financial supplement, the person may by written notice to the corporation lodged at any office of the corporation tell the corporation that the person requires:

- (a) a specified lesser amount of financial supplement (not being an amount that is less than the total financial supplement already paid to the person); or
- (b) a specified greater amount of financial supplement (not being an amount that is greater than the maximum amount of financial supplement that the person is eligible to obtain).

12H Effect of financial supplement on certain other benefits

- (1) The payment of financial supplement to a person will, as mentioned in subsection 12A(2), reduce the person's entitlement to certain other benefits under the ABSTUDY scheme in accordance with subsection (2).
- (2) If:
- (a) apart from this section a person would be entitled to a prescribed benefit under the ABSTUDY scheme in respect of a year or a part of a year; and

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- (b) an application by the person to a participating corporation for financial supplement in respect of that year or that part of that year is accepted by the corporation in accordance with section 12K;
- the benefit referred to in paragraph (a) is reduced by an amount equal to one-half of the amount of the financial supplement paid to the person.
- (3) If, apart from this subsection, the amount by which a benefit would be reduced by subsection (2) is an amount of dollars and cents and the cents include a half of one cent, the amount is increased by a half of one cent.

Division 3—Payment of financial supplement

12J Explanation of Division

This Division sets out the legal relationship between a person who applies for financial supplement and the financial corporation that pays the financial supplement. An application for financial supplement relates only to a year or a part of a year and a separate contract between the person and the corporation therefore arises in respect of each year or part of a year for which an application for financial supplement is made.

12K Contract between applicant for financial supplement and participating corporation

- (1) If a person (*the student*) who is entitled to do so applies to a participating corporation in accordance with section 12G for the payment of financial supplement in respect of a year or a part of a year, the corporation must, as soon as practicable, accept the application by written notice to the student.
- (2) The acceptance of the application forms a binding contract in respect of that year or that part of that year between the corporation and the student for the making of a loan by the corporation to the student in accordance with this Division of such amount of financial supplement as the student from time to time requests but not exceeding the maximum amount of financial supplement that the student is from time to time eligible to obtain and for the making, if the student so wishes, of repayments during the contract period in accordance with Division 5 in respect of the amount outstanding from time to time under the contract.
- (3) Despite subsection (2), any amount paid to the student by the corporation in accordance with advice provided by the Commonwealth is taken to be financial supplement paid under the contract even though the student may not have been eligible to obtain that amount.
- (4) Subsection (3) does not affect the operation of Division 4.

- (5) In determining the extent (if any) to which it is liable to make a payment in respect of financial supplement to a student under a financial supplement contract, a participating corporation is entitled to rely on advice provided by the Commonwealth.
- (6) Subject to this Part, the validity of a financial supplement contract is not affected merely because the student was not an eligible student when the application was accepted or ceases at a later time to be an eligible student.
- (7) A financial supplement contract is not invalid, and is not voidable, under any other law (whether written or unwritten) in force in a State or Territory.
- (8) Without limiting the generality of subsection (7), a financial supplement contract is not invalid merely because the student is an undischarged bankrupt when the contract is entered into, and any liability of the student to a participating corporation or the Commonwealth under or because of the contract is enforceable despite the bankruptcy.

12KA Cooling off period for financial supplement contract

- (1) An eligible student under a financial supplement contract has a right to cancel the contract. However, the student may waive the right to cancel the contract (see section 12KB). If the student waives the right to cancel the contract, subsections (2) to (6) do not operate in respect of that contract.
- (2) To exercise the right to cancel the contract, the student must give to the participating corporation written notice that the student is withdrawing his or her application for financial supplement. The notice may be lodged at any office of the corporation.
- (3) The student's right is exercisable at any time within the period of 14 days (the *cooling off period*) after the day the corporation accepts the student's application under subsection 12K(1).

Note: When the corporation accepts the student's application a binding contract is formed—see subsection 12K(2).

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- (4) During the cooling off period the corporation must not make a payment to the student under the contract.
- (5) If:
 - (a) the corporation makes a payment to the student under the contract before the end of the cooling off period; or
 - (b) the corporation makes a payment to the student after the end of the cooling off period and the student has exercised the right to cancel the contract within the cooling off period;the payment is taken not to be a payment of financial supplement if an amount equal to the payment is repaid by the student to the corporation within 7 days after the day of the payment.

12KB Person may waive right to cancel contract

- (1) An eligible student under a financial supplement contract may waive the right to cancel the contract.
- (2) To exercise the right of waiver, the student must give to the participating corporation written notice that he or she is waiving the right to cancel the contract immediately after his or her application is accepted by the corporation under subsection 12K(1).

12L Financial supplement contract exempt from certain laws and taxes

- (1) A law of a State or Territory relating to the provision of credit or other financial assistance does not apply to a financial supplement contract.
- (2) An application for the payment of financial supplement, a financial supplement contract, or an act or thing done or transaction entered into under such a contract, is not subject to taxation under any law of a State or Territory.

Division 4—Payments under financial supplement contract to stop in certain circumstances

12P Explanation of Division

This Division provides for payments in respect of financial supplement to stop if the person in receipt of the financial supplement:

- (a) so requests; or
- (b) is found to be eligible for a reduced maximum amount of financial supplement and has already been paid that amount; or
- (c) ceases to be, or is found never to have been, eligible for financial supplement; or
- (d) dies.

12Q Payments to stop at request of student

- (1) A student who is a party to a financial supplement contract with a participating corporation may, by written notice to the corporation lodged at any office of the corporation, tell the corporation that he or she does not require any further payments under the contract after a day stated in the notice.
- (2) If notice is so given to the corporation:
 - (a) as from the end of the day stated in the notice, the corporation is discharged from liability to make further payments to the student under the contract; but
 - (b) if, despite paragraph (a), the corporation makes any payments to the student after that day, any amounts so paid after that day or the end of 4 weeks after the notice was given to the corporation, whichever is the later:
 - (i) are taken not to be payments of financial supplement made under the contract; and
 - (ii) are repayable by the student to the corporation; and
 - (iii) may be recovered by the corporation as a debt due to it by the student.

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Division 4 Payments under financial supplement contract to stop in certain circumstances

Section 12QA

12QA Payments to eligible student to stop if the maximum amount of financial supplement is reduced to less than the amount already paid

- (1) If:
- (a) the Secretary reviews the decision (the *original decision*) made in respect of the student under section 12F; and
 - (b) the student remains an eligible student in respect of the year or part of the year to which the student's financial supplement contract relates; and
 - (c) as a result of the review the Secretary varies the original decision so that the maximum amount (the *original amount*) of financial supplement that the student is eligible to obtain under the financial supplement contract is reduced (the *revised amount*); and
 - (d) the revised amount is less than the amount of financial supplement that the student has already been paid under the financial supplement contract;
- the Secretary must give written notice to the student and to a participating corporation that must include the following:
- (e) the revised amount that the student is eligible to obtain;
 - (f) the amount of financial supplement paid in excess of the revised amount;
 - (g) a statement that the corporation must cease paying financial supplement to the student.
- (2) If notice is given to the corporation under subsection (1), then, unless the decision of the Secretary under subsection (1) is set aside or varied:
- (a) as from the time the notice is given to the corporation, the corporation is discharged from liability to make further payments to the student under the contract; and
 - (b) if, despite paragraph (a), the corporation makes payments to the student after that time, any amounts so paid after the end of 4 weeks after the notice is given to the corporation:
 - (i) are taken not to be payments of financial supplement; and
 - (ii) are repayable by the student to the corporation; and
-

(iii) may be recoverable by the corporation as a debt due to it by the student.

(3) This section has effect subject to section 12ZX.

12QB What happens if financial supplement was paid to eligible student after student failed to notify change of circumstances

- (1) If the Secretary decides that an eligible student to whom a notice is given under section 12QA failed to notify the Department under subsection 48(1) of the happening of a prescribed event in relation to the student within 14 days of the happening of the event, the Secretary may give written notice of the decision to the student and to the participating corporation.
- (2) If notice is given under subsection (1), then, unless the decision of the Secretary under subsection (1) is set aside or varied:
- (a) the corporation's rights in respect of the student under the contract that relate to financial supplement paid by the corporation to the student after the end of the period beginning at the end of the period of 14 days referred to in subsection (1) and ending at the end of the period of 4 weeks referred to in paragraph 12QA(2)(b) (the *wrongly paid financial supplement*) are assigned to the Commonwealth, by force of this paragraph, at the time when the notice was given to the corporation; and
 - (b) any actual repayments of financial supplement made by the student before the notice was given to the student under subsection (1) are taken to have been made:
 - (i) first, in or towards repayment of the wrongly paid financial supplement; and
 - (ii) secondly, to the extent (if any) to which the sum of those repayments exceeded the amount of the wrongly paid financial supplement, in or towards repayment of the remainder of the financial supplement paid to the student under the contract; and

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- (c) the Commonwealth is liable to pay to the corporation in respect of the rights referred to in paragraph (a), the amount of any wrongly paid financial supplement that has not been repaid; and
 - (d) the student is liable to pay to the Commonwealth an amount equal to the sum of:
 - (i) the amount that the Commonwealth is liable to pay to the corporation under paragraph (c); and
 - (ii) the part of the total subsidy paid by the Commonwealth to the corporation in respect of the financial supplement paid to the student under the contract that was paid in lieu of interest on the principal sum in respect of the period beginning at the end of the period of 14 days referred to in subsection (1) and ending at the end of the period of 4 weeks referred to in paragraph 12QA(2)(b).
- (3) Nothing in this section affects the operation of section 12QA.

12QC What happens if financial supplement was paid to eligible student because of the provision of false or misleading information

- (1) If the Secretary decides that false or misleading information was provided to the Commonwealth in relation to an eligible student to whom a notice is given under section 12QA, the Secretary may give written notice of the decision to the student and to the participating corporation.
- (2) If notice is given under subsection (1), then, unless the decision of the Secretary under subsection (1) is set aside or varied:
 - (a) the corporation's rights in respect of the student under the contract that relate to financial supplement paid by the corporation to the student during the period beginning at the end of the date on which the student was paid an amount equal to the revised amount referred to in paragraph 12QA(1)(e) and ending at the end of the period of 4 weeks referred to in paragraph 12QA(2)(b) (the *wrongly paid financial supplement*) are assigned to the

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Commonwealth, by force of this paragraph, at the time when the notice was given to the corporation; and

- (b) any actual repayments of financial supplement made by the student before the notice was given to the student under subsection (1) are taken to have been made:
 - (i) first, in or towards repayment of the wrongly paid financial supplement; and
 - (ii) secondly, to the extent (if any) to which the sum of those repayments exceeded the amount of the wrongly paid financial supplement, in or towards repayment of the remainder of the financial supplement paid to the student under the contract; and
 - (c) the Commonwealth is liable to pay to the corporation in respect of the rights referred to in paragraph (a), the amount of any wrongly paid financial supplement that has not been repaid; and
 - (d) the student is liable to pay to the Commonwealth an amount equal to the sum of:
 - (i) the amount that the Commonwealth is liable to pay to the corporation under paragraph (c); and
 - (ii) the part of the total subsidy paid by the Commonwealth to the corporation in respect of the financial supplement paid to the student under the contract that was paid in lieu of interest on the principal sum in respect of the period beginning at the end of the date on which the student was paid an amount equal to the revised amount referred to in paragraph 12QA(1)(e) and ending at the end of the period of 4 weeks referred to in paragraph 12QA(2)(b).
- (3) Nothing in this section affects the operation of section 12QA.

12R Payments to stop if student ceases to be eligible for financial supplement

- (1) If the Secretary decides that a student who is a party to a financial supplement contract with a participating corporation ceased to be an eligible student during the year or the part of the year to which

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the contract relates, the Secretary must give written notice to the student and to the corporation stating that the student ceased to be an eligible student and stating the date on which the student so ceased.

- (2) If notice is so given to the corporation, then, unless the decision of the Secretary under subsection (1) is set aside or varied:
 - (a) as from the time when the notice was given to the corporation, the corporation is discharged from liability to make further payments to the student under the contract; but
 - (b) if, despite paragraph (a), the corporation makes any payments to the student after that time, any amounts so paid after the end of 4 weeks after the notice was given to the corporation:
 - (i) are taken not to be payments of financial supplement made under the contract; and
 - (ii) are repayable by the student to the corporation; and
 - (iii) may be recovered by the corporation as a debt due to it by the student.
- (3) This section has effect subject to section 12ZX.

12S What happens if student fails to notify change in circumstances

- (1) If the Secretary decides that the student to whom a notice is given under subsection 12R(1) failed to notify the Department under subsection 48(1) that he or she had ceased to be an eligible student within 14 days after he or she so ceased, the Secretary may give written notice of the decision to the student and to the corporation.
- (2) If notice is so given, then, unless the decision of the Secretary under subsection (1) is set aside or varied:
 - (a) the corporation's rights in respect of the student under the contract that relate to financial supplement paid by the corporation to the student after the end of the date stated in the notice given by the Secretary to the student under subsection 12R(1) and before the end of the period of 4 weeks referred to in paragraph 12R(2)(b) (***wrongly paid financial supplement***) are assigned to the Commonwealth,

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by force of this paragraph, at the time when the notice was given to the corporation; and

- (b) any actual repayments of financial supplement made by the student before the notice was given to the student are taken to have been made:
 - (i) first, in or towards repayment of the wrongly paid financial supplement; and
 - (ii) secondly, to the extent (if any) to which the sum of those repayments exceeded the amount of the wrongly paid financial supplement, in or towards repayment of the remainder of the financial supplement paid to the student under the contract; and
- (c) the Commonwealth is liable to pay to the corporation in respect of the rights referred to in paragraph (a), the amount of any wrongly paid financial supplement that has not been repaid; and
- (d) the student is liable to pay to the Commonwealth an amount equal to the sum of:
 - (i) the amount that the Commonwealth is liable to pay to the corporation under paragraph (c); and
 - (ii) the part of the total subsidy paid by the Commonwealth to the corporation in respect of the financial supplement paid to the student under the contract that was paid in lieu of interest on the principal sum in respect of the period beginning at the end of the period of 14 days referred to in subsection (1) and ending at the end of the period of 4 weeks referred to in paragraph 12R(2)(b).

(3) Nothing in this section affects the operation of section 12R.

12T Payments to stop if student is found never to have been eligible for financial supplement

- (1) If:
 - (a) a student is a party to a financial supplement contract with a participating corporation; and

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- (b) the Secretary decides that the statement contained in the notice given to a student under paragraph 12F(1)(b) that the student was an eligible student in respect of the year or the part of the year to which the contract relates was incorrect; the Secretary must give written notice to the student and to the corporation stating that the student had never been eligible for financial supplement in respect of that year or that part of that year.
- (2) If notice is so given, then, unless the decision of the Secretary under subsection (1) is set aside or varied:
- (a) as from the time when the notice was given to the corporation, the corporation is discharged from liability to make further payments to the student under the contract; but
- (b) if, despite paragraph (a), the corporation makes any payments to the student after that time, any amounts so paid after the end of 4 weeks after the notice was given to the corporation:
- (i) are taken not to be payments of financial supplement made under the contract; and
- (ii) are repayable by the student to the corporation; and
- (iii) may be recovered by the corporation as a debt due to it by the student.
- (3) This section has effect subject to section 12ZX.

12U What happens if financial supplement was paid because of provision of false or misleading information

- (1) If the Secretary decides that the incorrectness of the statement referred to in paragraph 12T(1)(b) resulted from false or misleading information provided to the Commonwealth in relation to the student, the Secretary may give written notice of the decision to the student and to the corporation.
- (2) If notice is so given, then, unless the decision of the Secretary under subsection (1) is set aside or varied:
- (a) the corporation's rights in respect of the student under the contract that relate to financial supplement paid by the corporation to the student at any time after the beginning of the contract period and before the end of the period of 4

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weeks referred to in paragraph 12T(2)(b) are assigned to the Commonwealth, by force of this paragraph, at the time when the notice was given to the corporation; and

- (b) the Commonwealth is liable to pay to the corporation in respect of those rights the amount worked out in relation to the contract, as at the end of that period of 4 weeks, using the formula:

principal sum – (actual repayments + notional repayments);

and

- (c) no amount is taken to be outstanding under the contract after the notice is given but the student is liable to pay to the Commonwealth the amount worked out in relation to the contract, as at the end of that period of 4 weeks, using the formula:

principal sum – actual repayments + interest subsidy.

- (3) In the formula in paragraph (2)(c):

interest subsidy means the part of the total subsidy paid by the Commonwealth to the corporation in respect of the financial supplement paid to the student under the contract that was paid in lieu of interest on the principal sum.

- (4) Nothing in this section affects the operation of section 12T.

12V Death of student

- (1) If a student who is a party to a financial supplement contract with a participating corporation dies during the contract period, the Secretary may give written notice to that effect to the corporation.
- (2) If a notice is given under subsection (1), the following provisions apply:
- (a) as from the time the notice is given, the corporation is discharged from liability to make further payments to the student under the contract;

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- (b) the corporation's rights in respect of the student under the contract are assigned to the Commonwealth, by force of this paragraph, at the time when the corporation ceased to make payments under the contract or at the end of 4 weeks after the time the notice was given, whichever is the earlier;
 - (c) the Commonwealth is liable to pay to the corporation in respect of those rights the amount worked out in relation to the contract as at the time when the corporation ceased to make payments under the contract or at the end of 4 weeks after the time the notice was given, whichever is the earlier, using the formula:
$$\text{Principal sum} - \left(\text{Actual repayments} + \text{Notional repayments} \right)$$
 - (d) the indebtedness of the student to the Commonwealth under the contract as a result of the assignment is discharged by force of this paragraph.
- (3) If, despite paragraph (2)(a), the corporation makes payments to the student after the time the notice is given, any amounts so paid after the end of 4 weeks after that day:
- (a) are taken not to be payments of financial supplement made under the contract; and
 - (b) are repayable from the student's estate to the corporation; and
 - (c) may be recovered by the corporation as a debt due to it from the student's estate.

Note: Sections 28A and 29 of the *Acts Interpretation Act 1901* (which deal with service of documents) apply to a notice given under this section.

Division 5—Repayments of financial supplement during contract period

12W Explanation of Division

This Division sets out how a student who is a party to a financial supplement contract (*the contract*) with a participating corporation may make repayments of financial supplement before the end of 4 years beginning on 1 June in the year next following the year in which the contract was entered into. Section 12X explains how the amount outstanding at any time under the contract (including the amount attributable to indexation, which is identified by section 12Y) is calculated. Section 12ZA explains how the discount for early repayment is calculated and applied.

12X Calculation of amount outstanding under financial supplement contract

- (1) Subject to this section, *the amount outstanding* under the contract at any time after the contract was entered into and before 1 June in the year next following the year in respect of which the contract was entered into is the amount worked out in relation to the contract, as at that time, using the formula:

$$\text{principal sum} \text{ minus } \left(\text{actual repayments plus discounts} \right)$$

- (2) In subsection (1):

discounts means the sum of the discounts under subsection 12ZA(7) to which the student became entitled in respect of the financial supplement before the time mentioned in subsection (1).

- (3) Subject to the following provisions of this section, at any time during:
- (a) the period of 12 months beginning on 1 June in the year next following the year in respect of which a financial supplement contract was entered into; or

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(b) any of the following 3 periods of 12 months;

the amount outstanding under the contract is taken to be the amount worked out in relation to the period concerned using the formula:

$$\left(\begin{array}{c} \text{previous} \\ \text{amount} \\ \text{outstanding} \end{array} \times \begin{array}{c} \text{indexation} \\ \text{factor} \end{array} \right) \text{ minus } \left(\begin{array}{c} \text{actual} \\ \text{repayments} + \text{discounts} \end{array} \right)$$

- (4) For the purposes of the application of the formula in subsection (3) in relation to a time (*the relevant time*) within a period of 12 months beginning on 1 June (*the relevant 12 months*):

previous amount outstanding means the amount that was outstanding under the contract immediately before the beginning of the relevant 12 months.

actual repayments means the sum of the amounts actually repaid in respect of the financial supplement during the relevant 12 months but before the relevant time.

discounts means the sum of the discounts under subsection 12ZA(7) to which the student became entitled in respect of the financial supplement during the relevant 12 months but before the relevant time.

indexation factor means the number worked out to 3 decimal places in relation to the relevant 12 months using the formula:

the sum of the index number for the March quarter in the later reference period and the index numbers for the 3 immediately preceding quarters

divided by

the sum of the index number for the March quarter in the earlier reference period and the index numbers for the 3 immediately preceding quarters.

later reference period means the period of 12 months immediately before the relevant 12 months.

earlier reference period means the period of 12 months immediately before the later reference period.

- (5) If an indexation factor worked out under subsection (4) would end with a number greater than 4 if it were worked out to 4 decimal places, the indexation factor is increased by 0.001.
- (5A) The Minister must cause to be published in the *Gazette* before each 1 June the indexation factor worked out under subsection (4) (as affected by subsection (5)) in relation to the period of 12 months beginning on that day.
- (5B) An indexation factor published under subsection 12ZZB(3) before the commencement of this subsection has effect as if it were an indexation factor published under subsection (5A).
- (6) If, apart from this subsection, an amount worked out under subsection (3) would be an amount of dollars and cents, the amount of the cents is to be disregarded.
- (7) This section has effect subject to paragraph 12U(2)(c).

12Y Indexation amount

An indexation amount exists in relation to the contract at a particular time (*the relevant time*) if:

- (a) subsection 12X(3) applied for the purpose of working out the amount outstanding under the contract at the relevant time; and
- (b) the amount outstanding under the contract at the relevant time exceeds the amount worked out using the formula:
$$\text{principal sum} - (\text{actual repayments} + \text{notional repayments});$$

and the amount of the excess constitutes the indexation amount in relation to the contract at the relevant time.

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12Z Notice to student of amount outstanding in respect of financial supplement

If an amount is outstanding under the contract on 1 June in the year next following the year in respect of which the contract was entered into or on 1 June in any of the next 3 years, the Secretary must arrange for written notice to be given to the student stating the amount outstanding at that date.

12ZA Rights of student during contract period to make repayments in respect of financial supplement

- (1) Subject to paragraphs 12QB(2)(d), 12QC(2)(d), 12S(2)(d) and 12U(2)(c), the student is not required during the contract period to make a repayment in respect of the amount outstanding under the contract.
- (2) Non-payment by the student of the amount outstanding under the contract does not constitute a default under the contract for the purposes of any law of the Commonwealth, of a State or of a Territory.
- (3) Subject to subsection (4), the student may make to the corporation a repayment in respect of the amount outstanding under the contract at any time during the contract period.
- (4) The student is not entitled to make a repayment under subsection (3) that is less than an amount prescribed by the regulations unless the amount repaid is equal to the amount outstanding under the contract.
- (5) If the student purports to make a repayment under subsection (3) that exceeds the amount that, having regard to the discount to which the student would be entitled under subsection (7) or (7A) (as the case may be), would be needed to be paid in order to pay in full the amount outstanding under the contract, the excess is taken not to be a repayment in respect of the financial supplement and is to be repaid by the corporation to the student.

- (6) If the student makes a repayment as mentioned in subsection (3), the following provisions of this section have effect in relation to the amount of that repayment (***the amount repaid***) except:
- (a) to the extent (if any) to which that repayment is taken to have been made in or towards repayment of any wrongly paid financial supplement referred to in subsection 12QB(2), 12QC(2) or 12S(2); or
 - (b) in respect of a repayment made after the giving of a notice under section 12QB, 12QC or 12U.

- (7) If the student makes a repayment in respect of the amount outstanding under the contract that is less than the amount outstanding under the contract, the student is entitled for the purposes of this Part, in respect of the amount outstanding under the contract, to a discount of an amount worked out using the formula:

$$\left[\text{the amount repaid} \times \frac{100}{85} \right] - \text{the amount repaid}$$

- (7A) If the student makes a repayment in respect of the amount outstanding under the contract that equals that amount, the student is entitled, for the purposes of this Act, to a discount of an amount worked out using the formula:

$$\left(\text{Amount repaid} \times \frac{115}{100} \right) - \text{Amount repaid}$$

- (8) If, apart from this subsection, an amount worked out under subsection (7) or (7A) would be an amount of dollars and cents, the amount is to be rounded to the nearest dollar (rounding 50 cents upwards).
- (9) If no indexation amount existed in relation to the contract immediately before the repayment is made, the student is taken to have repaid to the corporation in respect of the financial supplement an amount (***the amount notionally repaid***) equal to the discount.

Section 12ZB

- (10) If an indexation amount existed in relation to the contract immediately before the repayment is made:
- (a) if the discount is equal to or less than the indexation amount—the amount outstanding under the contract is taken to be reduced by the amount of the discount; or
 - (b) if the discount exceeds the indexation amount:
 - (i) the amount outstanding under the contract is taken to be reduced by the indexation amount; and
 - (ii) the student is taken to have repaid to the corporation in respect of the financial supplement an amount (*the amount notionally repaid*) equal to the excess.
- (11) The Commonwealth is liable to pay to the corporation an amount equal to the amount notionally repaid.
- (12) If, after the making of the repayment mentioned in subsection (6), the sum of the actual repayments and the notional repayments is equal to or exceeds the principal sum:
- (a) the corporation's rights in respect of the student under the contract are assigned to the Commonwealth by force of this paragraph; and
 - (b) if the sum of the actual repayments and the notional repayments exceeds the principal sum—the corporation is liable to pay the excess to the Commonwealth.

12ZB What happens at end of contract period

At the end of the contract period:

- (a) if the corporation's rights in respect of the student under the contract have not previously been assigned to the Commonwealth, those rights are assigned to the Commonwealth by force of this paragraph; and
- (b) if the principal sum exceeds the sum of the actual repayments and the notional repayments, the Commonwealth is liable to pay the excess to the corporation.

12ZC Notice to student

- (1) The Secretary must, as soon as practicable after the termination date in relation to the contract, arrange for written notice to be given to the student:
 - (a) stating that at the end of the contract period the student ceased to be indebted to the participating corporation under the contract and will not receive any discount for repayments made after that time; and
 - (b) stating that on a date specified in the notice, being 1 June immediately following the termination date, the student incurred an FS debt or FS debts to the Commonwealth and setting out the amount of that debt or the amounts of those debts; and
 - (c) stating that the student is entitled at any time to make a repayment in respect of that debt or those debts and that so much of that debt or those debts as is not voluntarily repaid by the student will be recovered under the taxation system in accordance with this Part.
- (2) If, after a notice was given to the student under subsection (1) or this subsection, the Secretary or an officer of the Department is satisfied that a material particular in the notice was not, or has ceased to be, correct, the Secretary must arrange for a further written notice to be given to the student setting out the correct particular.
- (3) A notice given to the student under this section is given for the purpose only of providing information to the student, and an FS debt of the student to the Commonwealth is not affected by a failure to give such a notice or by any incorrect statement in such a notice.

12ZD Requests for correction of notices

- (1) If the student considers that the notice given to the student under section 12ZC was not, or has ceased to be, correct in a material particular, the student may, within 14 days after the date on which the notice was given, or within such further period as the Secretary or an officer of the Department allows, give to the Secretary a

Part 4A Financial supplement for tertiary students

Division 5 Repayments of financial supplement during contract period

Section 12ZD

written request for the notice to be corrected in respect of that particular.

- (2) A request must set out the particular that is considered to be incorrect and the grounds on which the student considers that particular to be incorrect.
- (3) The making of a request does not affect an FS debt of the student to the Commonwealth.
- (4) If a request is received by the Secretary, the Secretary must arrange, as soon as practicable, for the matter to which the request relates to be considered and for written notice to be given to the student of the decision on the request and, if it is decided as a result of that consideration that a material particular in the notice under section 12ZC was not, or has ceased to be, correct, for a further notice to be given to the student under subsection 12ZC(2).

Division 6—Indebtedness existing after termination date

Subdivision A—Introductory

12ZE Explanation of Division

This Division provides for the recovery through the taxation system of a student's outstanding indebtedness in respect of financial supplement paid to the student and not repaid before the end of 4 years beginning on 1 June in the year next following the year in which the relevant financial supplement contract was entered into. The Division uses certain technical expressions to define:

- (a) a student's indebtedness in respect of a contract under which the student received financial supplement for a year or a part of a year, which is called an FS debt; and
- (b) a student's total indebtedness under such contracts, which is called accumulated FS debt; and
- (c) the amount that a student is assessed by the Commissioner of Taxation to be liable to pay in a particular year of income in respect of that total indebtedness, which is called an FS assessment debt.

12ZEA Extent of Commissioner's general administration of this Division

The Commissioner has the general administration of this Division, to the extent that it relates to the Commissioner.

Note: One effect of this is that this Division is to that extent a taxation law for the purposes of the *Taxation Administration Act 1953*.

12ZF FS debt and accumulated FS debt

- (1) If, at the end of the contract period in relation to a financial supplement contract between a participating corporation and another person, there was an amount outstanding under the contract, the person incurs on 1 June immediately following the

Section 12ZF

end of that period a debt (*FS debt*) to the Commonwealth worked out using the formula:

amount outstanding \times indexation factor

where:

amount outstanding means the amount outstanding under the contract at the end of the contract period.

indexation factor means the factor calculated under subsection (6).

- (2) If an FS debt or FS debts of a person that existed on 1 June in a year (*the relevant date*) are not, or do not include, an FS debt that existed on 1 June in the immediately preceding year, the person incurs on the relevant date an *accumulated FS debt* to the Commonwealth equal to that FS debt or the total of those FS debts.
- (3) If an FS debt or FS debts of a person that existed on 1 June in a year (*the later date*) are, or include, an FS debt or FS debts that existed on 1 June in the immediately preceding year (*the earlier date*), the person incurs on the later date an *accumulated FS debt* to the Commonwealth worked out using the formula:

$\left(\text{adjusted accumulated FS debt} \times \text{indexation factor} \right) + \text{later FS debts}$

where:

adjusted accumulated FS debt means the adjusted accumulated FS debt at the earlier date.

indexation factor means the factor calculated under subsection (6).

later FS debts means any FS debt, or the total of any FS debts, of the person that did not exist on the earlier date.

- (4) The reference in subsection (3) to the adjusted accumulated FS debt of a person at the earlier date is a reference to the amount worked out using the formula:

$$\begin{array}{c} \text{accumulated FS debt} \\ \text{minus} \\ \left[\text{FSA debts} + \text{repayments} + \frac{\text{increases in}}{\text{FSA debts}} - \frac{\text{reductions in}}{\text{FSA debts}} \right] \end{array}$$

where:

accumulated FS debt means the accumulated FS debt of the person at the earlier date.

FSA debts means the sum of:

- (a) any FS assessment debt or FS assessment debts of the person assessed on or after the earlier date and before the later date excluding any such FS assessment debt assessed as a result of a return furnished before the earlier date; and
- (b) any FS assessment debt or FS assessment debts of the person assessed on or after the later date as a result of a return furnished before the later date.

repayments means any amount, or the sum of any amounts, paid, except in discharge of an FS assessment debt, on or after the earlier date and before the later date in reduction of the accumulated FS debt of the person at the earlier date.

increases in FSA debts means any amount, or the sum of any amounts, by which any FS assessment debt of the person is increased by an amendment of the relevant assessment (whether as a result of an increase in the person's taxable income or otherwise), being an amendment made on or after the earlier date and before the later date.

reductions in FSA debts means any amount, or the sum of any amounts, by which any FS assessment debt of the person is reduced by an amendment of the relevant assessment (whether as a result of a reduction in the person's taxable income or otherwise), being an amendment made on or after the earlier date and before the later date.

- (5) For the purposes of subsection (4), an assessment or an amendment of an assessment is taken to have been made on the date specified in the notice of assessment or notice of amended assessment, as the case may be, as the date of that notice.

Section 12ZG

- (6) The factor to be calculated for the purposes of the definition of ***indexation factor*** in subsection (1) or (3) in determining an FS debt or the accumulated FS debt of a person at 1 June in a year (***the relevant year***) is the number worked out to 3 decimal places using the formula:

the sum of the index number for the March quarter in the relevant year and the index numbers for the 3 immediately preceding quarters

divided by

the sum of the index number for the March quarter in the year immediately before the relevant year and the index numbers for the 3 immediately preceding quarters.

- (7) If an indexation factor calculated in accordance with subsection (6) would end with a number greater than 4 if it were worked out to 4 decimal places, the indexation factor is increased by 0.001.
- (7A) The Commissioner must cause to be published in the *Gazette* before each 1 June the indexation factor worked out under subsection (6) (as affected by subsection (7)) that is applicable in working out FS debts and accumulated FS debts incurred in the 1 June concerned.
- (7B) An indexation factor published under subsection 12ZZB(4) before the commencement of this subsection has effect as if it were an indexation factor published under subsection (7A).
- (8) If, apart from this subsection, the amount of an FS debt or accumulated FS debt worked out under this section would be an amount of dollars and cents, the amount of the cents is to be disregarded.

12ZG Accumulated FS debt discharges earlier debts

- (1) Subject to subsection (2), an accumulated FS debt that a person incurs on 1 June in a year (***the relevant date***):
- (a) discharges, or discharges the unpaid part of:
- (i) any accumulated FS debt of the person that the person incurred on the immediately preceding 1 June; and

- (ii) any FS debt that was incurred by the person on the relevant date; and
 - (b) discharges the liability of the person to pay the amount outstanding immediately before the relevant date under the financial supplement contract in relation to which any FS debt referred to in subparagraph (a)(ii) was incurred.
- (2) For the purpose of applying section 12ZF, subsection (1) of this section is to be disregarded.

12ZH Notice and a certificate to Commissioner

- (1) The Secretary must, as soon as practicable after the termination date in relation to a financial supplement contract between a participating corporation and a student, arrange for notice to be given to the Commissioner stating such of the following information as is in the possession of the Secretary:
- (a) the name of the student;
 - (b) the student number of the student;
 - (c) the student's last known address;
 - (d) the student's tax file number;
 - (e) the amount of the FS debt or the amounts of the FS debts that the student incurred to the Commonwealth on 1 June immediately following the termination date;
 - (f) any other information relating to the student that is reasonably required by the Commissioner for the purpose of administering this Division.
- (2) If, after a notice is given to the Commissioner under subsection (1) or this subsection, the Secretary or an officer of the Department is satisfied that a material particular in the notice was not, or has ceased to be, correct, the Secretary must arrange for a further notice to be given to the Commissioner setting out the correct particular.
- (3) The Secretary must, if required by the Commissioner to do so, give a written certificate to the Commissioner setting out a matter specified by the Commissioner that was, or was required to be, set out in a notice under subsection (1) or (2).

Section 12ZJ

Subdivision B—Voluntary discharge of indebtedness

12ZJ Voluntary payments in respect of FS debts

- (1) If a person is indebted to the Commonwealth under this Division, the person may at any time make a payment in respect of that indebtedness.
- (2) A payment under subsection (1) is to be made to the Commissioner.

12ZJA Refunding of payments

If:

- (a) a person pays an amount to the Commonwealth under this Subdivision; and
- (b) the amount exceeds the sum of:
 - (i) the amount required to discharge the total debt that the person owed to the Commonwealth under this Part; and
 - (ii) the total amount of the person's primary tax debts (within the meaning of Part IIB of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

Note: Interest is payable if the Commonwealth is late in paying requested refunds: see Part IIIA of the *Taxation (Interest on Overpayments and Early Payments) Act 1983*.

Subdivision C—Requirement to discharge indebtedness

12ZK Compulsory payments in respect of accumulated FS debt

- (1) If:
 - (a) a person's repayment income for the income year 2006-07 or a subsequent income year exceeds the minimum repayment income for that income year; and
 - (b) on 1 June immediately preceding the making of an assessment in respect of the person's income for that income year, the person had an accumulated FS debt;

the person is liable to pay to the Commonwealth, in accordance with this Division, the amount worked out under section 12ZLC in reduction of the person's repayable debt.

- (2) A person is not liable under this section to pay an amount for an income year if, under section 8 of the *Medicare Levy Act 1986*:
- (a) no Medicare levy is payable by the person on the person's taxable income for the income year; or
 - (b) the amount of the Medicare levy payable by the person on the person's taxable income for the income year is reduced.

12ZL Repayment income

- (1) A person's **repayment income** for an income year is an amount equal to the sum of:
- (a) the person's taxable income for the income year; and
 - (b) the person's total net investment loss (within the meaning of the *Income Tax Assessment Act 1997*) for the income year; and
 - (c) if the person:
 - (i) is an employee (within the meaning of the *Fringe Benefits Tax Assessment Act 1986*); and
 - (ii) has a reportable fringe benefits total (within the meaning of that Act) for the income year;
the reportable fringe benefits total for the income year; and
 - (d) the person's exempt foreign income for the income year; and
 - (e) the person's reportable superannuation contributions (within the meaning of the *Income Tax Assessment Act 1997*) for the income year.
- (4) The person's **exempt foreign income** is the total amount (if any) by which the person's income that is exempt from tax under section 23AF or 23AG of the *Income Tax Assessment Act 1936* exceeds the total amount of losses and outgoings that the person incurs in deriving that exempt income.
- (5) For the purposes of subsection (4), disregard any capital losses and outgoings.

Section 12ZLA

12ZLA Minimum repayment income

The *minimum repayment income* for the 2006-07 income year or for a later income year is the amount worked out under paragraph 154-10(b) of the *Higher Education Support Act 2003* in respect of that income year.

12ZLB Repayable debt for an income year

- (1) A person's *repayable debt* for an income year is:
 - (a) the person's accumulated FS debt referred to in paragraph 12ZK(1)(b) in relation to that income year; or
 - (b) if one or more amounts:
 - (i) have been paid in reduction of that debt; or
 - (ii) have been assessed under section 12ZM to be payable in respect of that debt;the amount (if any) remaining after deducting from that debt the amount, or sum of the amounts, so paid or assessed to be payable.
- (2) A reference in paragraph (1)(b) to an amount assessed to be payable is, if the amount has been increased or reduced by an amendment of the relevant assessment, a reference to the increased amount or the reduced amount.

12ZLC Amounts payable to the Commonwealth

The amount that a person is liable to pay under section 12ZK, in respect of an income year, is an amount equal to so much of the person's repayable debt for the income year as does not exceed the percentage of the person's repayment income that is applicable under the following table:

Section 12ZLD

Applicable percentages

Item	If the person's repayment income for the 2006-07 income year or a later income year is:	The percentage applicable is:
1	More than the minimum repayment income, but less than the amount determined as set out in column 2 of item 2 of the table in section 154-20 of the Higher Education Support Act 2003, in respect of that income year.	2%
2	More than the amount under item 1, but less than the amount determined as set out in column 2 of item 7 of the table in section 154-20 of the Higher Education Support Act 2003, in respect of that income year.	3%
3	More than the amount under item 2.	4%

12ZLD Publishing indexed amounts

- (1) The Minister must cause to be published in the *Gazette*, before the start of the 2007-08 income year or a later income year, a notice setting out:
 - (a) the minimum repayment income; and
 - (b) the amounts determined as referred to in the second column of items 1 and 2 of the table in section 12ZLC;
for that income year.
- (2) A notice under subsection (1) is not a legislative instrument.

Subdivision D—Returns and assessments

12ZM Assessment

The Commissioner may, from any information in the Commissioner's possession, whether from a return or otherwise, make an assessment of:

- (a) the amount of the accumulated FS debt of a person at 1 June immediately before the making of the assessment; and
- (b) the amount required to be paid in respect of that accumulated FS debt under section 12ZK.

Section 12ZN

12ZN Application of tax legislation

Part IV of the *Income Tax Assessment Act 1936*, Division 5 of the *Income Tax Assessment Act 1997* and Part IVC of, and Part 4-15 in Schedule 1 to, the *Taxation Administration Act 1953* apply, so far as they are capable of application and subject to this Division, in relation to an FS assessment debt of a person as if it were income tax assessed to be payable by a taxpayer by an assessment made under Part IV of the *Income Tax Assessment Act 1936*.

Note: FS assessment debts are also collected through the Pay As You Go (PAYG) system of collecting income tax: see Parts 2-1, 2-5 and 2-10 in Schedule 1 to the *Taxation Administration Act 1953*.

12ZNA Charges and administrative penalties for failing to meet obligations

- (1) Part 4-25 in Schedule 1 to the *Taxation Administration Act 1953* has effect as if:
 - (a) any compulsory repayment amount of a person were income tax payable by the person in respect of the income year in respect of which the assessment of that debt was made; and
 - (b) this Part were an income tax law.
- (2) Subsection (1) does not have the effect of making a person liable to a penalty for any act or omission that happened before the commencement of this subsection.

12ZNB Pay as you go (PAYG) withholding

Part 2-5 (other than section 12-55 and Subdivisions 12-E, 12-F and 12-G) in Schedule 1 to the *Taxation Administration Act 1953* applies, so far as it is capable of application, in relation to the collection of amounts of a compulsory repayment amount of a person as if the compulsory repayment amount were income tax.

12ZND Pay as you go (PAYG) instalments

Division 45 in Schedule 1 to the *Taxation Administration Act 1953* applies, so far as it is capable of application, in relation to the

collection of a compulsory repayment amount of a person as if the compulsory repayment amount were income tax.

12ZO How notices of assessment may be served

If:

- (a) the Commissioner is required to serve on a person a notice of assessment in respect of the person's income of a year of income under section 174 of the *Income Tax Assessment Act 1936*; and
- (b) an assessment (*the relevant assessment*) has been made in respect of the person of the amounts referred to in section 12ZM of this Act but notice of the relevant assessment has not been served on the person;

notice of the relevant assessment may be served by setting out the amounts concerned in the notice referred to in paragraph (a).

12ZP Power of Commissioner to defer assessment or reduce assessment to nil

- (1) The Commissioner may, on application in the approved form by a person, defer, for such period as the Commissioner considers appropriate, the making of an assessment in relation to the person under section 12ZM if the Commissioner considers that, were the assessment to be made, payment of the assessed amount would cause serious hardship to the person or considers that there are other special reasons that make it fair and reasonable to defer the making of the assessment.
- (2) The Commissioner may, on application in the approved form by a person, amend an assessment made in relation to the person under section 12ZM so that no amount is payable under the assessment if the Commissioner considers that payment of the assessed amount has caused or would cause serious hardship to the person or considers that there are other special reasons that make it fair and reasonable to make the amendment.
- (3) If an application referred to in subsection (1) or (2) is made, the Commissioner must as soon as practicable consider the matter to

Section 12ZQ

which the application relates and give to the applicant written notice of the Commissioner's decision on the application.

(4) In this section:

approved form has the meaning given by section 388-50 in Schedule 1 to the *Taxation Administration Act 1953*.

12ZQ Review of decision of Commissioner

- (1) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Commissioner on an application referred to in subsection 12ZP(1) or a decision by the Commissioner refusing to amend an assessment pursuant to an application referred to in subsection 12ZP(2).
- (2) A notice under subsection 12ZP(3) must:
 - (a) include a statement to the effect that, if the person is dissatisfied with the decision of the Commissioner on the application under section 12ZP, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Tribunal for review of the decision; and
 - (b) except if subsection 28(4) of that Act applies, also include a statement to the effect that the person may request a statement under section 28 of that Act.
- (3) A failure to comply with subsection (2) in relation to a notice does not affect the validity of the notice or of the decision to which the notice relates.

Subdivision E—Miscellaneous

12ZR Benefits to students under student financial supplement scheme not subject to taxation

- (1) Any amount paid or other benefit given to a person under the Student Financial Supplement Scheme is not subject to taxation under any law of the Commonwealth unless a provision of such a law expressly provides to the contrary.

- (2) Subsection (1) does not affect any liability to taxation of a participating corporation in respect of any subsidy or other amount paid to the corporation under the Student Financial Supplement Scheme.

12ZS Application of payments

An amount paid by a person in respect of the person's indebtedness to the Commonwealth under this Division is to be applied in accordance with the direction of the person or, in the absence of such a direction or to the extent that the direction does not adequately deal with the matter:

- (a) first, in discharge or reduction of any FS assessment debts of the person; and
- (b) secondly, in discharge or reduction of any accumulated FS debt of the person.

12ZT Indebtedness discharged by death

Upon the death of a person who has an indebtedness to the Commonwealth under this Division, other than an indebtedness in respect of an FS assessment debt, the indebtedness is discharged by force of this section.

12ZU Secrecy

- (1) In this section:

Commissioner includes a Second Commissioner of Taxation and a Deputy Commissioner of Taxation.

officer means a person:

- (a) who is or has been appointed or employed by the Commonwealth and, because of the appointment or employment or in the course of the performance of the duties of the appointment or in the course of the employment, may acquire or has acquired confidential information; or
- (b) to whom powers or functions have been delegated by the Commissioner and who, because of, or in the course of the exercise of powers or the performance of functions under, the

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delegation, may acquire or has acquired confidential information.

- (2) A reference in this section to the acquisition by a person of confidential information is a reference to the acquisition of information in relation to the affairs of another person disclosed or obtained under or for the purposes of this Division.
- (3) For the purposes of this section, a person who performs services for the Commonwealth, although not appointed or employed by the Commonwealth, is taken to be employed by the Commonwealth.
- (4) A person who is or has been an officer must not, directly or indirectly:
- (a) make a record of any information in relation to the affairs of a second person; or
 - (b) disclose to a second person any information in relation to the affairs of a third person;
- being information disclosed or obtained under or for the purposes of this Division and acquired by the person:
- (c) because of the person's appointment or employment by the Commonwealth or in the course of such employment; or
 - (d) because of the delegation to the person of powers or functions by the Commissioner or in the course of the exercise of such powers or performance of such functions.

Penalty: \$10,000 or imprisonment for 2 years, or both.

- (4A) Subsection (4) does not apply to the extent that the person makes the record of the information, or discloses the information, for the purposes of this Division or in the performance of the person's duties as an officer.

Note: A defendant bears an evidential burden in relation to the matters in subsection (4A), see subsection 13.3(3) of the *Criminal Code*.

- (4B) For the purposes of an offence against subsection (4), strict liability applies to the physical element of circumstance, that the information was disclosed or obtained under or for the purposes of this Division.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (5) Except when it is necessary to do so for the purpose of carrying into effect the provisions of this Division, an officer cannot be required:
- (a) to produce to a court any document made or given under or for the purposes of this Division; or
 - (b) to disclose to a court a matter or thing in relation to information disclosed or obtained under or for the purposes of this Division;
- being a document or information acquired by the officer:
- (c) because of the officer's appointment or employment by the Commonwealth or in the course of such employment; or
 - (d) because of the delegation to the officer of powers or functions by the Commissioner or in the course of the exercise of such powers or the performance of such functions.
- (6) Subsection (4) does not prohibit the Commissioner, or a person authorised by the Commissioner, from disclosing any information to the Administrative Appeals Tribunal in connection with proceedings under this Act or any other Act of which the Commissioner of Taxation has the general administration.
- (7) No Act of which the Commissioner of Taxation has the general administration prohibits the Commissioner, or a person authorised by the Commissioner, from disclosing any information to a person performing, as an officer, duties arising under this Division for the purpose of enabling the person to perform those duties.
- (8) Subsection (4) does not prohibit an officer (*the relevant officer*) from disclosing any information to an officer of the Department for the purpose of assisting the relevant officer in the performance of duties arising under this Division.
- (9) For the purposes of subsection (4), an officer is taken to have disclosed information to another person in contravention of that subsection if the officer discloses the information to a Minister.
- (10) An officer must, if and when required by the Commissioner to do so, make an oath or declaration, in a manner and form specified by

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the Commissioner in writing, to maintain secrecy in accordance with the provisions of this section.

(11) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

disclose, in relation to information, means give, reveal or communicate in any way.

Division 7—General

12ZV Explanation of Division

This Division deals with:

- (a) the application of the *Bankruptcy Act 1966* in relation to rights and liabilities arising under or out of a financial supplement contract; and
- (b) the effect of decisions reviewing decisions by the Secretary under this Part; and
- (c) the giving of notice to a student when the student's obligations to a participating corporation have been assigned to the Commonwealth; and
- (d) the exemption from State and Territory taxes of assignments and other acts and transactions under this Part.

12ZW Application of the Bankruptcy Act

- (1) This section applies if, at any time after a financial supplement contract (*the contract*) is entered into between a participating corporation (*the corporation*) and a student, including a time after the end of the contract period:
 - (a) the student becomes bankrupt; or
 - (b) the student enters into a personal insolvency agreement under Part X of the *Bankruptcy Act 1966*.
- (2) A debt arising under or out of the contract is not a provable debt in the bankruptcy or for the purposes of the personal insolvency agreement.
- (3) Any right of the Commonwealth or of the corporation to bring an action or other proceeding against the student in respect of such a debt is not affected by the bankruptcy or personal insolvency agreement.

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- (4) The trustee of the estate of the bankrupt student or the trustee of the personal insolvency agreement, as the case may be, is not entitled to recover under the *Bankruptcy Act 1966* any payment made by the student to the Commonwealth or to the corporation in respect of such a debt.
- (5) A reference in this section to a debt arising under or out of the contract includes a reference to:
- (a) the amount outstanding at any time under the contract; and
 - (b) an amount that the student is liable to pay under paragraph 12QB(2)(d), 12QC(2)(d), 12S(2)(d) or 12U(2)(c); and
 - (c) any accumulated FS debt that discharges, or discharges the unpaid part of, an FS debt;
- but does not include a reference to:
- (d) a debt constituted by an obligation to repay the amount of a payment that, because of subparagraph 12Q(2)(b)(i), 12QA(2)(b)(i), 12R(2)(b)(i) or 12T(2)(b)(i), is not a payment of financial supplement made under the contract; or
 - (e) an FS assessment debt that is required to be paid in respect of an accumulated FS debt.

12ZX What happens if a decision of Secretary is set aside or varied

If a decision of the Secretary under this Part is set aside or varied:

- (a) if the decision is set aside—subject to paragraph (b), this Part has effect, and is taken to have always had effect, as if the decision had not been made; or
- (b) if the decision is set aside and another decision is substituted for the original decision—this Part has effect, and is taken to have always had effect, as if the substituted decision had been the original decision; or
- (c) if the decision is varied—this Part has effect, and is taken to have always had effect, as if the decision as varied had been the original decision.

12ZY Notices of assignment

If any right of a participating corporation to receive a payment from a person under this Part is assigned to the Commonwealth, the Secretary must as soon as practicable arrange for written notice to be given to the person stating that the right has been so assigned and identifying any future payments by the person that, because of the assignment, are required to be made to the Commonwealth.

12ZZ Assignments etc. not subject to State or Territory taxes

An assignment to the Commonwealth under this Part of rights of a corporation under a financial supplement contract, or any other act or thing done or transaction entered into under this Part, is not subject to taxation under any law of a State or Territory.

Part 6—Overpayments arising under this Act and certain administrative schemes

Division 1—Debts recoverable by the Commonwealth

38 What is a debt?

In this Part:

debt means an amount of any of the following kinds (whether the amount has arisen before or after the commencement of this Part):

- (a) a special educational assistance scheme overpayment;
- (b) a student assistance overpayment;
- (c) an amount payable to the Commonwealth in relation to an amount of a kind referred to in paragraph (a) or (b) (including an amount payable under section 40 or subsection 42(10)).

39 Debts are recoverable by the Commonwealth

If a person:

- (a) has been paid an amount of a kind referred to in paragraph (a) or (b) of the definition of *debt* in section 38; or
- (b) incurs an amount referred to in paragraph (c) of that definition;

the amount is a debt owed by the person to the Commonwealth.

39AA Recovery of certain debts from current special educational assistance scheme payments

A debt or overpayment that may be recovered by making deductions under section 1231 of the *Social Security Act 1991* may be recovered by making deductions from amounts that would otherwise be payable under a current special educational assistance scheme.

Division 2—Recovery of debts

39A Secretary may allow payment of debt by instalments

Decision of Secretary

- (1) The Secretary may, on behalf of the Commonwealth, decide to allow a person to pay an amount of debt by one or more instalments.

When decision takes effect

- (2) A decision made under subsection (1) takes effect:
 - (a) if a day is so stated in the decision as the day on which the decision takes effect—on the day so stated (whether that day is before, on or after the day on which the decision was made); or
 - (b) if a day is not so stated in the decision—on the day on which the decision is made.

Saving provision

- (3) For the purposes of this section, a decision that:
 - (a) was made under section 284 as applied by subsection 43(2) as in force before 1 July 1998; and
 - (b) was in force immediately before that day;is taken to be a decision under subsection (1) of this section.

40 Late payment charge and interest in relation to overpayment of a benefit

- (1) This section applies if a person has been paid (whether before or after the commencement of this subsection) an amount (the **recoverable amount**) that is a special educational assistance scheme overpayment or a student assistance overpayment.

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- (1A) Where the whole or a part of the recoverable amount is due to the Commonwealth, the Secretary may give the person by whom the amount is due a written notice that specifies however much of the recoverable amount as is still due and draws the person's attention to the terms of subsection (2).
- (2) If the whole or a part of the recoverable amount is still due to the Commonwealth at the end of 3 months after the notice is given, the person is liable:
- (a) to pay to the Commonwealth an additional amount of \$100; and
 - (b) to pay interest to the Commonwealth:
 - (i) from the date when the notice was given until the date when the recoverable amount is repaid; and
 - (ii) at the rate ascertained under the regulations;on so much of the recoverable amount as, from time to time, remains due.
- (3) If:
- (a) judgment is given by, or entered in, a court for the payment of:
 - (i) the whole or a part of the recoverable amount; or
 - (ii) an amount that consists of the whole or a part of the recoverable amount (which whole or part is in this subsection called the *recoverable portion*) and also another amount; and
 - (b) the judgment debt carries interest;
- then:
- (c) the recoverable amount, or the part of the recoverable amount, as the case may be, does not, for the purposes of subsection (2), stop being due solely because of the giving or entering of the judgment; and
 - (d) the interest that would, but for this subsection, be payable under this section in relation to the recoverable amount is reduced by:
 - (i) if subparagraph (a)(i) applies—the amount of the interest on the judgment debt; or

- (ii) if subparagraph (a)(ii) applies—the amount worked out using the following formula:

$$\text{interest on judgment debt} \times \frac{\text{recoverable portion}}{\text{judgment debt}}$$

- (4) Any amount paid to the Commonwealth by or under the authority of the person in relation to the recoverable amount is:
- (a) to be taken first to reduce any additional amount payable under paragraph (2)(a); and
 - (b) to be taken secondly to reduce any interest payable under paragraph (2)(b).
- (5) Interest is not payable under this section in relation to the recoverable amount in relation to any period during which a decision under section 39A is in force in relation to the recoverable amount unless the decision provides that interest is to be so payable or an instalment is not paid in accordance with the decision.
- (6) If a person has unsatisfied liabilities to the Commonwealth in relation to more than one student assistance overpayment or special educational assistance scheme overpayment, the Secretary may, for the purposes of subsection (1), treat the overpayments as if they were a single amount.

41 Determination that late payment interest not to be payable in relation to certain periods

- (1) The Secretary may, in writing, determine that:
- (a) an additional amount otherwise payable by a person under paragraph 40(2)(a); or
 - (b) interest otherwise payable by a person in respect of a certain period under paragraph 40(2)(b);
- is not payable.
- (2) A determination under paragraph (1)(b) may relate to a period before, or period that includes a period before, the making of the determination.

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- (3) A determination may be expressed to be subject to the person complying with specified conditions.
- (4) The Secretary must give a copy of the determination to the person as soon as practicable after making a determination.
- (5) Contravention of subsection (4) does not invalidate a determination.
- (6) If:
 - (a) a determination is expressed to be subject to the person complying with specified conditions; and
 - (b) the person contravenes a condition;the determination ceases to have effect.

42 Recovery of certain overpayments from third parties

- (2) This section applies where:
 - (a) the liability of a person (in this section called the *debtor*) to the Commonwealth in relation to a debt has not been fully satisfied; and
 - (b) there is another person (in this section called the *third party*):
 - (i) by whom any money is due, or may become due, to the debtor; or
 - (ii) who holds, or may subsequently hold, money for the debtor; or
 - (iii) who holds, or may subsequently hold, money for some other person for payment to the debtor; or
 - (iv) who has authority from some other person to pay money to the debtor.
- (2A) The first reference in paragraph (2)(b) to another person includes a reference to:
 - (a) the Commonwealth; and
 - (b) a State; and
 - (c) a Territory; and
 - (d) any authority of the Commonwealth or of a State or Territory.

- (3) The Secretary may, by written notice given to the third party, require the third party to pay to the Commonwealth:
- (a) a specified amount, not being an amount more than:
 - (i) the amount then due to the Commonwealth in relation to the debt; or
 - (ii) the amount of the money referred to in whichever of the subparagraphs of paragraph (2)(b) is applicable; or
 - (b) a specified amount out of each payment that the third party becomes liable from time to time to make to the debtor until the total of the amounts paid to the Commonwealth under the notice equals the amount then due to the Commonwealth in relation to the debt.
- (4) A payment required to be made by the notice is to be made within the time specified in the notice, not being a time earlier than:
- (a) the money concerned becomes due or is held; or
 - (b) 14 days after the notice is given.
- (5) The third party must not contravene the notice.
- Penalty: Imprisonment for 1 year.
- (5A) Subsection (5) does not apply if the party has a reasonable excuse.
- Note: A defendant bears an evidential burden in relation to the matter in subsection (5A) (see subsection 13.3(3) of the *Criminal Code*).
- (6) The Secretary must give a copy of the notice to the debtor.
- (7) Contravention of subsection (6) does not invalidate the notice.
- (8) If the third party makes a payment to the Commonwealth under the notice, the payment is to be taken to have been made with the authority of the debtor and of any other person concerned.
- (9) If the whole or a part of the debt stops being due to the Commonwealth otherwise than because of a payment made by the third party, the following provisions have effect:
- (a) the Secretary must notify the third party of the amount that has stopped being due;

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- (b) if paragraph (3)(a) applies to the notice—the amount specified in the notice is to be taken to be reduced, or further reduced, as the case requires, by the amount that has stopped being due;
 - (c) if paragraph (3)(b) applies to the notice—the reference in that paragraph to the total of the amounts paid to the Commonwealth under the notice is to be taken to be a reference to that total as increased, or further increased, as the case requires, by the amount that has stopped being due.
- (10) If the third party, without reasonable excuse, contravenes the notice, an amount equal to:
 - (a) so much (if any) of the amount required by the notice to be paid by the third party as the third party was able to pay to the Commonwealth but did not pay; or
 - (b) so much of the debt as remains due to the Commonwealth from time to time;whichever is the lesser, is a debt due by the third party to the Commonwealth.
- (11) If:
 - (a) the third party is indebted to the Commonwealth under subsection (10); and
 - (b) the Commonwealth recovers the whole or a part of the third party's debt;the debtor's liability to the Commonwealth in relation to the debt referred to in paragraph (2)(a) is reduced or further reduced, as the case requires, by the amount recovered from the third party.
- (12) If, apart from this section, money is not due or payable on demand by the third party unless a condition is fulfilled, the money is to be taken, for the purposes of this section, to be due or payable on demand, whether or not the condition has been fulfilled.
- (13) If a person has unsatisfied liabilities to the Commonwealth in relation to more than one debt, the Secretary may:
 - (a) for the purposes of this section, treat the debts as a single debt; but

- (b) apportion any amount recovered under this section in relation to the debts in such proportion as the Secretary considers appropriate.
- (14) An apportionment made by the Secretary under subsection (13) must be made in writing.

42A Recovery of amounts from financial institutions

- (1) If:
- (a) an amount or amounts of student assistance benefit are paid to a financial institution for the credit of an account kept with the institution; and
 - (b) the Secretary is satisfied that the amount or the amounts were intended to be paid for the benefit of someone who was not the person or one of the persons in whose name or names the account was kept;

the Secretary may give a written notice to the institution setting out the matters mentioned in paragraphs (a) and (b) and requiring the institution to pay to the Commonwealth, within a period (being a reasonable period) stated in the notice, the lesser of the following amounts:

- (c) an amount specified in the notice, being the amount, or the sum of the amounts, of the student assistance benefit;
 - (d) the amount standing to the credit of the account when the notice is received by the institution.
- (2) If:
- (a) an amount or amounts of student assistance benefit that are intended for the benefit of a person are paid to a financial institution for the credit of an account that was kept with the institution by the person or by the person and one or more other persons; and
 - (b) the person died before the amount or amounts were paid;

the Secretary may give a written notice to the institution setting out the matters mentioned in paragraphs (a) and (b) and requiring the institution to pay to the Commonwealth, within a period (being a reasonable period) stated in the notice, the lesser of the following amounts:

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- (c) an amount specified in the notice, being the amount, or the sum of the amounts, of the student assistance benefit;
 - (d) the amount standing to the credit of the account when the notice is received by the institution.
- (3) As soon as possible after issuing a notice under subsection (2), the Secretary must inform the deceased estate in writing of:
- (a) the amount sought to be recovered from the deceased person's account; and
 - (b) the reasons for the recovery action.
- (4) A financial institution must comply with a notice given to it under subsection (1) or (2).

Penalty: 300 penalty units.

- (5) It is a defence to a prosecution of a financial institution for failing to comply with a notice given to it under subsection (1) or (2) if the financial institution proves that it was incapable of complying with the notice.

Note: The defendant bears a legal burden in relation to the matter in subsection (5). See section 13.4 of the *Criminal Code*.

- (6) If a notice is given to a financial institution under:
- (a) subsection (1) (amount paid to wrong account) in respect of an amount or amounts of student assistance benefit; or
 - (b) subsection (2) (death of person in whose name the account was kept) in respect of an amount or amounts of student assistance benefit;
- any amount recovered by the Commonwealth from the institution in respect of the debt reduces any debt owed to the Commonwealth by any other person in respect of the amount or amounts of student assistance benefit.

Division 3—Non-recovery of debts

43 Secretary may write off debt

Writing off debt

- (1) The Secretary may, on behalf of the Commonwealth, write off a debt.

Class of debts

- (2) For the purposes of subsection (1), the Secretary may write off debts that are included in a class of debts determined by the Minister by notice published in the *Gazette*.

When decision takes effect

- (3) A decision made under subsection (1) takes effect:
 - (a) if a day is stated in the decision as the day on which the decision takes effect—on the day so stated (whether that day is before, on or after the day on which the decision is made); or
 - (b) if a day is not so stated in the decision—on the day on which the decision is made.

Note: If the Secretary writes off a debt, this means an administrative decision has been made that, in the present circumstances, there is no point in trying to recover the debt. In law, however, this debt still exists and may later be pursued.

43A Power to waive Commonwealth's right to recover debt

Secretary's limited power to waive

- (1) The Secretary may, on behalf of the Commonwealth, waive the Commonwealth's right to recover the whole or a part of a debt only in the circumstances described in section 43B, 43C, 43D, 43E or 43F.

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When waiver takes effect

- (2) A waiver takes effect:
- (a) if a day is stated in the waiver as the day on which the waiver takes effect—on the day so stated (whether that day is before, on or after the day on which the decision to waive is made);
or
 - (b) if a day is not so stated in the waiver—on the day on which the decision to waive is made.

Note: If the Secretary waives the Commonwealth's right to recover all or part of a debt, the waiver is a permanent bar to recovery of that debt or that part of the debt—that debt or that part of the debt effectively ceases to exist.

43B Waiver of debt arising from error

Administrative error

- (1) Subject to subsection (2), the Secretary must waive the right to recover the proportion of a debt that is attributable solely to an administrative error made by the Commonwealth if the debtor received in good faith the payment or payments that gave rise to that proportion of the debt.

Note: Subsection (1) does not allow waiver of part of a debt that was caused partly by administrative error and partly by one or more other factors (such as error by the debtor).

Circumstances under which subsection (1) applies

- (2) Subsection (1) only applies if:
- (a) the debt is not raised within a period of 6 weeks from the first payment that caused the debt; or
 - (b) if the debt arose because a person has complied with an obligation to provide information or documents to the Department under this Act, the debt is not raised within a period of 6 weeks from the end of the period within which the person was required to comply with that obligation;
- whichever is the later.

Underestimating value of property

- (3) If:
- (a) a debt arose because the debtor, the debtor's partner, or the debtor's parent or parents underestimated the value of particular property; and
 - (b) the estimate was made in good faith; and
 - (c) the value of the property was not able to be easily determined when the estimate was made;
- the Secretary must waive the right to recover the proportion of the debt attributable to the underestimate.

Proportion of a debt

- (4) For the purposes of this section, a proportion of a debt may be 100% of the debt.
- (5) In this section:

child: without limiting who is a child of a person for the purposes of this section, someone is the **child** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

parent, in relation to a person, means:

- (a) if the person is not an adopted child—a natural parent of the person or someone of whom the person is a child because of the definition of **child** in this section; or
- (b) if the person is an adopted child—an adoptive parent of the person.

partner has the same meaning as in the *Social Security Act 1991*.

43C Waiver of debt relating to an offence

- (1) If:
- (a) a debtor has been convicted of an offence that gave rise to a proportion of a debt; and

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- (b) the court indicated in sentencing the debtor that it imposed a longer custodial sentence on the debtor because he or she was unable or unwilling to pay the debt;
the Secretary must waive the right to recover the proportion of the debt.
- (2) For the purposes of this section, a proportion of a debt may be 100% of the debt.

43D Waiver of small debt

The Secretary must waive the right to recover a debt if:

- (a) the debt is, or is likely to be, less than \$50; and
- (b) it is not cost effective for the Commonwealth to take action to recover the debt.

43E Waiver in relation to settlements

Settlement of civil action

- (1) If the Commonwealth has agreed to settle a civil action against a debtor for recovery of a debt for less than the full amount of the debt, the Secretary must waive the right to recover the difference between the debt and the amount that is the subject of the settlement.

Settlement of proceedings before the Administrative Appeals Tribunal

- (2) If the Secretary has agreed to settle proceedings before the Administrative Appeals Tribunal relating to recovery of a debt on the basis that the debtor will pay less than the full amount of the debt, the Secretary must waive the right to recover the difference between the debt and the amount that is the subject of the settlement.

Waiver where at least 80% of debt recovered and debtor cannot pay more

- (3) If:
-

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- (a) the Commonwealth has recovered at least 80% of the original value of a debt from a debtor; and
 - (b) the Commonwealth and the debtor agree that the recovery is in full satisfaction of the whole of the debt; and
 - (c) the debtor cannot repay a greater proportion of the debt;
- the Secretary must waive the right to recover the remaining 20% or less of the value of the original debt.

Agreement for part-payment in satisfaction of outstanding debt

- (4) If the Secretary and a debtor agree that the debtor's debt will be fully satisfied if the debtor pays the Commonwealth an agreed amount less than the amount of the debt outstanding at the time of the agreement (the **unpaid amount**), the Secretary must waive the right to recover the difference between the unpaid amount and the agreed amount.

Limits on agreement to accept part-payment in satisfaction of outstanding debt

- (5) The Secretary must not make an agreement described in subsection (4) unless the Secretary is satisfied that:
 - (a) the debtor cannot repay more of the debt than the agreed amount; and
 - (b) the agreed amount is at least the present value of the unpaid amount repaid in instalments whose amount and timing are determined by the Secretary; and
 - (c) it would take at least 12 months to recover the unpaid amount under this Part if subsection (4) did not apply.

Formula for working out present value of unpaid amount

- (6) For the purposes of subsection (5), the **present value of the unpaid amount** is the amount worked out in accordance with the following formula:

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$$\frac{\text{Annual repayment}}{\text{Interest}} \times \left[1 - \frac{1}{\left(1 + \text{Interest}\right)^{\text{Repayment period}}} \right]$$

where:

annual repayment is the amount of the debt that the Secretary believes would be recovered under this Part in a year if subsection (4) did not apply in relation to the debt.

interest is the annual rate of interest specified by the Minister in a written notice.

repayment period is the number of years needed to repay the unpaid amount if repayments equal to the annual repayment were made each year.

Example:

Facts: Terry owed a debt of \$8,000 to the Commonwealth. He has repaid \$2,000 with the remaining debt being \$6,000.

Terry, with the assistance of his mother, offers to make a single payment of \$4,700 in full satisfaction, leaving \$1,300 of the debt unpaid. Without Terry's mother's assistance, Terry can only pay fortnightly instalments amounting to \$1,200 a year and, at that rate, would take 5 years to pay the remaining \$6,000.

Assume that the Minister has specified an interest rate of 10%.

Result: The present value of the unpaid amount of \$6,000 to be repaid in 5 years at a 10% interest rate is worked out as follows:

$$\frac{\$1,200}{0.1} \times \left[1 - \frac{1}{\left(1 + 0.1\right)^5} \right] = \$4,548$$

As the proposed payment of \$4,700 is more than the present value of the unpaid amount (which is \$4,548 as shown), and as the other conditions in subsection (5) apply, the Secretary may accept Terry's offer and make an agreement with him as described in subsection (4).

If the Secretary makes the agreement, the Secretary must, in accordance with subsection (4), waive the remaining \$1,300 of the

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debt (being the difference between the unpaid amount of \$6,000 and the agreed amount of \$4,700).

Notice is a legislative instrument

- (7) A notice described in the definition of *interest* in subsection (6) is a legislative instrument.

43F Waiver in special circumstances

The Secretary may waive the right to recover all or part of a debt if the Secretary is satisfied that:

- (a) the debt did not result wholly or partly from the debtor or another person knowingly:
 - (i) making a false statement or a false representation; or
 - (ii) failing or omitting to comply with a provision of this Act; and
- (b) there are special circumstances (other than financial hardship alone) that make it desirable to waive; and
- (c) it is more appropriate to waive than to write off the debt or part of the debt.

Note: Section 43 allows the Secretary to write off a debt on behalf of the Commonwealth.

Part 7—Miscellaneous

44A Provision of tax file numbers

- (1) Subject to this section, a benefit is not payable in respect of a person (in this section called the *applicant*) under a current special educational assistance scheme, or financial supplement is not to be paid to a person (in this section also called the *applicant*) under the Student Financial Supplement Scheme, unless the Secretary is given:
 - (a) the applicant's tax file number; and
 - (b) where another person's income or assets are required to be taken into account for the purpose of calculating the benefit, that person's tax file number.
- (2) Paragraph (1)(b) does not require the giving of the tax file number of a person who:
 - (a) is a parent of the applicant for the purposes of the scheme under which application for the benefit in question has been made; and
 - (b) is resident outside Australia; and
 - (c) had no assessable income under the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997* for the period in relation to which the person's income is to be taken into account for the purpose of calculating the benefit.
- (3) Subsection (1) does not apply to a benefit if the application for the benefit was made before 1 July 1991.
- (4) The regulations may prescribe circumstances in which a benefit or financial supplement may be paid even though a tax file number required by subsection (1) to be given to the Secretary has not been given.
- (5) Subject to subsection (6), a person is taken, for the purposes of the ABSTUDY scheme, to have given his or her tax file number to the Secretary if he or she has lodged an application for a tax file number with the Department.

- (6) If the Commissioner for Taxation refuses to issue a tax file number to a person who has lodged an application with the Department under subsection (5), subsection (5) is taken not to have applied to that person in relation to that application.
- (7) In this section, *tax file number* has the same meaning as in Part VA of the *Income Tax Assessment Act 1936*.

48 Obligation to notify happening of certain events

- (1) If a prescribed event happens in relation to a person who is receiving, or entitled to receive, an amount under a financial supplement contract or a current special educational assistance scheme, the person must notify the Department, in accordance with the regulations, of the happening of the event within 14 days.
- (2) Despite section 14 of the *Legislative Instruments Act 2003*, regulations for the purposes of subsection (1) relating to notifying the Department may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time.

49 Offences

- (1) A person must not contravene subsection 48(1).
Penalty: Imprisonment for 12 months.
- (1A) Subsection (1) does not apply if the person has a reasonable excuse.
Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).
- (2) Where a person is convicted of an offence against subsection (1) of this section or an offence against section 135.2, 136.1, 137.1 or 137.2 of the *Criminal Code* that relates to this Act, the court may, in addition to imposing a penalty, order the person to pay to the Commonwealth an amount equal to any amount paid under this Act, or a current special educational assistance scheme, as a result of the act, failure or omission in respect of which the person was convicted.

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- (3) For the purposes of subsection (2), a certificate by the Secretary stating that a specified amount is the amount paid to a specified person under this Act, or a current special educational assistance scheme, as a result of a specified act, failure or omission is *prima facie* evidence of the matters stated in the certificate.
- (4) A reference in this section to payment of an amount under this Act or to an amount paid under this Act includes a reference to payment of an amount or to an amount paid, as the case may be, under a financial supplement contract.

50 Proceedings against corporations

- (1) Where, in proceedings for an offence against this Act or regulations made for the purposes of this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, servant or agent of the corporation, being a director, servant or agent who engaged in the conduct within the scope of his or her actual or apparent authority, had the state of mind.
- (2) Any conduct engaged in on behalf of a corporation:
 - (a) by a director, servant or agent of the corporation within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;shall be deemed, for the purposes of this Act and regulations made for the purposes of this Act, to have been engaged in by the corporation.
- (3) A reference in subsection (1) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

51 Evidentiary certificates

- (1) A certificate by the Secretary stating:
- (a) that specified amounts have been paid, as a specified kind of payment, to or in relation to a specified person under this Act (including an amount that was paid as a student assistance benefit under this Act as in force before 1 July 1998), a current special educational assistance scheme, or a former special educational assistance scheme, in relation to a specified period; or
 - (b) that, on a specified day, a notice, to a specified effect, under subsection 40(1A) was given to a specified person by the Secretary;

is *prima facie* evidence of the matters stated in the certificate.

- (2) A certificate given by the Secretary stating:
- (a) that a specified amount was the principal sum at a particular time under a specified financial supplement contract; or
 - (b) that a specified amount was the sum of the actual repayments, or the sum of the notional repayments, made before a particular time or during a particular period in respect of a specified financial supplement contract; or
 - (c) that a specified amount was the amount, or the total of the amounts, of subsidy paid by the Commonwealth to a specified participating corporation in respect of a specified financial supplement contract in lieu of interest on the principal sum or in lieu of interest on the principal sum in relation to a specified period; or
 - (d) that a specified amount was, at a particular time, the amount outstanding under a specified financial supplement contract; or
 - (e) that a specified amount was, at a particular time, the indexation amount in relation to a specified financial supplement contract; or
 - (f) that the rights, or specified rights, of a specified participating corporation in respect of a specified person under a specified financial supplement contract were assigned by the corporation to the Commonwealth on a specified date; or

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- (g) that, on a specified day, a person had an FS debt or FS debts to the Commonwealth of a specified amount or specified amounts; or
- (h) that, on a specified day, a notice, to a specified effect, under a provision of Part 4A was given to a specified person by the Secretary;

is *prima facie* evidence of the matters stated in the certificate.

- (3) In any proceeding, a document purporting to be a certificate by the Secretary under this section is taken, unless the contrary is established, to be such a certificate and to have been duly given.

55 Time for instituting criminal proceedings

Notwithstanding anything in any other law, proceedings for an offence against the regulations may be instituted within the period of 2 years after the commission of the offence.

55A Appropriation

- (1) Payment of benefit in relation to:
 - (b) the Assistance for Isolated Children Scheme; and
 - (c) the ABSTUDY Scheme (also known as the Aboriginal Study Assistance Scheme), other than in relation to the away-from-base element of that Scheme for mixed mode study;

is to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

- (1A) The following payments, namely:
 - (a) payments of subsidy to a participating corporation under an agreement entered into under section 12D;
 - (b) payments to a participating corporation under paragraph 12QB(2)(c), 12QC(2)(c), 12S(2)(c), 12U(2)(b) or 12V(2)(b), subsection 12ZA(11) or paragraph 12ZB(b);are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

(1AA) The Consolidated Revenue Fund is appropriated as necessary for the purposes of Part 2 of Schedule 11 to the *Social Security Legislation (Youth Allowance Consequential and Related Measures) Act 1998*.

Note: Part 2 of Schedule 11 to the *Social Security Legislation (Youth Allowance Consequential and Related Measures) Act 1998* makes various transitional provisions, with effect from 1 July 1998, that relate to the abolition of the Youth Training Allowance, AUSTUDY and Financial Supplement relating to AUSTUDY. Subsection (1AA) of this section enables money to be appropriated for purposes such as the payment of a benefit under the AUSTUDY scheme after 1 July 1998 following a review under a transitional provision in that Part of that Schedule.

(2) In this section:

benefit includes an advance on account of benefit that is expected to become payable under a scheme mentioned in subsection (1).

56 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular:
- (a) making provision in relation to the furnishing of information by applicants for benefits under a current special educational assistance scheme and by persons to whom such benefits have been granted; and
 - (aa) making provision in relation to the furnishing of information by applicants under the Student Financial Supplement Scheme or by persons who are parties to financial supplement contracts; and
 - (ab) making provision in relation to the furnishing of information relating to persons whose income or assets are required to be taken into account for the purpose of calculating a benefit under a current special educational assistance scheme; and
 - (ac) making provision in relation to the furnishing of information relating to persons whose income or assets are required to be

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- taken into account for the purpose of determining the eligibility of a person to obtain financial supplement; and
- (b) making provision for and in relation to the giving of notices and other documents under this Act; and
 - (d) prescribing penalties, not exceeding a fine of \$1,000 or imprisonment for 6 months, or both, for offences against the regulations.
- (2) Regulations may also be made under this section to prescribe matters in relation to any transitional matters (including prescribing any saving or application provisions) arising out of:
- (a) the abolition of:
 - (i) the youth training allowance; and
 - (ii) the AUSTUDY scheme; and
 - (iii) that part of the Student Financial Supplement Scheme that is connected with the AUSTUDY scheme; and
 - (b) their replacement by allowances, benefits or payments under the *Social Security Act 1991*.
- (3) Without limiting subsection (2), and in spite of any other provisions in this Act or any other Act, regulations under subsection (2) may modify the effect of a provision in Part 2 of Schedule 11 to the *Social Security Legislation (Youth Allowance Consequential and Related Measures) Act 1998* so as to:
- (a) enable a payment of a benefit under the AUSTUDY scheme (as previously in force under this Act) to be made to a person in respect of a period ending at the end of 3 July 1998 in specified circumstances; and
 - (b) enable such a payment, to the extent that it relates to the period beginning on 1 July 1998 and ending at the end of 3 July 1998, to be disregarded in determining the person's entitlement to any youth allowance or austudy payment under the *Social Security Act 1991*; and
 - (c) enable the receipt by the person of any youth allowance or austudy payment under the *Social Security Act 1991*, to the extent that it relates to the period referred to in paragraph (b), to be disregarded in determining the person's entitlement to the payment referred to in paragraph (a).

Part 9—Review of decisions

Division 1—Internal review

302 Application of Division

Unless otherwise stated, this Division applies to:

- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or
- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme.

Note: For *officer* see subsection 3(1).

303 Secretary may review decisions

Decisions that Secretary may review

- (1) The Secretary may review a decision to which this Division applies if satisfied that there is sufficient reason to review the decision.

Decisions that are not reviewed

- (2) Subsection (1) does not apply to a decision of the Secretary that relates to the Secretary's powers under section 326A to settle proceedings before the Administrative Appeals Tribunal.
- (2A) Subsection (1) does not apply to a decision made by the Employment Secretary approving an activity under the CSP.

Applications to Tribunals

- (3) The Secretary may review a decision even if an application has been made to the Social Security Appeals Tribunal or the Administrative Appeals Tribunal for review of the decision.

Secretary may affirm, vary or substitute

- (4) The Secretary may:
-

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- (a) affirm the decision; or
- (b) vary the decision; or
- (c) set the decision aside and substitute a new decision.

Notice to Principal Member

- (5) If:
- (a) the Secretary makes a decision under subsection (4); and
 - (b) when the Secretary makes that decision, a person has applied to the Social Security Appeals Tribunal for review of the decision that was reviewed by the Secretary;
- the Secretary must give the Principal Member written notice of the Secretary's decision under subsection (4).

Notice to AAT Registrar

- (6) If:
- (a) the Secretary makes a decision under subsection (4); and
 - (b) when the Secretary makes that decision, a person has applied to the Administrative Appeals Tribunal for review of the decision that was reviewed by the Secretary;
- the Secretary must give the Registrar of the Administrative Appeals Tribunal written notice of the Secretary's decision under subsection (4).

Event taken to have occurred

- (7) If:
- (a) the Secretary sets a decision aside under subsection (4); and
 - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;
- the Secretary may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of this Act.

304 Application for review

People affected may apply for review

- (1) A person affected by a decision to which this Division applies may apply to the Secretary for review of the decision.

Period within which application for internal review to be sought

- (2) An application under subsection (1) for the review of a decision must be made within:
- (a) 3 months; or
 - (b) such longer period as the Secretary, in special circumstances, allows;
- after the making of the decision.

No application to decisions by Secretary

- (3) Subsection (1) does not apply to a decision made by the Secretary himself or herself.

Review following application

- (4) If a person applies under subsection (1) for review of a decision, the Secretary or an authorised review officer may review the decision under section 306.

Application taken to have been made

- (5) If:
- (a) a person who may apply to the Secretary for review of a decision under subsection (1) has not so applied; and
 - (b) the person applies to the Social Security Appeals Tribunal for review of the decision;
- the person is, if the application to the Tribunal is made within any applicable time limit under subsection (2), taken to apply to the Secretary for review of the decision under subsection (1) on the day on which the person applies to the Social Security Appeals Tribunal.

Section 305

305 Secretary may continue payment pending outcome of application for review

Declaration that payment to continue

- (1) If:
- (a) a decision to which this Division applies is an adverse decision; and
 - (b) the adverse decision depends on:
 - (i) the exercise of a discretion by a person; or
 - (ii) the holding of an opinion by a person; and
 - (c) a person applies to the Secretary under subsection 304(1) for review of the adverse decision;

the Secretary may, by writing, declare that payment of Financial Supplement to which the decision relates is to continue, pending the determination of the review, as if the adverse decision had not been made.

Application of Act

- (2) While a declaration under subsection (1) is in force in relation to the adverse decision, this Act (other than this Part) applies as if the adverse decision had not been made.

Start and cessation of declaration

- (3) A declaration under subsection (1) in relation to an adverse decision:
- (a) starts to have effect on the day on which the declaration is made or on the earlier day (if any) stated in the declaration; and
 - (b) stops having effect if:
 - (i) the application to the Secretary for review of the adverse decision is withdrawn; or
 - (ii) the review of the adverse decision is determined by the Secretary; or
 - (iii) the declaration is revoked by the Secretary.

Holding of an opinion

- (4) A reference in subsection (1) to a person's ***holding of an opinion*** is a reference to the person's holding the opinion whether or not this Act expressly requires the opinion to be held before making the decision concerned.

Meaning of adverse decision

- (5) In this section:

adverse decision means a decision under section 12R or 12T to stop the payment of Financial Supplement to a person.

306 Powers of Secretary or authorised review officer if application for review*Secretary or review officer may affirm, vary or substitute*

- (1) If an application for review of a decision is made under subsection 304(1), the Secretary or an authorised review officer must:
- (a) affirm the decision; or
 - (b) vary the decision; or
 - (c) set the decision aside and substitute a new decision.

Notice to applicant

- (2) If a person makes a decision under subsection (1), the person must give the applicant written notice of the decision.

Note: Meaning of ***given***—sections 28A and 29 of the *Acts Interpretation Act 1901* provide that a notice is given:

- (a) to a natural person if the notice is:
 - delivered personally; or
 - left at the last known address of the person; or
 - sent by prepaid post to the last known address of the person; and
- (b) to a body corporate if the notice is left at, or sent by prepaid post to, the head office or a registered office or a principal office of the body corporate.

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Event taken to have occurred

- (3) If:
- (a) a person sets a decision aside under subsection (1); and
 - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;
- the Secretary may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of this Act.

308 Notification of further rights of review

Contents of notice

- (1) If a person gives the applicant notice under subsection 306(2), the notice must include:
- (a) a statement to the effect that the applicant may, subject to this Act, apply to the Social Security Appeals Tribunal for review of the person's decision; and
 - (b) a statement about the person's decision that:
 - (i) sets out the reasons for the decision; and
 - (ii) sets out the findings by the person on material questions of fact; and
 - (iii) refers to the evidence or other material on which those findings were based; and
 - (c) a statement to the effect that, if the person is dissatisfied with the Social Security Appeals Tribunal's decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the Social Security Appeals Tribunal's decision.

Validity not affected

- (2) A contravention of subsection (1) in relation to a decision does not affect the validity of the decision.

Division 2—Review by Social Security Appeals Tribunal

309 Application of Division

Unless otherwise stated, this Division applies to:

- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or
- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme.

Note: For *officer* see subsection 3(1).

310 SSAT objectives

The Social Security Appeals Tribunal must, in carrying out its functions under this Act, pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick.

311 Application for review by SSAT

People who may apply for review

- (1) Subject to section 313, if:
 - (a) a decision has been reviewed by the Secretary or an authorised review officer under section 306; and
 - (b) the decision has been affirmed, varied or set aside;a person whose interests are affected by the decision of the Secretary or the authorised review officer may apply to the Social Security Appeals Tribunal for review of that decision.

Decision made by Secretary or review officer

- (2) For the purposes of subsection (1), the decision made by the Secretary or the authorised review officer is taken to be:
 - (a) if the Secretary or the authorised review officer affirms a decision—the decision as affirmed; and

Section 313

- (b) if the Secretary or the authorised review officer varies a decision—the decision as varied; and
- (c) if the Secretary or the authorised review officer sets a decision aside and substitutes a new decision—the new decision.

Period within which application for review by SSAT to be sought

- (3) An application under subsection (1) to the Social Security Appeals Tribunal for review of a decision must be made within:
 - (a) 3 months; or
 - (b) within such longer period as the Secretary, in special circumstances, allows;after the original decision was affirmed, varied or set aside by the Secretary or an authorised review officer.

313 Non-reviewable decisions

The Social Security Appeals Tribunal cannot review a decision:

- (a) under section 343 or 345 (notice requiring information from any person); or
- (b) under section 305 or 314 (continuation of payment pending review of adverse decision).

314 Secretary may continue payment pending outcome of application for review

Secretary may declare payment to continue

- (1) If:
 - (a) a decision to which this Division applies is an adverse decision; and
 - (b) the adverse decision depends on:
 - (i) the exercise of a discretion by a person; or
 - (ii) the holding of an opinion by a person; and

(c) a person applies to the Social Security Appeals Tribunal under subsection 311(1) for review of the adverse decision; the Secretary may declare that payment of Financial Supplement to which the decision relates is to continue, pending the determination of the review, as if the adverse decision had not been made.

Written declaration

(2) A declaration under subsection (1) is to be in writing.

Act applies as if decision not made

(3) While a declaration under subsection (1) is in force in relation to the adverse decision, this Act (other than this Part) applies as if the adverse decision had not been made.

Start and cessation of declaration

(4) A declaration under subsection (1) in relation to an adverse decision:

(a) starts to have effect on the day on which the declaration is made or on the earlier day (if any) stated in the declaration; and

(b) stops having effect if:

- (i) the application to the Social Security Appeals Tribunal for review of the adverse decision is withdrawn; or
- (ii) the review of the adverse decision is determined by the Social Security Appeals Tribunal; or
- (iii) the declaration is revoked by the Secretary.

Holding of an opinion

(5) A reference in subsection (1) to a person's **holding of an opinion** is a reference to the person's holding that opinion whether or not this Act expressly requires the opinion to be held before making the decision concerned.

Section 316

Adverse decision

- (6) In this section:

adverse decision means a decision under section 12R or 12T to stop the payment of Financial Supplement to a person.

316 SSAT review powers

Powers of SSAT

- (1) If a person applies to the Social Security Appeals Tribunal for review of a decision, the Tribunal must:
- (a) affirm the decision; or
 - (b) vary the decision; or
 - (c) set the decision aside; and
 - (i) substitute a new decision; or
 - (ii) send the matter back to the Secretary for reconsideration in accordance with any directions or recommendations of the Tribunal.
- (2) If the Social Security Appeals Tribunal sets a decision aside and substitutes for it a decision that a person is entitled to Financial Supplement, the Tribunal must:
- (a) assess the rate at which Financial Supplement is to be paid to the person; or
 - (b) ask the Secretary to assess the rate at which Financial Supplement is to be paid to the person.

Tribunal may exercise Secretary's powers

- (4) Subject to subsection (5), the Social Security Appeals Tribunal may, for the purpose of reviewing a decision under this Act, exercise all the powers and discretions that are conferred by this Act on the Secretary.

Certain powers of Secretary not exercisable by Tribunal

- (5) The reference in subsection (4) to powers and discretions conferred by this Act does not include a reference to powers and discretions conferred by:
- (a) a provision dealing with the form and place of lodgment of a claim; or
 - (b) a provision dealing with the manner of payment of Financial Supplement; or
 - (c) subsection 42(3) (notice requiring payment to the Commonwealth); or
 - (f) sections 343 to 346 (notice requiring information from any person); or
 - (g) section 305 or 314 (continuation of payment pending review of adverse decision).

Event taken to have occurred

- (6) If:
- (a) the Social Security Appeals Tribunal sets a decision aside under subsection (1); and
 - (b) the Secretary, or the Tribunal, is satisfied that an event that did not occur would have occurred if the decision had not been made;
- the Secretary or the Tribunal (as the case may be) may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of this Division.

318 Date of effect of SSAT decisions

General rule

- (1) Subject to subsections (2) and (3), a decision by the Social Security Appeals Tribunal comes into operation immediately on the giving of the decision.

Section 320

Tribunal may nominate later date

- (2) The Tribunal may provide in a decision that the decision is not to come into operation until a later day stated in the decision and, if it does so, the decision comes into operation on that later day.

Decision varied or substituted

- (3) Subject to subsection (5), if the Tribunal:
- (a) varies the decision under review; or
 - (b) sets aside the decision under review and substitutes a new decision for the decision under review;
- the decision as varied or the new decision (as the case may be) has effect, or is taken to have had effect, on and from the day on which the decision under review has or had effect.

Tribunal may vary rule under subsection (3)

- (5) The Tribunal may order:
- (a) that subsection (3) not apply to a decision to which this Division applies by the Tribunal on a review; and
 - (b) that subsections (1) and (2) apply instead.

320 Application requirements

Methods of applying for review

- (1) A person may apply to the Social Security Appeals Tribunal for review of a decision by:
- (a) sending or delivering a written application to:
 - (i) an office of the Tribunal; or
 - (ii) an office of the Department; or
 - (b) going to an office of the Tribunal and making an oral application; or
 - (c) telephoning an office of the Tribunal and making an oral application.

Written record of oral application

- (2) If a person makes an oral application under paragraph (1)(b) or (c), the person receiving the oral application must make a written record of the details of the oral application and note on the record the date on which the application is made.

Written record taken to be application

- (3) If a written record of an oral application is made under subsection (2), the written record is taken to be a written application by the applicant and to be delivered to an office of the Tribunal on the day on which the oral application is made.

Statement of reasons

- (4) An application may include a statement of the reasons for seeking a review of the decision.

321 Variation of decision before review completed

Application for review of decision as varied

- (1) If an officer varies a decision after an application has been made to the Social Security Appeals Tribunal for review of the decision but before determination of the review, the application for review is to be treated as if it were an application for review of the decision as varied.

Application for review of substituted decision

- (2) If an officer sets a decision aside and substitutes a new decision after an application has been made to the Social Security Appeals Tribunal for review of the decision set aside but before determination of the review, the application for review is to be treated as if it were an application for review of the new decision.

Procedure if variation or substitution before determination

- (3) If:

Section 322

- (a) a person applies to the Social Security Appeals Tribunal for a review of a decision; and
 - (b) before determination of the review, an officer varies the decision or sets the decision aside and substitutes a new decision;
- the person may:
- (c) proceed with the application for review of the decision as varied or the new decision; or
 - (d) request the Principal Member to dismiss the application under section 322A; or
 - (e) notify, under section 322B, the Social Security Appeals Tribunal that the application is discontinued or withdrawn.

322 Parties to SSAT review

Parties to review

- (1) The parties to a review by the Social Security Appeals Tribunal of a decision are:
 - (a) the applicant; and
 - (b) the Secretary; and
 - (c) any other person who has been made a party to the review under subsection (5).

Application to be made a party

- (3) If a person has applied under subsection 311(1) for review of a decision, any other person whose interests are affected by the decision may apply to the Principal Member to be made a party to the review.

Written application

- (4) An application under subsection (3) must be in writing.

Principal Member may make order

- (5) The Principal Member may order that a person who has applied under subsection (3) be made a party to the review.

322A Dismissal of application for review by SSAT

- (1) The Principal Member may, on the request of a party or on his or her own initiative, dismiss an application for review of a decision if:
 - (a) the decision is not reviewable under this Division; or
 - (b) the application is frivolous or vexatious; or
 - (c) all of the parties consent; or
 - (d) the Principal Member is satisfied:
 - (i) after having communicated with each party; or
 - (ii) after having made reasonable attempts to communicate with each party and having failed to do so;or a combination of both, that none of the parties intends to proceed with the application; or
 - (e) all of the parties fail to attend the hearing.
- (2) The Principal Member may dismiss an application under paragraph (1)(b) only if:
 - (a) one of the following applies:
 - (i) the Principal Member has received and considered submissions from the applicant for review;
 - (ii) the Principal Member has otherwise communicated with the applicant in relation to the grounds of the application;
 - (iii) the Principal Member has made reasonable attempts to communicate with the applicant in relation to the grounds of the application and has failed to do so; and
 - (b) all of the parties (other than the applicant) consent to the dismissal.
- (3) If the Principal Member dismisses an application under subsection (1) (other than under paragraph (1)(b)), a party to the review may:
 - (a) within 28 days after receiving notification that the application has been dismissed; or
 - (b) within such longer period as the Principal Member, in special circumstances, allows;request that the Principal Member reinstate the application.

Section 322B

- (4) If the Principal Member considers it appropriate to do so, he or she may reinstate the application and give such directions as he or she considers appropriate in the circumstances.
- (5) If it appears to the Principal Member that an application has been dismissed under subsection (1) in error, he or she may, on the request of a party to the review or on his or her own initiative, reinstate the application and give such directions as he or she considers appropriate in the circumstances.

322B Applicant for review may discontinue or withdraw application

- (1) An applicant for review may notify the Social Security Appeals Tribunal at any time that the application for review is discontinued or withdrawn.
- (2) If the applicant orally notifies the Social Security Appeals Tribunal, the person who receives the notification must make a written record of the day on which the notification was given.
- (3) If notification is given under subsection (1), the Principal Member is taken to have dismissed the application.
- (4) If the Principal Member dismisses an application under subsection (3), the applicant may:
 - (a) within 28 days after receiving notification that the application has been dismissed; or
 - (b) within such longer period as the Principal Member, in special circumstances, allows;request that the Principal Member reinstate the application.
- (5) If the Principal Member considers it appropriate to do so, he or she may reinstate the application and give such directions as he or she considers appropriate in the circumstances.

322C Notification of decisions

Social Security Appeals Tribunal affirms decisions

- (1) If the Social Security Appeals Tribunal makes a decision on a review and the decision is of a kind mentioned in paragraph 316(1)(a), the Tribunal must:
 - (a) prepare a written statement (the *initial statement*) that sets out the decision of the Tribunal on the review; and
 - (b) give each party to the review a copy of the initial statement within 14 days after making the decision; and
 - (c) within 14 days after making the decision, either:
 - (i) give reasons for the decision orally to each party to the review and explain that the party may make a written request for a statement under subparagraph (ii) within 14 days after the copy of the initial statement is given to the party; or
 - (ii) give each party to the review a written statement (whether or not as part of the initial statement) that sets out the reasons for the decision, sets out the findings on any material questions of fact and refers to evidence or other material on which the findings of fact are based; and
 - (d) return to the Secretary any document that the Secretary has provided to the Tribunal in connection with the review; and
 - (e) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact are based.
- (2) If the Social Security Appeals Tribunal does not give a written statement to a party under subparagraph (1)(c)(ii), the party may, within 14 days after the copy of the initial statement is given to the party, make a written request of the Tribunal for such a statement.
- (3) The Social Security Appeals Tribunal must comply with a request under subsection (2) within 14 days after the day on which it receives the request.

Section 322C

Social Security Appeals Tribunal varies decisions or sets decisions aside

- (4) If the Social Security Appeals Tribunal makes a decision on a review and the decision is of a kind mentioned in paragraph 316(1)(b) or (c), the Tribunal must:
- (a) prepare a written statement that:
 - (i) sets out the decision of the Tribunal on the review; and
 - (ii) sets out the reasons for the decision; and
 - (iii) sets out the findings on any material questions of fact; and
 - (iv) refers to evidence or other material on which the findings of fact are based; and
 - (b) give each party to the review a copy of the statement referred to in paragraph (a) within 14 days after the making of the decision in relation to the review; and
 - (c) return to the Secretary any document that the Secretary has provided to the Tribunal in connection with the review; and
 - (d) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact are based.

Notice of further review right

- (5) After the Social Security Appeals Tribunal determines a review, the Principal Member must give each party to the review (except the Secretary) a written notice stating that, if the party is dissatisfied with the Tribunal's decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision.
- (6) A failure to comply with subsection (5) in relation to a decision of the Social Security Appeals Tribunal does not affect the validity of the decision.

Division 3—Right to review by Administrative Appeals Tribunal

323 Application of Division

Unless otherwise stated, this Division applies to:

- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or
- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme.

Note: For *officer* see subsection 3(1).

324 Review of SSAT decision by AAT

Application for review

- (1) If a decision has been reviewed by the Social Security Appeals Tribunal (the **SSAT**) and has been affirmed, varied or set aside, application may be made to the Administrative Appeals Tribunal for a review of the decision of the SSAT.

Which decision is to be reviewed

- (2) For the purposes of subsection (1), the decision made by the SSAT is taken to be:
 - (a) if the SSAT affirms a decision—the decision as affirmed; and
 - (b) if the SSAT varies a decision—the decision as varied; and
 - (c) if the SSAT sets a decision aside and substitutes a new decision—the new decision; and
 - (d) if the SSAT sets a decision aside and sends the matter back to the Secretary for reconsideration in accordance with any directions or recommendations of the SSAT—the directions or recommendations of the SSAT.

Section 325

AAT Act requirements

- (3) Subsection (1) has effect subject to section 29 of the *Administrative Appeals Tribunal Act 1975*.

Note: Section 29 of the *Administrative Appeals Tribunal Act 1975* sets out the manner in which an application of the AAT for review of a decision must be made.

Secretary may treat event as having occurred

- (4) If:
- (a) the Administrative Appeals Tribunal sets a decision aside; and
 - (b) the Secretary is satisfied that an event that did not occur would have occurred if the decision had not been made;
- the Secretary may, if satisfied that it is reasonable to do so, treat the event as having occurred for the purposes of this Division.

325 Variation of decision before AAT review completed

Review of decision as varied

- (1) If an officer varies a decision after an application has been made to the Administrative Appeals Tribunal for review of the decision but before the determination of the application for review, the application is to be treated as if it were an application for review of the decision as varied.

Review of new decision

- (2) If an officer sets a decision aside and substitutes a new decision after an application has been made to the Administrative Appeals Tribunal for review of the decision but before determination of the review, the application is to be treated as if it were an application for review of the new decision.

Person may proceed or withdraw

- (3) If:
- (a) a person applies to the Administrative Appeals Tribunal for review of a decision; and
 - (b) before determination of the review, an officer varies the decision or sets the decision aside and substitutes a new decision;
- the person may either:
- (c) proceed with the application for review of the decision as varied or the new decision; or
 - (d) withdraw the application.

326A Secretary may settle proceedings before the Administrative Appeals Tribunal

- (1) The Secretary may agree, with other parties to proceedings before the Administrative Appeals Tribunal that relate to recovering a debt, to settle the proceedings. The agreement must be in writing.
- (2) If the proceedings are settled and the Secretary gives the Administrative Appeals Tribunal a copy of the agreement to settle the proceedings, the application for review of the decision that was the subject of the proceedings is taken to have been dismissed.

Division 4—Modification of the Administrative Appeals Tribunal Act 1975

327 Modification of the Administrative Appeals Tribunal Act

This Division sets out the modifications of the *Administrative Appeals Tribunal Act 1975* that need to be made for applications for review under section 324.

329 Notice of application for review

The *Administrative Appeals Tribunal Act 1975* applies to an application under section 324 for review of a decision as if the reference in subsection 29(11) of that Act to the person who made the decision were a reference to each party to a review by the Social Security Appeals Tribunal (other than a party making the application under section 324).

Note: Subsection 29(11) of the *Administrative Appeals Tribunal Act 1975* requires notice of an application to the AAT for review of a decision to be given to the person who made the decision. The effect of this section is that any person who was a party to the review by the SSAT will be given notice of an application to the AAT for further review.

330 Parties to review by the AAT

The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 324 as if the reference in paragraph 30(1)(b) of that Act to the person who made the decision were a reference to each person who was a party to the review by the Social Security Appeals Tribunal.

Note: Paragraph 30(1)(b) of the *Administrative Appeals Tribunal Act 1975* provides that the person who made the decision under review is a party to the proceeding before the AAT for review of the decision. The effect of this section is that each person who was a party to the review by the SSAT is automatically made a party to an application to the AAT for further review.

331 Lodging documents with the AAT

Certain references in the AAT Act taken to be references to a Secretary

- (1) The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 324 as if references in section 37 of that Act to the person who made the decision that is the subject of an application for review by the Administrative Appeals Tribunal were references to the Secretary.

Compliance with obligations under paragraph 37(1)(a) of AAT Act

- (2) If a person applies to the Administrative Appeals Tribunal under section 324 for a review of a decision, the Secretary is taken to have complied with his or her obligations under paragraph 37(1)(a) of the *Administrative Appeals Tribunal Act 1975* in relation to the decision if he or she gives the Administrative Appeals Tribunal 2 copies of the statement prepared by the Social Security Appeals Tribunal under subparagraph 322C(1)(c)(ii) or paragraph 322C(4)(a) of this Act.

Powers under section 38 of AAT Act

- (3) Subsection (2) does not limit the Administrative Appeals Tribunal's powers under section 38 of the *Administrative Appeals Tribunal Act 1975*.

332 Power of the AAT to obtain additional statements

The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 324 as if references in section 38 of that Act to the person who lodges a statement referred to in paragraph 37(1)(a) of that Act with the Administrative Appeals Tribunal were references to the Principal Member.

Note: The effect of this section is that if the Administrative Appeals Tribunal considers that the statement referred to in paragraph 37(1)(a) of the *Administrative Appeals Tribunal Act 1975* is not adequate, it may order the Principal Member to lodge an additional statement containing further and better particulars.

Section 333

333 Operation and implementation of the decision under review

Applications for review by AAT

- (1) The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 324 as if the references in subsection 41(4) of that Act to the person who made the decision were references to each party to the review by the Social Security Appeals Tribunal (the **SSAT**).

Note: Section 41 of the *Administrative Appeals Tribunal Act 1975* deals with the operation and implementation of a decision under review by the AAT.

Review of decisions

- (2) The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 324 as if the references in section 41 of that Act to the decision to which the relevant proceeding relates were references to:
- (a) if the SSAT affirmed the original decision—the original decision; or
 - (b) if the SSAT varied the original decision:
 - (i) the original decision as varied by the SSAT; and
 - (ii) the original decision; or
 - (c) if the SSAT set aside the original decision and substituted a new decision:
 - (i) the new decision; and
 - (ii) the original decision; or
 - (d) if the SSAT set aside the original decision and sent the matter back to the Secretary for reconsideration in accordance with any directions or recommendations of the SSAT:
 - (i) any decision made as a result of that reconsideration; and
 - (ii) the original decision.

Review by SSAT

- (3) For the purposes of subsection (2), the original decision is the decision that was reviewed by the SSAT.
-

334 Power of the AAT if party fails to appear

The *Administrative Appeals Tribunal Act 1975* applies to a review under section 324 as if the reference in subsection 42A(2) of that Act to the person who made the decision were references to the Secretary.

Note: Subsection 42A(2) of the *Administrative Appeals Tribunal Act 1975* empowers the AAT to direct that, if a person fails to appear (other than the person who made the decision that is under review), that person is to cease to be a party to the proceedings before the AAT or the application for review is to be dismissed.

Part 10—Administration

Division 1—General administration

335 Government policy statements

Minister may prepare statement

- (1) The Minister may prepare a written statement of the policy of the Commonwealth Government in relation to the administration of this Act and give a copy of the statement to:
 - (a) the Secretary; and
 - (c) the Principal Member.

Copy to be laid before Parliament

- (2) If the Minister prepares a statement under subsection (1), the Minister must cause a copy of the statement to be laid before each House of the Parliament within 15 sitting days of that House after the Minister first gives a copy of the statement to a person under that subsection.

Officers to have regard to statement

- (3) In exercising powers under this Act, an officer must have regard to any statement a copy of which has been given to the Secretary.

Principal Member and Tribunal to have regard to statement

- (4) In exercising powers under this Act, the Principal Member and the Social Security Appeals Tribunal must have regard to any statement a copy of which has been given to the Principal Member under subsection (1).

336 The Secretary and Principal Member may agree on administrative arrangements

The Secretary and the Principal Member may agree on administrative arrangements to further the objectives of Part 9.

338 Delegation

Secretary may delegate powers

- (1) Subject to this section, the Secretary may, by signed writing, delegate to an officer all or any of the powers of the Secretary under this Act.

Secretary may not delegate power under paragraph 355(1)(b)

- (2) The Secretary must not delegate the Secretary's power under paragraph 355(1)(b) to anyone except the Chief Executive Centrelink.

CEO may not subdelegate power under paragraph 355(1)(b)

- (2A) If the Secretary delegates to the Chief Executive Centrelink the Secretary's power under paragraph 355(1)(b), the Chief Executive Centrelink cannot, despite section 12 of the *Human Services (Centrelink) Act 1997*, delegate the power to a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*).

339 Authorised review officers

Secretary may authorise officer

- (1) The Secretary may authorise an officer to perform duties as an authorised review officer for the purposes of this Act.

Written authorisation

- (3) The Secretary's authorisation must be in writing.

340 Decisions to be in writing

Written decision

- (1) A decision of an officer under this Act must be in writing.

Section 341

Entry in computer

- (2) A decision under this Act is taken to be in writing if it is entered into, or recorded with the use of, a computer.

341 Notice of decisions

Notices other than notices under Part 8 taken to have been given

- (1) If notice of a decision under a Part of this Act is:
- (a) delivered to a person personally; or
 - (b) left at the address of the place of residence or business of the person last known to the Secretary; or
 - (c) sent by pre-paid post to the address of the place of residence or business of the person last known to the Secretary;
- notice of the decision is taken, for the purposes of this Act, to have been given to the person even if the Secretary is satisfied that the person did not actually receive the notice.

Note: Compare section 28A of the *Acts Interpretation Act 1901*.

Notice by post

- (3) Notice of a decision under this Act may be given to a person by properly addressing, prepaying and posting the notice as a letter.

Note: Compare the first limb of section 29 of the *Acts Interpretation Act 1901*.

When notice by post given

- (4) If a notice of a decision under this Act is given in accordance with subsection (3), notice of the decision is taken to have been given to the person at the time when the letter would be delivered in the ordinary course of the post unless the contrary is proved.

Note: Compare the second limb of section 29 of the *Acts Interpretation Act 1901*.

Effect of section

- (5) This section only applies to notices of decisions and nothing in this section affects the operation of sections 28A and 29 of the *Acts Interpretation Act 1901* in relation to other notices under this Act.

Division 2—Information gathering

342 Application

Extraterritorial application

- (1) This Division other than section 349 extends to:
 - (a) acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
 - (b) all people irrespective of their nationality.

Crown to be bound

- (2) This Division other than sections 348 and 349 binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Commonwealth laws not to be breached

- (3) Nothing in this Division requires a person to give information to the extent that, in so doing, the person would contravene a law of the Commonwealth (other than a law of a Territory).

Operation of section 12ZU unaffected

- (4) Nothing in this Division affects the operation of section 12ZU.

343 General power to obtain information

Secretary may require information concerning student assistance benefits

- (1) The Secretary may require a person to give information, or to produce a document that is in the person's custody or under the person's control, to the Department if the Secretary considers that the information or document may be relevant to:
 - (a) whether a person who has made a claim for a student assistance benefit under this Act is or was qualified for the benefit; or

- (b) whether a student assistance benefit under this Act is payable to a person who is receiving it; or
- (c) whether a student assistance benefit under this Act was payable to a person who has received it; or
- (d) the rate of a student assistance benefit that applies or applied to a person; or
- (e) for the purposes of the administration of the ABSTUDY scheme—a child’s past or present enrolment, or attendance, at a school.

Note: A requirement under this section may be sent to a company as well as to a natural person—subsection 2C(1) of the *Acts Interpretation Act 1901* provides that **person** includes a body corporate.

- (2) In subsection (1), the following terms have the same meaning as in Part 3C (schooling requirements) of the *Social Security (Administration) Act 1999* (see section 124A of that Act):
 - (a) **attendance** (at a school);
 - (b) **enrolment** (at a school).

344 Power to obtain information from a person who owes a debt to the Commonwealth

Information from persons owing debts under Parts of Act

- (1) The Secretary may require a person who owes a debt to the Commonwealth under this Act in relation to a student assistance benefit:
 - (a) either to:
 - (i) give to the Department information that is relevant to the person’s financial situation; or
 - (ii) produce to the Department a document that is in the person’s custody or under the person’s control and is relevant to the person’s financial situation; and
 - (b) if the person’s address changes—to notify the Department of the new address within 14 days of the change.

Note: A requirement under this subsection may be sent to a company as well as to a natural person—subsection 2C(1) of the *Acts Interpretation Act 1901* provides that **person** includes a body corporate.

Section 345

Section 343 not affected

- (3) This section does not limit section 343.

345 Power to obtain information about a person who owes a debt to the Commonwealth

Secretary may require information etc. concerning debts under Act

- (1) If the Secretary believes that a person may have information or a document:
- (a) that would help the Department locate another person who owes a debt to the Commonwealth under this Act in relation to a student assistance benefit; or
 - (b) that is relevant to the financial situation of a person referred to in paragraph (a);

the Secretary may require the first-mentioned person to give the information, or produce the document, to the Department.

Note: A requirement under this section may be sent to a company as well as to a natural person—subsection 2C(1) of the *Acts Interpretation Act 1901* provides that *person* includes a body corporate.

347 Provisions relating to requirements

Requirement by written notice

- (1) A requirement made to a person under section 343, 344 or 345 must be by written notice given to the person.

Note: Sections 28A and 29 of the *Acts Interpretation Act 1901*, and section 9 of the *Electronic Transactions Act 1999*, set out methods by which the notice may be given.

Contents of notice

- (2) The notice must state:
- (a) how the person is to give the information; and
 - (b) the period within which the person is to give the information; and
 - (c) the officer (if any) to whom the information is to be given; and

- (d) that the requirement made by the notice is under the section concerned.

Time limit for providing information

- (4) The period stated under paragraph (2)(b) must extend for at least 14 days after the notice is given.

Appearance before officer

- (5) The notice may require the person to give the information by appearing (or, if the person is a body corporate, to arrange for a person to appear) before a particular officer to answer questions.

Time and place for appearance

- (6) If the notice requires a person to appear before an officer, the notice must state a time and a place for the person to appear, and the time must be at least 14 days after the notice is given.
- (10) A person must not refuse or fail to comply with a requirement made under section 343, 344 or 345.

Penalty: Imprisonment for 12 months.

- (11) Subsection (10) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (11) (see subsection 13.3(3) of the *Criminal Code*).

- (12) Subsection (10) does not apply to the extent that the person is not capable of complying with the requirement.

Note: A defendant bears an evidential burden in relation to the matter in subsection (12) (see subsection 13.3(3) of the *Criminal Code*).

- (13) For the purposes of an offence against subsection (10), strict liability applies to the physical element of circumstance, that the requirement was made under section 343, 344 or 345.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

348 State/Territory law does not affect obligations to provide information

Nothing contained in any law of a State or a Territory operates to prevent a person from:

- (a) giving information; or
- (b) producing documents; or
- (c) giving evidence;

that the person is required to give or produce to the Department or to an officer for the purposes of this Act (including the purposes of the administration of the ABSTUDY scheme).

Division 3—Confidentiality

350 Operation of section 12ZU unaffected

Nothing in this Division affects the operation of section 12ZU.

351 Protection of personal information

Obtaining protected information

- (1) A person may obtain protected information if the information is obtained for the purposes of this Act or the *Dental Benefits Act 2008* (including the purposes of the administration of the ABSTUDY scheme).

Note: In certain circumstances it is an offence for a person to obtain protected information without authority (see section 352).

Disclosure of protected information

- (2) A person may:
- (a) make a record of protected information; or
 - (b) disclose such information to any person; or
 - (c) otherwise use such information;
- if the record, disclosure or use made of the information by the person is made:
- (d) for the purposes of this Act (including the purposes of the administration of the ABSTUDY scheme); or
 - (da) for the purposes of the *Dental Benefits Act 2008*; or
 - (db) for the purposes of the family assistance law; or
 - (dc) for the purposes of the social security law; or
 - (dd) for the purposes of the *Paid Parental Leave Act 2010*; or
 - (e) for the purpose for which the information was disclosed to the person under section 354 or 355; or
 - (f) with the express or implied authorisation of the person to whom the information relates.

Note: In certain circumstances it is an offence for a person to use protected information without authority (see section 353).

Section 352

Child support

- (3) Nothing in this Part prevents a person from disclosing information to another person if the information is disclosed for the purposes of the *Child Support (Assessment) Act 1989* or the *Child Support (Registration and Collection) Act 1988*.

Protected information about ABSTUDY scheme schooling requirements

- (4) If protected information relates to the enrolment (or non-enrolment) or the attendance (or non-attendance) of a child at a school, a person may do any of the following:
- (a) obtain the information;
 - (b) make a record of the information;
 - (c) disclose the information to a person responsible for the operation of the school, or any other school;
 - (d) otherwise use the information.
- (5) In subsection (4), the following terms have the same meaning as in Part 3C (schooling requirements) of the *Social Security (Administration) Act 1999* (see section 124A of that Act):
- (a) **attendance** (at a school);
 - (b) **enrolment** (at a school);
 - (c) **person responsible** (for the operation of a school).

352 Offence—unauthorised access to protected information

If:

- (a) a person intentionally obtains information; and
- (c) the person knows or ought reasonably to know that the information is protected information;

the person is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the

resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

- Note 2: A person, including an officer, is authorised to obtain protected information for the purposes of this Act (see subsection 351(1)).
- Note 3: For *protected information* see subsection 3(1).

353 Offence—unauthorised use of protected information

If:

- (a) a person intentionally:
 - (i) makes a record of; or
 - (ii) discloses to any other person; or
 - (iii) otherwise makes use of; information; and
- (c) the person knows or ought reasonably to know that the information is protected information;

the person is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

- Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.
- Note 2: A person, including an officer, is authorised to use information only if it is used for certain purposes (see subsection 351(2)). In certain circumstances an officer is required under this Act to disclose information (see section 354). The Secretary can disclose certain information (see section 355).

354 Protection extends to court, tribunal etc. proceedings

An officer must not, except for the purposes of this Act, be required:

- (a) to produce any document in his or her possession; or
 - (b) to disclose any matter or thing of which he or she had notice;
- because of the performance or exercise of his or her duties, functions or powers under this Act to:

Section 355

- (c) a court; or
- (d) any of the following:
 - (i) a tribunal; or
 - (ii) an authority; or
 - (iii) a person;
that has power to require the production of documents or the answering of questions.

355 Secretary's certificate

Secretary may disclose information

- (1) Despite sections 353 and 354, the Secretary may:
 - (a) if the Secretary certifies that it is necessary in the public interest to do so in a particular case or class of cases—disclose information acquired by an officer in the performance of his or her functions or duties or in the exercise of his or her powers under this Act to any persons and for any purposes that the Secretary determines; or
 - (b) disclose any such information:
 - (i) to the Secretary of a Department of State of the Commonwealth for the purposes of that Department; or
 - (ii) to the head of an authority of the Commonwealth for the purposes of that authority; or
 - (iii) to the Chief Executive Centrelink for the purposes of a centrelink program; or
 - (iv) to the Chief Executive Medicare for the purposes of a medicare program; or
 - (d) disclose any such information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.

Note: A person to whom information is disclosed may commit an offence if the person uses the information without authority (see section 353).

Secretary to act according to guidelines

- (2) In giving certificates for the purposes of paragraph (1)(a), the Secretary must act in accordance with guidelines (if any) from time to time in force under section 356.

Disclosure to be in accordance with guidelines

- (3) In disclosing information under paragraph (1)(b), the Secretary must act in accordance with guidelines (if any) from time to time in force under section 356.

356 Guidelines for exercise of Secretary's disclosure powers

The Minister may, by legislative instrument, make guidelines for the exercise of either or both of the following:

- (a) the Secretary's power to give certificates for the purposes of paragraph 355(1)(a);
- (b) the Secretary's power under paragraph 355(1)(b).

357 Offence—soliciting disclosure of protected information

- (1) If:
- (a) a person solicits the disclosure of protected information from an officer or another person; and
 - (b) the disclosure would be in contravention of this Division; and
 - (c) the first-mentioned person knows or ought reasonably to know that the information is protected information;

then, whether or not any protected information is actually disclosed, the first-mentioned person is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

Note 2: For *protected information* see subsection 3(1).

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Note 3: For *officer* see subsection 3(1).

- (2) For the purposes of an offence against subsection (1), strict liability applies to the physical element of circumstance, that the contravention is a contravention of this Division.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

358 Making untrue representations for purpose of soliciting disclosure of protected information

If:

- (a) a person solicits the disclosure of protected information from an officer; and
- (b) makes representations that the person knows or ought reasonably to know are untrue with the intention of soliciting the disclosure of the information from the officer;

then, whether or not any protected information is actually disclosed, the person is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

Note 2: For *protected information* see subsection 3(1).

Note 3: For *officer* see subsection 3(1).

359 Offences—offering to supply protected information

Person offering to supply information

- (1) A person who:
- (a) offers to supply (whether to a particular person or otherwise) information about another person; and
 - (b) knows that the information is protected information;
- is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

Person holding out that he or she is able to supply information

- (2) A person who:
- (a) holds himself or herself out as being able to supply (whether to a particular person or otherwise) information about another person; and
 - (b) knows that the information is protected information; is guilty of an offence punishable on conviction by imprisonment for a period of not more than 2 years.

Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

Note 2: For *protected information* see subsection 3(1).

Exception

- (3) Nothing in subsection (1) or (2) renders an officer acting in the exercise or performance of his or her duties, functions or powers under this Act guilty of an offence.

Note: For *officer* see subsection 3(1).

360 Officer's oath or declaration

An officer must make an oath or declaration in a form approved by the Minister or the Secretary if required to do so by the Minister or the Secretary.

Note: For *officer* see subsection 3(1).

361 Freedom of Information Act not affected

The provisions of this Part that relate to the disclosure of information do not affect the operation of the *Freedom of Information Act 1982*.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Student Assistance Act 1973	155, 1973	27 Nov 1973	15 Oct 1974 (<i>see Gazette</i> 1974, No. 82, p. 4)	
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	Part XXXIX (ss. 218–237): 4 June 1982 (<i>a</i>)	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 151(5): 1 July 1985 (<i>see Gazette</i> 1985, No. S221) (<i>b</i>)	—
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s. 3: 1 July 1985 (<i>c</i>)	ss. 2(32) and 6(1)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	s. 3: 1 Aug 1984 (<i>see Gazette</i> 1984, No. S288) (<i>d</i>)	ss. 2(24) and 6
Christmas Island Administration (Miscellaneous Amendments) Act 1984	120, 1984	18 Oct 1984	Part VIII (ss. 27–31): 1 Oct 1984 Remainder: Royal Assent	—
Student Assistance Amendment Act 1985	137, 1985	28 Nov 1985	ss. 1–3, 11, 12 and 14: Royal Assent ss. 4–10, 15 and 16: 1 Jan 1986 (<i>see Gazette</i> 1986, No. S526) s. 13: 26 Dec 1985	ss. 3(2), 13(2) and 16
Student Assistance Amendment Act 1986	114, 1986	4 Nov 1986	1 Jan 1987 (<i>see Gazette</i> 1986, No. S650)	ss. 8 and 9
Student Assistance Amendment Act 1987	125, 1987	16 Dec 1987	16 Dec 1987	s. 4

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security and Veterans' Entitlements Amendment Act (No. 2) 1987	130, 1987	16 Dec 1987	s. 122: Royal Assent (<i>e</i>) s. 123: 1 Jan 1988 (<i>e</i>)	—
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: Royal Assent (<i>f</i>)	s. 5(1) and (20)
Student Assistance Legislation Amendment Act 1988	35, 1988	22 May 1988	22 May 1988	—
Student Assistance Amendment Act 1989	76, 1989	21 June 1989	ss. 1 and 2: Royal Assent Remainder: 1 Jan 1990	s. 27
Student Assistance Amendment Act (No. 2) 1989	171, 1989	19 Dec 1989	ss. 1 and 2: Royal Assent s. 17: 3 Jan 1990 Remainder: 2 Jan 1990	ss. 9(2)–(8), 15(2), (3) and 17(9)
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	1 July 1991 (<i>see</i> s. 2)	—
Student Assistance Amendment Act 1991	95, 1991	26 June 1991	s. 16(b): 2 Jan 1990 Remainder: Royal Assent	ss. 6(2), 23 and 24
Student Assistance Amendment Act (No. 2) 1991	147, 1991	21 Oct 1991	ss. 1 and 2: 21 Oct 1991 s. 4(a)–(c): 18 Nov 1991 Remainder: 1 Jan 1992	s. 3
Student Assistance Amendment Act 1992	138, 1992	19 Nov 1992	ss. 31–43: 1 Jan 1993 Remainder: Royal Assent	s. 22(2)
as amended by				
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 3 (item 74): 19 Nov 1992 (<i>g</i>)	—
Commonwealth Reciprocal Recovery Legislation Amendment Act 1994	68, 1994	30 May 1994	ss. 6 and 7(a), (c): Royal Assent (<i>h</i>) s. 7(b): 1 July 1994 (<i>h</i>)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Student Assistance (Youth Training Allowance) Amendment Act 1994	183, 1994	23 Dec 1994	1 Jan 1995	ss. 37–41
Social Security Legislation Amendment Act (No. 1) 1995	104, 1995	29 Sept 1995	Schedule 12 (items 8–24): Royal Assent (<i>i</i>)	—
Student and Youth Assistance Amendment (Youth Training Allowance) Act (No. 2) 1995	155, 1995	16 Dec 1995	Schedules 1, 4, 6 and 8: 12 Dec 1995 (<i>see s. 2(2)</i>) Schedule 2, Schedule 3 (items 2, 3) and Schedule 5: 1 Jan 1996 Schedule 7 (items 1, 2, 4): (<i>j</i>) Schedule 7 (item 3): 1 Jan 1995 (<i>j</i>) Remainder: Royal Assent	Sch. 5 (item 5)
Student and Youth Assistance Amendment (Youth Training Allowance) Act (No. 3) 1995	156, 1995	16 Dec 1995	Schedule 1 (Part 2): 1 July 1996 Schedules 2 and 3: 20 Mar 1996 Schedule 4: 20 Sept 1996 Remainder: Royal Assent	Sch. 1 (items 3, 7, 8), Sch. 2 (item 25) and Sch. 3 (item 4)
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 2 (items 104–106): (<i>k</i>)	—
Social Security Legislation Amendment (Further Budget and Other Measures) Act 1996	83, 1996	23 Dec 1996	Schedule 2 (items 17, 18): 1 July 1997 (<i>l</i>) Schedule 3 (items 9, 10): Royal Assent (<i>l</i>)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security Legislation Amendment (Budget and Other Measures) Act 1996	84, 1996	23 Dec 1996	Schedule 2 (item 12): 1 July 1997 (<i>m</i>) Schedule 3 (items 10– 13), Schedule 5 (items 2, 8–11, 135), Schedule 6 (items 7, 8) and Schedule 21 (item 2): 1 Jan 1997 (<i>m</i>) Schedule 4 (items 2–4), Schedule 7 (items 45–64, 73–77) and Schedule 21 (item 6): 20 Sept 1997 (<i>m</i>) Schedule 5 (items 77– 119, 129–132), Schedule 8 (items 9, 10, 27), Schedule 9 (item 4), Schedule 10 (items 36– 40), Schedule 12 (items 40– 64), Schedule 17 (items 9– 14) and Schedule 21 (item 4): 20 Mar 1997 (<i>m</i>) Schedule 13: 1 July 1995 (<i>m</i>) Schedule 18 (items 36– 38, 44–47, 80–96, 99, 100, 106–109) and Schedule 21 (item 8): 1 Oct 1997 (<i>m</i>)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997	106, 1997	30 June 1997	Schedule 3 (item 3): 1 Jan 1997 (<i>n</i>) Schedule 3 (items 4–8, 10): (<i>n</i>)	—
Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Act 1997	5, 1997	4 Mar 1997	s. 3 and Schedule 1 (items 47–50) and Schedule 2 (item 2): Royal Assent (<i>o</i>)	s. 3
Student and Youth Assistance Amendment (Waiting Period) Act 1997	6, 1997	4 Mar 1997	4 Mar 1997	—
Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997	29, 1997	17 Apr 1997	1 July 1997 (<i>see s. 2</i>)	—
Income Tax (Consequential Amendments) Act 1997	39, 1997	17 Apr 1997	1 July 1997	—
as amended by				
Tax Law Improvement Act 1997	121, 1997	8 July 1997	Schedule 12 (item 30): (<i>p</i>)	—
Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997	106, 1997	30 June 1997	Schedule 1 (items 43–71): 10 July 1997 (<i>see Gazette</i> 1997, No. S279) (<i>q</i>) Schedule 2 (items 3, 4): 20 Oct 1997 (<i>q</i>) Schedule 3 (item 2): 20 Mar 1997 (<i>q</i>)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Aged Care (Consequential Provisions) Act 1997	114, 1997	7 July 1997	Schedule 5 (item 32): (<i>r</i>)	—
Tax Law Improvement Act 1997	121, 1997	8 July 1997	s. 4: Royal Assent (<i>s</i>) Schedule 6 (item 141): (<i>s</i>) Schedule 12 (item 34): 1 July 1997 (<i>s</i>)	s. 4
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 1227–1234): 1 Jan 1998 (<i>see Gazette</i> 1997, No. GN49) (<i>t</i>)	—
Social Security Legislation Amendment (Parenting and Other Measures) Act 1997	197, 1997	11 Dec 1997	Schedule 1 (items 347–361): 20 Mar 1998 (<i>u</i>) Schedule 4 (Part 3): 1 July 1998 (<i>u</i>) Schedule 4 (Part 4): 1 July 1999 (<i>u</i>)	Sch. 1 (item 361) and Sch. 4 (items 22, 24)
Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997	202, 1997	16 Dec 1997	Schedule 3 (item 11): 1 Jan 1996 (<i>v</i>) Schedule 20 (items 29–35): Royal Assent (<i>v</i>) Schedule 22: 15 Dec 1997 (<i>v</i>)	—
Student and Youth Assistance Amendment Act 1998	40, 1998	4 June 1998	Schedule 1 (item 7): 1 Jan 1999 Remainder: Royal Assent	—
Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998	45, 1998	17 June 1998	Schedule 11: 1 July 1998 (<i>w</i>)	Sch. 11 (items 40, 130–135)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Financial Sector Reform (Consequential Amendments) Act 1998	48, 1998	29 June 1998	Schedule 1 (item 169): 1 July 1998 (<i>see Gazette</i> 1998, No. S316) (<i>x</i>)	—
Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998	93, 1998	15 July 1998	Schedule 6 (items 111–139, 144, 145, 147–167): Royal Assent (<i>y</i>) Schedule 6 (items 140–143, 146): (<i>y</i>)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (item 841): 5 Dec 1999 (<i>see Gazette</i> 1999, No. S584) (<i>z</i>)	—
Indigenous Education (Supplementary Assistance) Amendment Act 1999	157, 1999	8 Dec 1999	8 Dec 1999	—
A New Tax System (Tax Administration) Act (No. 1) 2000	44, 2000	3 May 2000	Schedule 3 (items 49, 50): (<i>za</i>)	—
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419)
Education, Training and Youth Affairs Legislation Amendment (Application of Criminal Code) Act 2001	147, 2001	1 Oct 2001	2 Oct 2001	s. 4
Student Assistance Amendment Act 2002	31, 2002	30 May 2002	30 May 2002	—
Bankruptcy Legislation Amendment Act 2004	80, 2004	23 June 2004	Schedule 1 (items 205–208, 212, 213, 215): 1 Dec 2004 (<i>see Gazette</i> 2004, No. GN34)	Sch. 1 (items 212, 213, 215)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s. 4 and Schedule 1 (items 368–372, 496): Royal Assent	s. 4 and Sch. 1 (item 496)
Student Assistance Legislation Amendment Act 2006	47, 2006	22 May 2006	Schedule 2 (items 1–11): Royal Assent Schedule 2 (items 12–25, 27): 1 July 2006	Sch. 2 (item 27)
Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006	101, 2006	14 Sept 2006	Schedule 2 (items 920–924) and Schedule 6 (items 1, 6–11): Royal Assent	Sch. 6 (items 1, 6–11)
Social Security Legislation Amendment (2007 Budget Measures for Students) Act 2007	184, 2007	28 Sept 2007	Schedule 1: Royal Assent	—
Dental Benefits (Consequential Amendments) Act 2008	42, 2008	25 June 2008	Schedule 1 (items 21, 22): 26 June 2008 (<i>see s. 2(1)</i>)	—
Tax Laws Amendment (Education Refund) Act 2008	141, 2008	9 Dec 2008	Schedule 1 (items 7, 10): Royal Assent	Sch. 1 (item 10)
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Schedule 5 (items 40, 41): 10 Dec 2008	—
Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Act 2008	149, 2008	11 Dec 2008	Schedule 1 (items 22–28, 34): Royal Assent	Sch. 1 (item 34)
Tax Laws Amendment (2009 Measures No. 1) Act 2009	27, 2009	26 Mar 2009	Schedule 3 (items 84–87, 102(1)): 27 Mar 2009	Sch. 3 (item 102(1))

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Tax Laws Amendment (Transfer of Provisions) Act 2010	79, 2010	29 June 2010	Schedule 1 (item 35): 1 July 2010	—
Financial Framework Legislation Amendment Act 2010	148, 2010	17 Dec 2010	Schedule 11 (items 19–22): 18 Dec 2010	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 1 (item 112): Royal Assent Schedule 7 (item 130): 19 Apr 2011	—
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Schedule 4 (items 607–617B, 657): 1 July 2011	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 1070–1072) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011	79, 2011	25 July 2011	Schedule 4 (item 12): (<i>zb</i>) Schedule 4 (items 13–15): 26 July 2011	Sch. 4 (item 15) s. 2(1) (item 5) (rs. by 32, 2011, Sch. 4 [item 658]) s. 2(1) (items 6–12) (ad. by 32, 2011, Sch. 4 [item 658])
as amended by				
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Schedule 4 (item 658): (<i>zc</i>)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Schedule 3 (items 190–195, 343): Royal Assent	Sch. 3 (item 343)
Social Services and Other Legislation Amendment Act 2014	14, 2014	31 Mar 2014	Sch 12 (items 7–14): 1 Apr 2014	Sch 12 (item 14)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (items 63–66): 24 June 2014	—
Social Services and Other Legislation Amendment (Seniors Health Card and Other Measures) Act 2014	98, 2014	11 Sept 2014	Sch 2 (items 3–28): 12 Sept 2014 (s 2(1) item 2)	Sch 2 (item 28)
Omnibus Repeal Day (August 2014) Act 2014	109, 2014	16 Oct 2014	Sch 10 (item 17): 17 Oct 2014 (s 2(1) (item 8))	—

- (a) The *Student Assistance Act 1973* was amended by Part XXXIX (sections 218–237) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty–eighth day after the day on which this Act receives the Royal Assent.
- (b) The *Student Assistance Act 1973* was amended by subsection 151(5) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (c) The *Public Service Reform Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(21) of which provides that the amendment made by this Act to subsection 151(5) of the *Public Service Reform Act 1984* shall be deemed to have come into operation on the commencement of subsection 151(5) of the last–mentioned Act.
- (d) The *Student Assistance Act 1973* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(23) of which provides as follows:
- (23) Section 6 and the amendments of the *Student Assistance Act 1973* made by this Act shall come into operation on a day to be fixed by Proclamation.
- (e) The *Student Assistance Act 1973* was amended by sections 122 and 123 only of the *Social Security and Veterans’ Entitlements Amendment Act (No. 2) 1987*, section 2 of which provides as follows:
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Endnote 3—Legislation history

- 2 Each provision of this Act comes into operation, or is deemed to have come into operation, as the case requires, on the day, or at the time, shown by the note in italics at the foot of that provision.
- (f) The *Student Assistance Act 1973* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (g) The *Student Assistance Amendment Act 1992* was amended by Schedule 3 (item 74) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:
- (3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.
- (h) The *Student Assistance Act 1973* was amended by sections 6 and 7 only of the *Commonwealth Reciprocal Recovery Legislation Amendment Act 1994*, subsections 2(1) and (2) of which provide as follows:
- (1) Parts 1 and 3, other than paragraph 7(b), commence on the day on which this Act receives the Royal Assent.
- (2) Part 2, paragraph 7(b) and Part 4 commence on 1 July 1994, immediately after the commencement of section 8 of the *Social Security Legislation Amendment Act 1994*.
- (i) The *Student Assistance Act 1973* was amended by Schedule 12 (items 8–24) only of the *Social Security Legislation Amendment Act (No. 1) 1995*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (j) Subsections 2(4) and (5) of the *Student and Youth Assistance Amendment (Youth Training Allowance) Act (No. 2) 1995* which provide as follows:
- (4) Schedule 7 (other than item 3) commences immediately before 20 March 1996.
- (5) Item 3 of Schedule 7 is taken to have commenced on 1 January 1995, immediately after the commencement of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.
- (k) The *Student Assistance Act 1973* was amended by Schedule 2 (items 104–106) only of the *Statute Law Revision Act 1996*, subsection 2(2) of which provides as follows:
- (2) Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item. Items 104–106 are taken to have commenced immediately after the commencement of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.

Endnotes

Endnote 3—Legislation history

The *Student Assistance (Youth Training Allowance) Amendment Act 1994* came into operation on 1 January 1995.

- (l) The *Student Assistance Act 1973* was amended by Schedule 2 (items 17 and 18) and Schedule 3 (items 9 and 10) only of the *Social Security Legislation Amendment (Further Budget and Other Measures) Act 1996*, subsections 2(1) and (3) of which provide as follows:

(1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.

(3) Schedule 2 commences on 1 July 1997.

- (m) The *Student Assistance Act 1973* was amended by Schedule 2 (item 12), Schedule 3 (items 10–13), Schedule 4 (items 2–4), Schedule 5 (items 2, 8–11, 77–119, 129–132 and 135), Schedule 6 (items 7 and 8), Schedule 7 (items 45–64, 73–77), Schedule 8 (items 9, 10 and 27), Schedule 9 (item 4), Schedule 10 (items 36–40), Schedule 12 (items 40–64), Schedule 13, Schedule 17 (items 9–14), Schedule 18 (items 36–38, 44–47, 80–96, 99, 100 and 106–109) and Schedule 21 (items 2, 4, 6 and 8) only of the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*, subsections 2(2)–(7) of which provide as follows:

(2) Schedules 3, 6 and 19, Parts 1, 2 and 5 of Schedule 5 and Part 1 of Schedule 21 commence on 1 January 1997.

(3) Schedules 8, 9, 10, 11, 12 and 17, Parts 3 and 4 of Schedule 5 and Part 2 of Schedule 21 commence on 20 March 1997.

(4) Schedules 1, 2, 14, 15 and 16 commence on 1 July 1997.

(5) Schedules 4 and 7 and Part 3 of Schedule 21 commence on 20 September 1997.

(6) Schedule 18 and Part 4 of Schedule 21 commence on 1 October 1997.

(7) Schedule 13 is taken to have commenced on 1 July 1995.

- (n) The *Social Security Legislation Amendment (Budget and Other Measures) Act 1996* was amended by Schedule 3 (items 3–8 and 10) only of the *Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997*, subsections 2(6)–(8) and (10) of which provide as follows:

(6) Item 3 of Schedule 3 is taken to have commenced on 1 January 1997, immediately after the commencement of Part 2 of Schedule 5 to the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*.

(7) Items 4, 5, 6 and 7 of Schedule 3 are taken to have commenced on 20 March 1997, immediately after the commencement of Part 3 of Schedule 5 to the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*.

Endnote 3—Legislation history

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- (8) Item 8 of Schedule 3 is taken to have commenced on 20 March 1997, immediately after the commencement of Schedule 12 to the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*.
- (10) Item 10 of Schedule 3 commences, or is taken to have commenced, on 1 October 1997, immediately after the commencement of Schedule 18 to the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*.
- (o) The *Student Assistance Act 1973* was amended by Schedule 1 (items 47–50) and Schedule 2 (item 2) only of the *Social Security Legislation Amendment (Newly Arrived Resident’s Waiting Periods and Other Measures) Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.
- (p) The *Income Tax (Consequential Amendments) Act 1997* was amended by Schedule 12 (item 30) only of the *Tax Law Improvement Act 1997*, subsection 2(4) of which provides as follows:
- (4) If a note specifies the commencement of an item in Schedule 12, the item commences as specified in the note.
- Item 30 commences immediately before 1 July 1997.
- (q) The *Student Assistance Act 1973* was amended by Schedule 1 (items 43–71), Schedule 2 (items 3 and 4) and Schedule 3 (item 2) only of the *Social Security Legislation Amendment (Activity Test Penalty Periods) Act 1997*, subsections 2(2), (4) and (5) of which provide as follows:
- (2) Subject to subsection (3), Schedule 1 commences on a day to be fixed by Proclamation.
- (4) Schedule 2 commences, or is taken to have commenced, on 20 October 1997.
- (5) Items 1 and 2 of Schedule 3 are taken to have commenced on 20 March 1997, immediately after the commencement of Parts 3 and 4 of Schedule 5 to the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*.
- (r) The *Student Assistance Act 1973* was amended by Schedule 5 (item 32) only of the *Aged Care (Consequential Provisions) Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences immediately after the commencement of the *Aged Care Act 1997* (other than Division 1 of that Act).
- The *Aged Care Act 1997* (other than Division 1) commenced on 1 October 1997.
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Endnotes

Endnote 3—Legislation history

- (s) The *Student Assistance Act 1973* was amended by Schedule 6 (item 141) and Schedule 12 (item 34) only of the *Tax Law Improvement Act 1997*, subsections 2(1)–(3) and (5) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
 - (2) Schedule 1 commences on 1 July 1997 immediately after the commencement of the *Income Tax Assessment Act 1997*.
 - (3) Each of the other Schedules (except Schedule 12) commences immediately after the commencement of the immediately preceding Schedule.
 - (5) If there is no note specifying the commencement of an item in Schedule 12, the item commences on 1 July 1997 immediately after the commencement of the *Income Tax Assessment Act 1997*.
- (t) The *Student Assistance Act 1973* was amended by Schedule 2 (items 1227–1234) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (u) The *Student Assistance Act 1973* was amended by Schedule 1 (items 347–360) and Schedule 4 (Part 3 [item 23] and Part 4 [item 25]) only of the *Social Security Legislation Amendment (Parenting and Other Measures) Act 1997*, subsections 2(2), (6) and (7) of which provide as follows:
- (2) Part 3 of Schedule 1 commences on 1 July 1998. The remaining items of Schedule 1 commence on 20 March 1998.
 - (6) Parts 2 and 4 of Schedule 4 commence on 1 July 1999.
 - (7) Part 3 of Schedule 4 and Schedule 5 commence on 1 July 1998.
- (v) The *Student Assistance Act 1973* was amended by Schedule 3 (item 11), Schedule 20 (items 29–35) and Schedule 22 only of the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997*, subsections 2(1), (4) and (17) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
 - (4) Schedule 3 is taken to have commenced on 1 January 1996, immediately after the commencement of Schedule 2 to the *Social Security Legislation Amendment (Family Measures) Act 1995*.
 - (17) Schedules 21 and 22 commence, or are taken to have commenced, on 15 December 1997.
- (w) The *Student Assistance Act 1973* was amended by Schedule 11 (items 1–39 and 41–129) only of the *Social Security Legislation Amendment (Youth*

Endnote 3—Legislation history

Allowance Consequential and Related Measures) Act 1998, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) to (10), this Act commences on 1 July 1998.

(x) The *Student Assistance Act 1973* was amended by Schedule 1 (item 169) only of the *Financial Sector Reform (Consequential Amendments) Act 1998*, subsection 2(2) of which provides as follows:

(2) Subject to subsections (3) to (14), Schedules 1, 2 and 3 commence on the commencement of the *Australian Prudential Regulation Authority Act 1998*.

(y) The *Student Assistance Act 1973* was amended by Schedule 6 (items 111–167) only of the *Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998*, subsections 2(1) and (8) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(8) Items 44 to 47 (inclusive), 50, 140 to 143 (inclusive) and 146 of Schedule 6 commence immediately before the commencement of Schedule 20 to the *Social Security and Veterans' Affairs Legislation Amendment (Family and Other Measures) Act 1997*.

Schedule 20 commenced on 16 December 1997.

(z) The *Student Assistance Act 1973* was amended by Schedule 1 (item 841) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.

(2) Subject to section, this Act commences at the commencing time.

(za) The *Student Assistance Act 1973* was amended by Schedule 3 (items 49 and 50) only of the *A New Tax System (Tax Administration) Act (No. 1) 2000*, subsection 2(1) of which provide as follows:

(1) Subject to this section, this Act commences, or is taken to have commenced, immediately after the commencement of section 1 of the *A New Tax System (Tax Administration) Act 1999*.

Section 1 commenced on 22 December 1999.

(zb) Subsection 2(1) (item 10) of the *Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011* provides as follows:

(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.

Endnotes

Endnote 3—Legislation history

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
10. Schedule 4, item 12	The day after this Act receives the Royal Assent. However, if item 657 of Schedule 4 to the <i>Human Services Legislation Amendment Act 2011</i> commences before the day after this Act receives the Royal Assent, the provision(s) do not commence at all.	Does not commence
(zc)	Subsection 2(1) (item 7B) of the <i>Human Services Legislation Amendment Act 2011</i> provides as follows: (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.	
Provision(s)	Commencement	Date/Details
7B. Schedule 4, Part 6	Immediately after the commencement of section 2 of the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> . However, if section 2 of the <i>Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011</i> commences before the day this Act receives the Royal Assent, the provision(s) do not commence at all.	25 July 2011

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	rs. No. 26, 1982 am. No. 171, 1989; No. 183, 1994; No. 45, 1998
Part 1	
s. 1	am. No. 183, 1994; No. 45, 1998
s. 3	am. No. 26, 1982; Nos. 72 and 120, 1984; No. 137, 1985; No. 114, 1986; No. 35, 1988; Nos. 76 and 171, 1989; Nos. 70, 95 and 147, 1991; No. 138, 1992; Nos. 68 and 183, 1994; No. 155, 1995; Nos. 6, 29 and 152, 1997; Nos. 40, 45 and 48, 1998; No. 146, 1999; No. 31, 2002; No. 8, 2005; No. 47, 2006; No. 184, 2007; No. 149, 2008; No. 27, 2009; No. 148, 2010; Nos. 5 and 32, 2011; No. 103, 2013; Nos 31 and 98, 2014
s. 4	ad. No. 35, 1988 rep. No. 183, 1994
s. 5	ad. No. 171, 1989 am. No. 183, 1994; No. 45, 1998
s. 5A.....	ad. No. 147, 1991
s. 5B.....	ad. No. 183, 1994 am No 14, 2014
Note to s 5B	ad No 14, 2014
s. 5C.....	ad. No. 183, 1994
s. 5D.....	ad. No. 45, 1998 am. No. 103, 2013
s. 5E.....	ad. No. 147, 2001
Heading to Part 2	rs. No. 76, 1989 rep. No. 45, 1998
Part 2.....	rs. No. 114, 1986 rep. No. 45, 1998
s. 6	rep. No. 26, 1982 ad. No. 76, 1989 rep. No. 45, 1998
ss. 6A–6H	ad. No. 6, 1997 rep. No. 45, 1998

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 6J.....	ad. No. 6, 1997 rep. No. 45, 1998
s. 7	am. No. 26, 1982 rs. No. 114, 1986; No. 125, 1987 am. No. 76, 1989; No. 95, 1991; No. 138, 1992; No. 183, 1994; No. 6, 1997; No. 40, 1998 rep. No. 45, 1998
Part 3.....	rep. No. 95, 1991
s. 8	am. No. 26, 1982; No. 114, 1986; No. 76, 1989 rep. No. 95, 1991 ad. No. 6, 1997 rep. No. 45, 1998
s. 9	am. No. 26, 1982; No. 72, 1984 rep. No. 95, 1991 ad. No. 6, 1997 rep. No. 45, 1998
Heading to Part 4	am. No. 147, 1991 rep. No. 45, 1998
Part 4.....	ad. No. 171, 1989 rep. No. 45, 1998
s. 10	rep. No. 26, 1982 ad. No. 171, 1989 am. No. 95, 1991 rep. No. 147, 1991
s. 11	ad. No. 171, 1989 am. Nos. 95 and 147, 1991; No. 183, 1994 rep. No. 45, 1998
s. 12	ad. No. 171, 1989 rep. No. 45, 1998
Part 4A	
Division 1	
Part 4A.....	ad. No. 138, 1992
s. 12A.....	ad. No. 138, 1992

Endnote 4—Amendment history

Provision affected	How affected
	am. Nos. 40 and 45, 1998
s. 12B.....	ad. No. 138, 1992
s. 12C.....	ad. No. 138, 1992
	am. Nos. 40 and 45, 1998; No. 47, 2006; No. 103, 2013
s. 12D.....	ad. No. 138, 1992
Division 2	
s. 12E.....	ad. No. 138, 1992
	am. No. 45, 1998
s. 12F.....	ad. No. 138, 1992
	am. No. 183, 1994; No. 40, 1998; No. 47, 2006
s. 12G.....	ad. No. 138, 1992
	rs. No. 40, 1998
s. 12GA.....	ad. No. 40, 1998
s. 12H.....	ad. No. 138, 1992
	am. No. 45, 1998
Division 3	
ss. 12J, 12K.....	ad. No. 138, 1992
ss. 12KA, 12KB.....	ad. No. 40, 1998
s. 12L.....	ad. No. 138, 1992
s. 12M.....	ad. No. 138, 1992
	rs. No. 152, 1997; No. 8, 2005
	rep. No. 148 2010
s. 12N.....	ad. No. 138, 1992
	am. No. 152, 1997; No. 8, 2005
	rep. No. 148, 2010
Division 4	
s. 12P.....	ad. No. 138, 1992
	rs. No. 40, 1998
s. 12Q.....	ad. No. 138, 1992
s. 12QA.....	ad. No. 40, 1998
s. 12QB.....	ad. No. 40, 1998
	am. No. 31, 2002; No. 47, 2006

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 12QC.....	ad. No. 40, 1998
s. 12R.....	ad. No. 138, 1992 am. No. 183, 1994
s. 12S.....	ad. No. 138, 1992 am. No. 183, 1994; No. 31, 2002; No. 47, 2006
ss. 12T, 12U.....	ad. No. 138, 1992 am. No. 183, 1994
s. 12V.....	ad. No. 138, 1992 am. No. 183, 1994; No. 40, 1998
Division 5	
s. 12W.....	ad. No. 138, 1992
s. 12X.....	ad. No. 138, 1992 am. No. 45 1998
ss. 12Y, 12Z.....	ad. No. 138, 1992
s. 12ZA.....	ad. No. 138, 1992 am. No. 40, 1998
ss. 12ZB–12ZD.....	ad. No. 138, 1992
Division 6	
Subdivision A	
s. 12ZE.....	ad. No. 138, 1992
s. 12ZEA.....	ad. No. 14, 2014
s. 12ZFB.....	ad. No. 138, 1992 am. No. 45, 1998
s. 12ZGC.....	ad. No. 138, 1992
s. 12ZHD.....	ad. No. 138, 1992 am. No. 183, 1994
Subdivision B	
s. 12ZJ.....	ad. No. 138, 1992
s. 12ZJA.....	ad. No. 47, 2006
Subdivision C	
Subdiv. C of Div. 6 of Part 4A...	rs. No. 47, 2006
s. 12ZK.....	ad. No. 138, 1992

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 40, 1998
	rs. No. 47, 2006
s. 12ZL.....	ad. No. 47, 2006
	am. No. 27, 2009
ss. 12ZLA–12ZLD.....	ad. No. 47, 2006
Subdivision D	
s. 12ZL.....	ad. No. 138, 1992
	rep. No. 40, 1998
s. 12ZM.....	ad. No. 138, 1992
Heading to s. 12ZN.....	am. No. 44, 2000
s. 12ZN.....	ad. No. 138, 1992
	am. No. 44, 2000; No. 101, 2006; No. 79, 2010
Note 1 to s. 12ZN(1).....	ad. No. 44, 2000
	rep. No. 101, 2006
Note 2 to s. 12ZN(1)	ad. No. 44, 2000
Renamed Note.....	am. No. 101, 2006
s. 12ZNA.....	ad. No. 47, 2006
s. 12ZNB.....	ad. No. 47, 2006
s. 12ZNC.....	ad. No. 47, 2006
	rep No 14, 2014
s. 12ZND.....	ad. No. 47, 2006
s. 12ZO.....	ad. No. 138, 1992
s. 12ZP.....	ad. No. 138, 1992
	am No 14, 2014
s. 12ZQ.....	ad. No. 138, 1992
Subdivision E	
ss. 12ZR–12ZT.....	ad. No. 138, 1992
s. 12ZU.....	ad. No. 138, 1992
	am. No. 147, 2001; No 14, 2014
Division 7	
s. 12ZV.....	ad. No. 138, 1992
	am. No. 183, 1994
s. 12ZW.....	ad. No. 138, 1992

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 40, 1998; No. 80, 2004
s. 12ZX	ad. No. 138, 1992
	am. No. 183, 1994
ss. 12ZY–12ZZ	ad. No. 138, 1992
Part 4B	ad. No. 138, 1992
	rep. No. 45, 1998
ss. 12ZZA, 12ZZB	ad. No. 138, 1992
	rep. No. 45, 1998
Part 5	rep. No. 183, 1994
s. 13	am. No. 72, 1984; No. 137, 1985; No. 76, 1989; No. 95, 1991; No. 138, 1992
	rep. No. 183, 1994
s. 14	ad. No. 72, 1984
	am. No. 137, 1985
	rs. No. 76, 1989
	am. No. 138, 1992
	rep. No. 183, 1994
Heading to Div. 2 of Part 5	am. No. 137, 1985
	rep. No. 183, 1994
s. 15	am. No. 72, 1984
	rs. No. 137, 1985
	rep. No. 183, 1994
s. 16	rs. No. 26, 1982
	am. No. 137, 1985
	rep. No. 183, 1994
s. 17	am. No. 26, 1982; No. 72, 1984; No. 137, 1985
	rep. No. 183, 1994
s. 18	rs. No. 26, 1982; No. 72, 1984
	am. No. 137, 1985
	rep. No. 183, 1994
s. 19	ad. No. 137, 1985
	rep. No. 183, 1994
Heading to Div. 3 of Part 5	rs. No. 72, 1984

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 138, 1992
	rep. No. 183, 1994
s. 20	rs. No. 72, 1984
	am. No. 76, 1989; No. 138, 1992
	rep. No. 183, 1994
Heading to Div. 4 of Part 5	ad. No. 72, 1984
	rep. No. 183, 1994
s. 21	am. No. 26, 1982; No. 72, 1984; No. 137, 1985; No. 76, 1989; No. 138, 1992
	rep. No. 183, 1994
s. 22	rs. No. 72, 1984
	am. No. 137, 1985; No. 76, 1989
	rep. No. 183, 1994
s. 23	ad. No. 137, 1985
	am. No. 76, 1989
	rep. No. 183, 1994
s. 24	rs. No. 72, 1984
	am. No. 137, 1985; No. 76, 1989
	rep. No. 183, 1994
Heading to Div. 5 of Part 5	rs. No. 72, 1984
	rep. No. 183, 1994
s. 25	ad. No. 26, 1982
	am. No. 72, 1984
	rs. No. 137, 1985
	rep. No. 183, 1994
s. 26	ad. No. 26, 1982
	am. No. 72, 1984; No. 137, 1985
	rep. No. 183, 1994
s. 27	ad. No. 72, 1984
	am. No. 137, 1985; No. 95, 1991
	rep. No. 183, 1994
s. 28	am. No. 26, 1982; No. 72, 1984; No. 137, 1985; No. 76, 1989; No. 95, 1991
	rep. No. 183, 1994

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Endnote 4—Amendment history

Provision affected	How affected
s. 29	am. No. 26, 1982; No. 72, 1984; No. 137, 1985 rep. No. 183, 1994
s. 30	am. No. 72, 1984; No. 76, 1989 rep. No. 183, 1994
s. 31	rs. No. 26, 1982 am. No. 72, 1984; No. 137, 1985 rep. No. 183, 1994
s. 32	ad. No. 26, 1982 am. No. 72, 1984; No. 137, 1985 rep. No. 183, 1994
s. 33	ad. No. 137, 1985 rep. No. 183, 1994
s. 34	am. No. 72, 1984; No. 137, 1985 rep. No. 183, 1994
Div. 6 of Part 5	ad. No. 72, 1984 rep. No. 183, 1994
s. 35	ad. No. 72, 1984 am. No. 137, 1985; No. 76, 1989; No. 138, 1992 rep. No. 183, 1994
s. 36	ad. No. 72, 1984 rep. No. 183, 1994
s. 37	ad. No. 72, 1984 am. No. 63, 1984 (as am. by No. 165, 1984); No. 76, 1989; No. 138, 1992 rep. No. 183, 1994
Part 6	
Heading to Part 6	rs. No. 45, 1998
Part 6	ad. No. 171, 1989 am. No. 45, 1998
Division 1	
Heading to Div. 1 of Part 6	ad. No. 45, 1998
Div. 1 of Part 6	ad. No. 45, 1998
s. 38	ad. No. 171, 1989 am. No. 95, 1991; No. 183, 1994; No. 155, 1995

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
	ad. No. 45, 1998
s. 39	ad. No. 171, 1989
	rep. No. 95, 1991
	ad. No. 45, 1998
s. 39AA	ad. No. 31, 2002
Division 2	
Heading to Div. 2 of Part 6	ad. No. 45, 1998
s. 39A.....	ad. No. 45, 1998
s. 40	ad. No. 171, 1989
	am. No. 95, 1991; No. 183, 1994; No. 45, 1998
s. 41	ad. No. 171, 1989
	am. No. 95, 1991; No. 183, 1994
s. 42	ad. No. 171, 1989
	am. No. 95, 1991; No. 138, 1992; No. 183, 1994; No. 45, 1998; No. 147, 2001
s. 42A.....	ad. No. 184, 2007
Division 3	
Heading to Div. 3 of Part 6	ad. No. 45, 1998
s. 43	ad. No. 171, 1989
	am. No. 95, 1991; No. 183, 1994; No. 155, 1995
	rs. No. 45, 1998
s. 43A.....	ad. No. 45, 1998
s. 43B.....	ad. No. 45, 1998
	am. No. 144, 2008
s. 43C.....	ad. No. 45, 1998
s. 43D.....	ad. No. 45, 1998
Heading to s. 43E(7)	rs. No. 103, 2013
s. 43E.....	ad. No. 45, 1998
	am. No. 103, 2013
s. 43F.....	ad. No. 45, 1998
s. 44	ad. No. 171, 1989
	rep. No. 183, 1994

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 7	
s. 44A	ad. No. 95, 1991 am. No. 138, 1992; No. 39, 1997; No. 45, 1998
s. 45	ad. No. 35, 1988 am. Nos. 76 and 171, 1989; No. 95, 1991; No. 138, 1992 rep. No. 183, 1994
ss. 46, 47	ad. No. 35, 1988 rep. No. 183, 1994
s. 48	ad. No. 171, 1989 am. No. 138, 1992; No. 183, 1994; No. 45, 1998; No. 31, 2002; No. 47, 2006
s. 49	ad. No. 35, 1988 am. Nos. 76 and 171, 1989; No. 138, 1992; No. 183, 1994; No. 45, 1998; No. 137, 2000; No. 147, 2001; No. 47, 2006
s. 50	ad. No. 35, 1988 am. No. 183, 1994; No. 45, 1998
s. 51	ad. No. 35, 1988 rs. No. 171, 1989 am. No. 95, 1991; No. 138, 1992; No. 183, 1994; No. 45, 1998
s. 52	am. No. 72, 1984; No. 137, 1985 rs. No. 95, 1991 rep. No. 183, 1994
s. 53	ad. No. 137, 1985 am. No. 35, 1988; No. 76, 1989 rs. No. 171, 1989; No. 95, 1991 rep. No. 183, 1994
s. 54	am. No. 72, 1984; No. 138, 1992 rep. No. 183, 1994
s. 55	ad. No. 137, 1985
s. 55A	ad. No. 147, 1991 am. No. 138, 1992; No. 183, 1994; Nos. 40 and 45, 1998; No. 157, 1999
s. 55A	ad. No. 95, 1991
Renumbered s. 55B	No. 138, 1992 (as am. by No. 43, 1996)

Endnote 4—Amendment history

Provision affected	How affected
s. 55B.....	rep. No. 183, 1994
s. 56	am. No. 72, 1984; No. 137, 1985; No. 35, 1988; No. 95, 1991; No. 138, 1992; No. 183, 1994; No. 152, 1997; No. 45, 1998; No. 8, 2005; No. 148, 2010
Part 8	ad. No. 183, 1994 rep. No. 45, 1998
s. 57	ad. No. 183, 1994 rep. No. 45, 1998
s. 58	ad. No. 183, 1994 am. No. 156, 1995; No. 84, 1996; Nos. 106 and 197, 1997 rep. No. 45, 1998
s. 59	ad. No. 183, 1994 rep. No. 84, 1996
ss. 60–64	ad. No. 183, 1994 rep. No. 45, 1998
s. 65	ad. No. 183, 1994 am. Nos. 155 and 156, 1995; No. 202, 1997 rep. No. 45, 1998
s. 66	ad. No. 183, 1994 rep. No. 156, 1995
ss. 67, 68	ad. No. 183, 1994 rep. No. 45, 1998
s. 69	ad. No. 183, 1994 am. No. 84, 1996 rep. No. 45, 1998
ss. 70, 71	ad. No. 183, 1994 rep. No. 45, 1998
s. 72	ad. No. 183, 1994 am. No. 156, 1995; No. 84, 1996 rep. No. 45, 1998
s. 73	ad. No. 183, 1994 rep. No. 45, 1998
s. 74	ad. No. 183, 1994

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 156, 1995
	rep. No. 45, 1998
s. 75	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
s. 75A	ad. No. 84, 1996
	rep. No. 45, 1998
s. 76	ad. No. 183, 1994
	rep. No. 45, 1998
s. 77	ad. No. 183, 1994
	rs. No. 84, 1996
	rep. No. 45, 1998
s. 78	ad. No. 183, 1994
	am. No. 106, 1997
	rep. No. 45, 1998
s. 78AA.....	ad. No. 106, 1997
	rep. No. 45, 1998
Subdiv. BAA of Div. 2 of Part 8	ad. No. 156, 1995
	rep. No. 45, 1998
s. 78AAA.....	ad. No. 202, 1997
	rep. No. 45, 1998
ss. 78A, 78B.....	ad. No. 156, 1995
	rep. No. 45, 1998
s. 78C	ad. No. 156, 1995
	rep. No. 84, 1996
s. 78D	ad. No. 156, 1995
	rep. No. 45, 1998
s. 78E	ad. No. 156, 1995
	am. No. 84, 1996
	rep. No. 45, 1998
ss. 78F, 78G	ad. No. 156, 1995
	rep. No. 84, 1996
s. 79	ad. No. 183, 1994

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 156, 1995; No. 202, 1997
	rep. No. 45, 1998
ss. 80–84	ad. No. 183, 1994
	rep. No. 45, 1998
s. 85	ad. No. 183, 1994
	am. No. 156, 1995; No. 84, 1996
	rep. No. 45, 1998
ss. 86–88	ad. No. 183, 1994
	rep. No. 45, 1998
s. 89	ad. No. 183, 1994
	am. No. 156, 1995
	rep. No. 45, 1998
s. 90	ad. No. 183, 1994
	rep. No. 45, 1998
s. 90A.....	ad. No. 202, 1997
	rep. No. 45, 1998
Heading to s. 91	rs. No. 202, 1997
	rep. No. 45, 1998
s. 91	ad. No. 183, 1994
	am. No. 156, 1995; No. 84, 1996; Nos. 106 and 202, 1997
	rep. No. 45, 1998
Heading to s. 91A	rs. No. 202, 1997
	rep. No. 45, 1998
s. 91A.....	ad. No. 84, 1996
	am. No. 202, 1997; No. 93, 1998
	rep. No. 45, 1998
Heading to s. 92	rs. No. 156, 1995
	rep. No. 45, 1998
s. 92	ad. No. 183, 1994
	am. No. 156, 1995
	rep. No. 45, 1998
Note 2 to s. 92(2)	am. No. 84, 1996

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
Note 3 to s. 92(2)	rep. No. 84, 1996
s. 92A.....	ad. No. 156, 1995
	rep. No. 45, 1998
Note 1 to s. 92A(2)	am. No. 84, 1996
	rep. No. 45, 1998
Note 1 to s. 92A(3)	rep. No. 84, 1996
Note 1 to s. 92A(5)	rep. No. 84, 1996
s. 92B.....	ad. No. 156, 1995
	rep. No. 45, 1998
ss. 93, 94	ad. No. 183, 1994
	rep. No. 84, 1996
s. 95	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 84, 1996
s. 96	ad. No. 183, 1994
	rep. No. 45, 1998
s. 97	ad. No. 183, 1994
	am. No. 155, 1995; No. 84, 1996
	rep. No. 45, 1998
Note 3 to s. 97(4)	rep. No. 84, 1996
s. 98	ad. No. 183, 1994
	rep. No. 45, 1998
s. 99	ad. No. 183, 1994
	am. Nos. 155 and 156, 1995
	rep. No. 45, 1998
s. 100	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
ss. 101, 102	ad. No. 183, 1994
	am. No. 5, 1997
	rep. No. 45, 1998

Endnote 4—Amendment history

Provision affected	How affected
Heading to Subdiv. F of	rs. No. 106, 1997
Div. 2 of Part 8	rep. No. 45, 1998
Heading to s. 103	rs. No. 106, 1997
	rep. No. 45, 1998
s. 103.....	ad. No. 183, 1994
	am. No. 106, 1997
	rep. No. 45, 1998
Note to s. 103.....	rep. No. 106, 1997
Heading to s. 104.....	rs. No. 106, 1997
	rep. No. 45, 1998
s. 104.....	ad. No. 183, 1994
	am. No. 106, 1997
	rep. No. 45, 1998
Note to s. 104.....	rep. No. 106, 1997
Heading to s. 105	rs. No. 106, 1997
	rep. No. 45, 1998
s. 105	ad. No. 183, 1994
	am. No. 106, 1997
	rep. No. 45, 1998
Note to s. 105.....	rep. No. 106, 1997
s. 106	ad. No. 183, 1994
	am. No. 84, 1996
	rs. No. 106, 1997
	rep. No. 45, 1998
s. 107.....	ad. No. 183, 1994
	rs. No. 106, 1997
	rep. No. 45, 1998
s. 108.....	ad. No. 183, 1994
	rs. No. 84, 1996; No. 106, 1997
	rep. No. 45, 1998
s. 108A.....	ad. No. 84, 1996
	rs. No. 106, 1997
	rep. No. 45, 1998

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Endnote 4—Amendment history

Provision affected	How affected
s. 109.....	ad. No. 183, 1994 am. No. 84, 1996 rs. No. 106, 1997 rep. No. 45, 1998
Heading to s. 110.....	am. No. 106, 1997 rep. No. 45, 1998
s. 110.....	ad. No. 183, 1994 am. No. 84, 1996 (as am. by No. 106, 1997); No. 106, 1997 rep. No. 45, 1998
Heading to s. 111.....	am. No. 106, 1997 rep. No. 45, 1998
s. 111.....	ad. No. 183, 1994 am. No. 84, 1996; No. 106, 1997 rep. No. 45, 1998
s. 111A.....	ad. No. 106, 1997 rep. No. 45, 1998
s. 112.....	ad. No. 183, 1994 am. No. 84, 1996 rs. No. 106, 1997 rep. No. 45, 1998
s. 113.....	ad. No. 183, 1994 rs. No. 84, 1996 am. No. 106, 1997 rep. No. 45, 1998
s. 113A.....	ad. No. 84, 1996 rs. No. 106, 1997 rep. No. 45, 1998
s. 114.....	ad. No. 183, 1994 am. No. 156, 1995; No. 84, 1996 rep. No. 45, 1998
s. 115.....	ad. No. 183, 1994 rs. No. 84, 1996

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
ss. 116–119	ad. No. 183, 1994
	rep. No. 84, 1996
ss. 120, 121	ad. No. 183, 1994
	rep. No. 45, 1998
s. 122	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
ss. 123–132	ad. No. 183, 1994
	rep. No. 45, 1998
s. 133	ad. No. 183, 1994
	am. No. 84, 1996; Nos. 106 and 202, 1997
	rep. No. 45, 1998
s. 134	ad. No. 183, 1994
	rep. No. 45, 1998
Heading to Subdiv. A of Div. 5 of Part 8	ad. No. 84, 1996
	rep. No. 45, 1998
s. 135	ad. No. 183, 1994
	am. No. 104, 1995; No. 84, 1996
	rep. No. 45, 1998
s. 136.....	ad. No. 183, 1994
	rep. No. 45, 1998
Subdiv. AA of Div. 5 of Part 8	ad. No. 106, 1997
	rep. No. 45, 1998
ss. 136AA–136AE	ad. No. 106, 1997
	rep. No. 45, 1998
Subdiv. B of Div. 5 of Part 8	ad. No. 84, 1996
	rep. No. 45, 1998
s. 136A.....	ad. No. 84, 1996
	rep. No. 45, 1998
s. 136B.....	ad. No. 84, 1996
	am. No. 106, 1997
	rep. No. 45, 1998

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Endnote 4—Amendment history

Provision affected	How affected
ss. 136C, 136D.....	ad. No. 84, 1996 rs. No. 106, 1997 rep. No. 45, 1998
s. 136DA.....	ad. No. 106, 1997 rep. No. 45, 1998
ss. 136E–136G.....	ad. No. 84, 1996 rep. No. 45, 1998
ss. 137–141	ad. No. 183, 1994 rep. No. 45, 1998
s. 142	ad. No. 183, 1994 am. No. 155, 1995 rep. No. 45, 1998
ss. 143–148	ad. No. 183, 1994 rep. No. 45, 1998
ss. 149, 150	ad. No. 183, 1994 am. No. 155, 1995 rep. No. 45, 1998
s. 151	ad. No. 183, 1994 am. No. 84, 1996; No. 202, 1997 rep. No. 45, 1998
s. 151A.....	ad. No. 202, 1997 rep. No. 45, 1998
ss. 152–153	ad. No. 183, 1994 rep. No. 45, 1998
Note to s. 153.....	rep. No. 84, 1996
ss. 154–156	ad. No. 183, 1994 rep. No. 45, 1998
s. 156A.....	ad. No. 84, 1996 rep. No. 45, 1998
s. 157.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 158	ad. No. 183, 1994

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 84, 1996
ss. 159–173	ad. No. 183, 1994
	rep. No. 45, 1998
Subdiv. A of Div. 11 of	rs. No. 156, 1995
Part 8	rep. No. 45, 1998
s. 174.....	ad. No. 183, 1994
	rs. No. 156, 1995
	rep. No. 45, 1998
s. 175.....	ad. No. 183, 1994
	rs. No. 156, 1995
	am. No. 84, 1996
	rep. No. 45, 1998
s. 176	ad. No. 183, 1994
	rep. No. 156, 1995
Subdiv. B of Div. 11 of	rs. No. 156, 1995
Part 8	rep. No. 45, 1998
s. 176	ad. No. 156, 1995
	rep. No. 45, 1998
s. 177	ad. No. 183, 1994
	rs. No. 156, 1995
	am. No. 121, 1997
	rep. No. 45, 1998
Subdiv. C of Div. 11 of.....	rs. No. 156, 1995
Part 8	rep. No. 45, 1998
s. 178	ad. No. 183, 1994
	rs. No. 156, 1995
	am. No. 84, 1996
	rep. No. 45, 1998
s. 179	ad. No. 183, 1994
	am. No. 156, 1995
	rs. No. 156, 1995
	am. No. 84, 1996
	rep. No. 45, 1998

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Endnote 4—Amendment history

Provision affected	How affected
ss. 180, 181	ad. No. 183, 1994 rs. No. 156, 1995 rep. No. 84, 1996
ss. 182–184	ad. No. 183, 1994 rs. No. 156, 1995 rep. No. 45, 1998
s. 185	ad. No. 183, 1994 rs. No. 156, 1995 am. No. 84, 1996 rep. No. 45, 1998
Subdiv. D of Div. 11 of..... Part 8	rs. No. 156, 1995
ss. 186–188	ad. No. 183, 1994 rs. No. 156, 1995 rep. No. 45, 1998
ss. 189–193	ad. No. 183, 1994 rep. No. 156, 1995
Subdiv. E of Div. 11 of	rep. No. 156, 1995
Part 8	
s. 194	ad. No. 183, 1994 rep. No. 156, 1995
Subdiv. F of Div. 11 of	ad. No. 183, 1994 rep. No. 45, 1998
Part 8	
ss. 195, 196	ad. No. 183, 1994 rep. No. 45, 1998
Subdiv. G of Div. 11 of	ad. No. 183, 1994 rep. No. 156, 1995
Part 8	
ss. 197–203	ad. No. 183, 1994 rep. No. 156, 1995
Subdiv. H of Div. 11 of	ad. No. 183, 1994 rep. No. 156, 1995
Part 8	
ss. 204–211	ad. No. 183, 1994 rep. No. 156, 1995

Endnote 4—Amendment history

Provision affected	How affected
Subdiv. I of Div. 11 of Part 8	ad. No. 183, 1994 rep. No. 156, 1995
s. 212	ad. No. 183, 1994 rep. No. 156, 1995
s. 213	ad. No. 183, 1994 am. No. 43, 1996 rep. No. 156, 1995
s. 214	ad. No. 183, 1994 rep. No. 156, 1995
Subdiv. J of Div. 11 of Part 8	ad. No. 183, 1994 rep. No. 45, 1998
ss. 215–217	ad. No. 183, 1994 rep. No. 45, 1998
s. 218	ad. No. 183, 1994 am. No. 104, 1995 rep. No. 45, 1998
ss. 219, 220	ad. No. 183, 1994 rep. No. 45, 1998
Subdiv. K of Div. 11 of Part 8	ad. No. 183, 1994 rep. No. 84, 1996
s. 221	ad. No. 183, 1994 am. Nos. 104 and 156, 1995 rep. No. 84, 1996
s. 222	ad. No. 183, 1994 am. No. 104, 1995 rep. No. 84, 1996
s. 223	ad. No. 183, 1994 rep. No. 84, 1996
s. 224	ad. No. 183, 1994 am. No. 84, 1996 rep. No. 45, 1998
s. 225	ad. No. 183, 1994 am. No. 155, 1995

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Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
s. 226	ad. No. 183, 1994
	rep. No. 45, 1998
Subhead to s. 227(1)	am. No. 84, 1996
	rep. No. 45, 1998
s. 227	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Subhead to s. 228(1)	rs. No. 84, 1996
	rep. No. 45, 1998
Subhead to s. 228(3)	rs. No. 84, 1996
	rep. No. 45, 1998
s. 228.....	ad. No. 183, 1994
	am. No. 84, 1996 (as am. by No. 106, 1997)
	rep. No. 45, 1998
s. 229	ad. No. 183, 1994
	am. No. 155, 1995; No. 84, 1996; No. 197, 1997
	rep. No. 45, 1998
s. 230	ad. No. 183, 1994
	rs. No. 84, 1996
	rep. No. 45, 1998
Subhead to s. 231(5)	am. No. 197, 1997
	rep. No. 45, 1998
Subhead to s. 231(6)	am. No. 197, 1997
	rep. No. 45, 1998
s. 231.....	ad. No. 183, 1994
	rs. No. 84, 1996
	am. No. 155, 1995; No. 84, 1996; No. 197, 1997
	rep. No. 45, 1998
s. 232.....	ad. No. 183, 1994
	rep. No. 45, 1998
Subhead to s. 233(5)	am. No. 197, 1997

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
Subhead to s. 233(6)	am. No. 197, 1997
	rep. No. 45, 1998
s. 233	ad. No. 183, 1994
	am. No. 155, 1995; No. 84, 1996; No. 197, 1997
	rep. No. 45, 1998
Note 1 to s. 233(6)	rs. No. 197, 1997
	rep. No. 45, 1998
Note 2 to s. 233(6)	am. No. 197, 1997
	rep. No. 45, 1998
ss. 234, 235	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
s. 236	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
s. 237.....	ad. No. 183, 1994
	am. No. 155, 1995; No. 84, 1996; No. 197, 1997
	rep. No. 45, 1998
Note to s. 237(6A)	rs. No. 197, 1997
	rep. No. 45, 1998
ss. 238, 239	ad. No. 183, 1994
	rep. No. 45, 1998
s. 240	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
s. 241	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
s. 242	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 243	ad. No. 183, 1994 am. No. 84, 1996; No. 197, 1997 rep. No. 45, 1998
Note to s. 243(6A)	rs. No. 197, 1997 rep. No. 45, 1998
ss. 244, 245	ad. No. 183, 1994 rep. No. 45, 1998
s. 246	ad. No. 183, 1994 am. No. 155, 1995 rep. No. 45, 1998
s. 247	ad. No. 183, 1994 rep. No. 45, 1998
s. 248.....	ad. No. 183, 1994 am. No. 84, 1996 rep. No. 45, 1998
s. 249.....	ad. No. 183, 1994 rep. No. 45, 1998
Heading to Div. 13 of Part 8	am. No. 155, 1995 rep. No. 45, 1998
s. 250	ad. No. 183, 1994 am. No. 155, 1995 rep. No. 45, 1998
s. 251	ad. No. 183, 1994 am. Nos. 155 and 156, 1995; No. 84, 1996 rep. No. 45, 1998
s. 252.....	ad. No. 183, 1994 am. No. 156, 1995; No. 84, 1996 rep. No. 45, 1998
s. 253.....	ad. No. 183, 1994 am. No. 156, 1995 rep. No. 45, 1998
ss. 254–256	ad. No. 183, 1994 rep. No. 45, 1998

Endnote 4—Amendment history

Provision affected	How affected
Subdiv. C of Div. 13 of	ad. No. 155, 1995
Part 8	rep. No. 45, 1998
s. 256A	ad. No. 155, 1995
	rep. No. 45, 1998
ss. 257–260	ad. No. 183, 1994
	rep. No. 45, 1998
s. 261	ad. No. 183, 1994
	am. Nos. 43 and 84, 1996
	rep. No. 45, 1998
Notes to s. 261(4), (5)	rep. No. 84, 1996
Notes to s. 261(8)	rep. No. 84, 1996
Heading to s. 262	rs. No. 83, 1996
	rep. No. 45, 1998
s. 262	ad. No. 183, 1994
	am. Nos. 83 and 84, 1996
	rep. No. 45, 1998
Notes to s. 262(4)	rep. No. 84, 1996
s. 263.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes 2–4 to s. 263	rep. No. 84, 1996
ss. 264, 265	ad. No. 183, 1994
	rep. No. 84, 1996
s. 266.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes to s. 266(2)	rep. No. 84, 1996
s. 267.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes to s. 267(2)	rep. No. 84, 1996
s. 268.....	ad. No. 183, 1994
	am. No. 84, 1996

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
Notes to s. 268(2)	rep. No. 84, 1996
s. 269.....	ad. No. 183, 1994
	rep. No. 84, 1996
s. 270.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes 2–4 to s. 270	rep. No. 84, 1996
s. 271.....	ad. No. 183, 1994
	rep. No. 45, 1998
s. 272.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes 2–4 to s. 272	rep. No. 84, 1996
s. 273.....	ad. No. 183, 1994
	rs. No. 84, 1996
	rep. No. 45, 1998
s. 274	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
s. 275.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Notes 1–3 to s. 275(9)	rep. No. 84, 1996
ss. 276, 277	ad. No. 183, 1994
	rep. No. 45, 1998
s. 278	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
s. 279.....	ad. No. 183, 1994
	rep. No. 45, 1998
s. 279A.....	ad. No. 84, 1996

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 45, 1998
ss. 280–282	ad. No. 183, 1994
	rep. No. 45, 1998
s. 283	ad. No. 183, 1994
	am. No. 155, 1995; No. 84, 1996
	rep. No. 45, 1998
ss. 284–286	ad. No. 183, 1994
	rep. No. 45, 1998
s. 287.....	ad. No. 183, 1994
	am. No. 84, 1996
	rep. No. 45, 1998
Note to s. 287.....	rep. No. 84, 1996
s. 288.....	ad. No. 183, 1994
	rs. No. 155, 1995
	rep. No. 45, 1998
s. 289.....	ad. No. 183, 1994
	rs. No. 155, 1995
	am. No. 84, 1996
	rep. No. 45, 1998
s. 290.....	ad. No. 183, 1994
	rs. No. 155, 1995
	rep. No. 45, 1998
ss. 290A–290C	ad. No. 155, 1995
	rep. No. 45, 1998
ss. 291, 292	ad. No. 183, 1994
	rep. No. 45, 1998
ss. 293–297	ad. No. 183, 1994
	am. No. 155, 1995
	rep. No. 45, 1998
ss. 298–301	ad. No. 183, 1994
	rep. No. 45, 1998

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 9	
Part 9	ad. No. 183, 1994
Division 1	
s. 302	ad. No. 183, 1994 am. No. 45, 1998
hdg to s 303(5).....	rs No 98, 2014
s. 303	ad. No. 183, 1994 am. No. 155, 1995; Nos. 45 and 93, 1998; No 98, 2014
Note to s. 303(1)	rep. No. 45, 1998
s. 304.....	ad. No. 183, 1994 am. No. 45, 1998
Note to s. 304(1)	rep. No. 45, 1998
s. 305.....	ad. No. 183, 1994 am. Nos. 40 and 45, 1998
s. 306.....	ad. No. 183, 1994
s. 307.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 308.....	ad. No. 183, 1994
Division 2	
s. 309.....	ad. No. 183, 1994 am. No. 45, 1998
s. 310.....	ad. No. 183, 1994
Note to s 310.....	rep No 98, 2014
s. 311.....	ad. No. 183, 1994 am. No. 45, 1998
Note to s. 311(1).....	rep. No. 45, 1998
s. 312.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 313.....	ad. No. 183, 1994 rs. No. 45, 1998
s. 314.....	ad. No. 183, 1994 am. Nos. 40 and 45, 1998

Endnote 4—Amendment history

Provision affected	How affected
s. 315.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 316.....	ad. No. 183, 1994 am. No. 45, 1998; No 98, 2014
Note to s 316(1)	rep No 98, 2014
s. 317.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 318.....	ad. No. 183, 1994 am. No. 45, 1998
s. 319.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 320.....	ad. No. 183, 1994 am. No. 45, 1998
s. 321.....	ad. No. 183, 1994 am No 98, 2014
hdg to s 322(5).....	rs No 98, 2014
s. 322	ad. No. 183, 1994 am. No. 45, 1998; No 98, 2014
Note to s 322(5)	rep No 98, 2014
s 322A.....	ad No 98, 2014
s 322B.....	ad No 98, 2014
s 322C.....	ad No 98, 2014
Division 3	
s. 323.....	ad. No. 183, 1994 am. No. 45, 1998
ss. 324, 325	ad. No. 183, 1994
s. 326	ad. No. 183, 1994 am. No. 43, 1996 rep. No. 45, 1998
s. 326A	ad. No. 155, 1995
Division 4	
s. 327.....	ad. No. 183, 1994

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 328.....	ad. No. 183, 1994 rep No 98, 2014
s. 329.....	ad. No. 183, 1994
s. 330.....	ad. No. 183, 1994
s. 331.....	ad. No. 183, 1994 am. No. 45, 1998; No 98, 2014
Note 1 to s 331(3)	rep No 98, 2014
Note 2 to s 331(3)	rep No 98, 2014
s. 332.....	ad. No. 183, 1994 am No 98, 2014
Note to s 332.....	rs No 98, 2014
s. 333.....	ad. No. 183, 1994
s. 334.....	ad. No. 183, 1994 am. No. 45, 1998
Part 10	
Part 10	ad. No. 183, 1994
Division 1	
hdg to s 335(4).....	rs No 98, 2014
s. 335.....	ad. No. 183, 1994 am. No. 45, 1998; No 98, 2014
hdg to s 336.....	rs No 98, 2014
s. 336.....	ad. No. 183, 1994 am No 98, 2014
s. 337.....	ad. No. 183, 1994 rep. No. 45, 1998
s. 338.....	ad. No. 183, 1994 am. No. 29, 1997; No. 45, 1998; No. 32, 2011
s. 338A.....	ad. No. 29, 1997 rep. No. 45, 1998
s. 339.....	ad. No. 183, 1994 am. No. 45, 1998
s. 340.....	ad. No. 183, 1994

Endnote 4—Amendment history

Provision affected	How affected
s. 341.....	ad. No. 183, 1994 am. No. 45, 1998
Division 2	
s. 342.....	ad. No. 183, 1994
s. 343.....	ad. No. 183, 1994 am. No. 45, 1998; No. 149, 2008
Note to s. 343(1)	am. No. 46, 2011
Subhead. to s. 344(1)	am. No. 45, 1998
s. 344.....	ad. No. 183, 1994 am. No. 45, 1998
Note to s. 344(1)	am. No. 46, 2011
Subhead. to s. 345(1)	am. No. 45, 1998
s. 345.....	ad. No. 183, 1994 am. No. 45, 1998
Note to s. 345(1)	am. No. 46, 2011
s. 346.....	ad. No. 183, 1994 am. No. 5, 1997 rep. No. 45, 1998
s. 347	ad. No. 183, 1994 am. No. 155, 1995; No. 45, 1998; No. 147, 2001
Note to s. 347(1)	rs. No. 184, 2007
s. 348	ad. No. 183, 1994 am. No. 45, 1998; No. 149, 2008
s. 349	ad. No. 183, 1994 am. No. 155, 1995 rep. No. 45, 1998
Division 3	
s. 350	ad. No. 183, 1994
s. 351.....	ad. No. 183, 1994 am. No. 155, 1995; No. 29, 1997; No. 45, 1998; Nos. 42 and 149, 2008; No. 32, 2011
s. 352.....	ad. No. 183, 1994 am. No. 155, 1995; No. 147, 2001

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Note 2 to s. 352.....	am. No. 29, 1997; No. 45, 1998
Note 4 to s 352.....	rep No 31, 2014
s. 353.....	ad. No. 183, 1994 am. No. 155, 1995; No. 29, 1997; No. 45, 1998; No. 147, 2001
s. 354.....	ad. No. 183, 1994 am. No. 29, 1997; No. 45, 1998
s. 355.....	ad. No. 183, 1994 am. No. 29, 1997; No. 45, 1998; Nos. 5, 32 and 79, 2011
s. 356.....	ad. No. 183, 1994 rs. No. 79, 2011
s. 356A.....	ad. No. 141, 2008 rep No 109, 2014
s 357	ad. No. 183, 1994 am. No. 155, 1995; No. 147, 2001
Note 4 to s 357(1)	rep No 31, 2014
s 358	ad. No. 183, 1994 am. No. 155, 1995; No. 147, 2001
Note 4 to s. 358.....	rep. No. 45, 1998
s. 359.....	ad. No. 183, 1994 am. No. 155, 1995; No. 29, 1997; No. 45, 1998
Note 3 to s. 359(2)	rep. No. 45, 1998
ss. 360, 361	ad. No. 183, 1994
Schedules	
Schedule 1	ad. No. 183, 1994 am. Nos. 104 and 156, 1995; Nos. 83 and 84, 1996; Nos. 39, 114, 197 and 202, 1997 rep. No. 45, 1998
Schedule 2.....	ad. No. 183, 1994 am. No. 84, 1996; No. 197, 1997 rep. No. 45, 1998
Schedule 3.....	ad. No. 183, 1994 rep. No. 45, 1998
Schedule 4	ad. No. 183, 1994

Endnote 4—Amendment history

Provision affected	How affected
Schedule 5.....	am. Nos. 104 and 156, 1995 rep. No. 84, 1996 ad. No. 84, 1996 am. No. 84, 1996; No. 106, 1997 rep. No. 45, 1998

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous**Repeal table**

The amendment history of the repealed provisions of the *Student Assistance Act 1973* up to and including the *Student Assistance Amendment Act (No. 2) 1989* (No. 171, 1989) appears in the table below.

Provision affected	How affected
s. 4	am. No. 26, 1982; No. 114, 1986; No. 76, 1989 rep. No. 171, 1989
s. 6	rs. No. 72, 1984 rep. No. 76, 1989
Part II (ss. 7–9)	rep. No. 26, 1982
ss. 7–9	rep. No. 26, 1982
s. 11	am. No. 26, 1982; No. 72, 1984 rs. No. 114, 1986 rep. No. 76, 1989
ss. 12, 13	rep. No. 26, 1982
Heading to Div. 4 of Part V	rep. No. 72, 1984
s. 30A	ad. No. 26, 1982 rep. No. 72, 1984
s. 31	am. No. 72, 1984 rep. No. 171, 1989
s. 31A	ad. No. 114, 1986 am. Nos. 130 and 141, 1987 rs. No. 35, 1988 rep. No. 171, 1989
ss. 31B, 31C	ad. No. 35, 1988 am. No. 76, 1989 rep. No. 171, 1989
s. 31H	ad. No. 35, 1988 rep. No. 171, 1989
s. 32	am. No. 72, 1984; No. 141, 1987 rep. No. 171, 1989

Endnotes

Endnote 8—Miscellaneous

Provision affected	How affected
s. 33	am. No. 72, 1984
	rep. No. 171, 1989

Renumbering table

The renumbering of provisions of the *Student Assistance Act 1973*, made by the *Student Assistance Amendment Act (No. 2) 1989* (No. 171, 1989) appears in the table below.

Old number	New number	Old number	New number
Part I	Part 1	Section	Section
Section	Section	22	20
1	1	Division 3A	Division 4
2	2	Section	Section
5	3	23	21
7	4	24	22
8	5	24A	23
Part III	Part 2	25	24
Section	Section	Division 4	Division 5
9	6	Section	Section
10	7	25A	25
Part IV	Part 3	25B	26
Section	Section	25C	27
14	8	26	28
15	9	27	29
Part IVA	Part 4	28	30
Section	Section	29	31
16	10	29A	32
16A	11	29B	33
16B	12	30	34
Part V	Part 5	Division 5	Division 6
Division 1	Division 1	Section	Section
Section	Section	30AA	35
17	13	30AB	36
17A	14	30AC	37
Division 2	Division 2	Part VA	Part 6
Section	Section	Section	Section
18	15	30B	38
Section	Section	30C	39
19	16	30D	40
20	17	30	41
21	18	30F	42
21A	19	30G	43
Division 3	Division 3	30H	44

Endnotes

Endnote 8—Miscellaneous

Old number	New number	Old number	New number
Part VI	Part 7	34	52
Section	Section	34A	53
31D	45	35	54
31E	46	35A	55
31F	47	36	56
31FA	48		
31G	49		
31J	50		
31K	51		