

## **EXPLANATORY STATEMENT**

Statutory Rules 2004 No. 377

### Minute No. 15 of 2004 – Minister for Education Science and Training

Subject     *Student Assistance Act 1973*  
              Student Assistance Amendment Regulations 2004 (No. 1)

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 ABSTUDY Scheme is a non-statutory scheme with statutory debt recovery and compliance provisions in the Act.

Section 48 of the Act has the effect of imposing the obligation on ABSTUDY recipients to notify the Department of Education, Science and Training within 14 days of the occurrence of an event prescribed by the Regulations. Part 2 of the *Student Assistance Regulations 2003* (the Principal Regulations) sets out prescribed definitions and events to clarify a recipient's obligations and the administration of the ABSTUDY Scheme. The Principal Regulations also enable effective prosecutions under subsection 49(1) of the Act for failure to notify the occurrence of prescribed events.

The purpose of these Regulations is to remake Part 2 of the Principal Regulations. They would amend 6 definitions and insert 4 new definitions, the most important of which are the meaning of *dependent child* (regulation 5A) and the meaning of *independent status* (regulation 5B). These Regulations have the effect of removing reference to 'extrinsic' material (eg, ABSTUDY Policy Manual) from the Principal Regulations. These changes eliminate the need to make new regulations whenever the extrinsic materials are altered.

These Regulations also amend regulation 6 to make it more user-friendly by moving the ABSTUDY Scheme "prescribed events" to a new Schedule 1. Schedule 1 lists prescribed events which must be notified by an ABSTUDY payee (Part 1), an ABSTUDY payee's parent (Part 2) and an ABSTUDY payee's partner (Part 3). In addition, there are minor technical amendments to 5 of the prescribed events.

These Regulations commenced on the date of gazettal.