

# **Student Assistance Regulations 2003 2003 No. 101**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 2003 No. 101**

Issued by the authority of the Minister for Education Science and Training

Subject - *Student Assistance Act 1973*

Student Assistance Regulations 2003

Section 56 of the *Student Assistance Act 1973* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

The ABSTUDY Scheme provides benefits to Aboriginal and Torres Strait Islander people most in need of assistance to promote equity of educational opportunity. The Assistance for Isolated Children (AIC) Scheme helps the families of primary, secondary and under 16 year old tertiary students who are unable to attend an appropriate government school on a daily basis because of geographic isolation.

The ABSTUDY and AIC Schemes are non-statutory schemes with statutory debt recovery and compliance provisions in the Act.

Section 48 of the Act has the effect of imposing an obligation on ABSTUDY and AIC Scheme recipients to notify the Department within 14 days of the happening of a "prescribed event." It would appear that such events were to be prescribed in Regulations but this was never done.

Subsection 49(1) of the Act makes it an offence for a person to contravene section 48.

The purpose of the proposed regulation is to set out a list of "prescribed events" under section 48 of the Act for the purposes of determining what, if any, adjustments should be made to benefits paid to recipients of the ABSTUDY and the AIC Schemes. The proposed regulation is intended to clarify the obligations of ABSTUDY and AIC Scheme recipients and to enable effective prosecutions under subsection 49(1) of the Act for failure to notify "prescribed events".

Prescribed events include such events as a change of address of a student's residence or permanent home, cancellation of enrolment in the course to which ABSTUDY/AIC benefit relates, and a change in value of a student's /parent's assets.

The Regulations commenced on gazettal.

A Regulation Impact Statement was not prepared because the regulations have no impact on business.