



Student Assistance Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 20

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Student Assistance Act 1973*.

Dated 25 February 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

JULIA GILLARD
Minister for Education

1 Name of Regulations

These Regulations are the *Student Assistance Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on 1 July 2009.

3 Amendment of *Student Assistance Regulations 2003*

Schedule 1 amends the *Student Assistance Regulations 2003*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3

omit

In

insert

(1) In

[2] Regulation 3, definition of *spouse*

substitute

relationship parent has the meaning given by subsection 5 (25) of the *Social Security Act 1991*.

[3] Regulation 3, after definition of *student*

insert

- (2) For these Regulations, a person is the *partner* of another person if:
- (a) the person:
- (i) is legally married to the other person; and
 - (ii) is not, in the Secretary's opinion, living separately and apart from the other person on a permanent or indefinite basis; or
- (b) the person is the de facto partner (within the meaning of the *Acts Interpretation Act 1901*) of the other person.

[4] Regulation 5, definition of *ABSTUDY payee*

omit

a new apprentice

insert

an Australian apprentice

[5] Regulation 5, after definition of *ABSTUDY payee*

insert

Australian apprentice means a person who has a current Commonwealth registration number in relation to a full-time apprenticeship, traineeship or trainee apprenticeship under the scheme known as Australian Apprenticeships, but does not include a person whose registration number is suspended.

[6] Regulation 5, definition of *dependent student*

omit

a new apprentice

insert

an Australian apprentice

[7] Regulation 5, definition of *independent rate*

omit

a new apprentice

insert

an Australian apprentice

[8] Regulation 5, definition of *independent rate*

omit

or new apprentice.

insert

or Australian apprentice.

[9] Regulation 5, definition of *new apprentice*

omit

[10] Regulation 5, definition of *partner*

omit

[11] Regulation 5B

omit each mention of

new apprentice

insert

Australian apprentice

[12] Subparagraph 5B (3) (a) (i)

omit

has lived in a de facto relationship

insert

has had a de facto partner (within the meaning of the *Acts Interpretation Act 1901*)

[13] Subregulation 5C (1)

omit

a new apprentice is either of

insert

an Australian apprentice is any of

[14] Paragraphs 5C (1) (a) and (b)

substitute

- (a) a natural parent of the student or Australian apprentice;
- (b) an adoptive parent;
- (c) a relationship parent.

[15] Subregulation 5C (2)

omit

a new apprentice

insert

an Australian apprentice

[16] Paragraphs 5C (2) (a) and (b)

substitute

- (a) a natural, adoptive or relationship parent with whom the student or Australian apprentice lives;
- (b) if a natural, adoptive or relationship parent with whom the student or Australian apprentice normally lives is a member of a couple, and normally lives with the other member of the couple — the other member of the couple;

[17] Paragraphs 5C (2) (c) and (d)

omit each mention of

new apprentice

insert

Australian apprentice

[18] Paragraph 5C (2) (e)

substitute

- (e) if no other paragraph of this definition applies — a natural, adoptive or relationship parent with whom the student or Australian apprentice last lived.

[19] Regulation 5D

omit

[20] Regulation 7, definition of *parent*, paragraph (a)

omit

a natural or adoptive parent

insert

a natural, adoptive or relationship parent

[21] Regulation 7, definition of *parent*, paragraph (b)

omit each mention of

spouse

insert

partner

[22] Regulation 7, definition of *partner*

omit

[23] Subparagraph 8 (d) (xi)

omit

spouse

insert

partner

[24] Schedule 1, item 110

omit each mention of
a new apprentice

insert
an Australian apprentice

[25] Schedule 1, items 121 and 122

omit
parent, partner or spouse

insert
parent or partner

[26] Schedule 1, item 133

substitute

- 133 The ABSTUDY payee claims, or receives, under the scheme known as Australian Apprenticeships, a payment known as Living Away from Home Allowance.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.