

# **Native Title (Tribunal) Amendment Regulations 2000 (No. 1) 2000 No. 18**

EXPLANATORY STATEMENT

STATUTORY RULES 2000. No. 18

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

*Native Title Act 1993*

NATIVE TITLE (TRIBUNAL) AMENDMENT REGULATIONS 2000 (NO. 1)

Section 215 of the *Native Title Act 1993* provides for the Governor-General to make regulations prescribing matters, amongst others, necessary or convenient to be prescribed for carrying out or giving effect to the Act, including prescribing certain fees and the waiver or refund of such fees. Pursuant to this power, the Native Title (Tribunal) Regulations 1993 ("the Principal Regulations") were made, prescribing certain matters concerning the practice and procedure of the National Native Title Tribunal.

The purpose of the Regulations is to amend the Principal Regulations, to make consequential amendments to provide fee exemptions for youth allowance and austudy recipients.

Under the Principal Regulations, fees are imposed under regulation 7 for lodging certain applications. These fees are not payable on the various grounds listed under sub-regulation 8(b).

Paragraph 8(b)(v) currently provides for exemptions from the payment of various fees where the person liable to pay the fee is "in receipt of AUSTUDY within the meaning of the AUSTUDY Regulations."

An amendment to the Principal Regulations is required to change the current wording from "AUSTUDY within the meaning of the AUSTUDY Regulations" to "youth allowance, or austudy payment, within the meaning of the *Social Security Act 1991*".

The *Social Security Legislation Amendment (Youth Allowance) Act 1998* and the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* have introduced a new social security payment: "youth allowance." Youth allowance is available to people below 25 years of age if undertaking full time study, and below 21 otherwise. A new payment ("austudy", as opposed to "AUSTUDY") has been established for students aged 25 or over.

The amendment is necessary to ensure consistency between the *Social Security Legislation Amendment (Youth Allowance) Act 1998*, the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* and the Principal Regulations,

The Regulations commenced on gazettal.