

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read 1^o, 8 October 1986)

(THE MINISTER FOR EDUCATION, SENATOR RYAN)

A BILL

FOR

An Act to amend the *Student Assistance Act 1973*, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Student Assistance Amendment Act 1986*.

(2) *The Student Assistance Act 1973*¹ is in this Act referred to as the Principal Act.

Commencement

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

Benefits provided under this Act

3. Section 4 of the Principal Act is amended by omitting “Tertiary”.

Interpretation**4. Section 5 of the Principal Act is amended—**

- (a) by inserting after the definition of “authorized person” in sub-section (1) the following definition:

“‘education institution’ means—

5

- (a) a university;
- (b) an advanced education institution;
- (c) a technical and further education institution; or
- (d) a secondary school,

and includes any other educational institution, or any other institution, authority or body, in Australia that, under the regulations, is to be treated as an education institution for the purposes of this Act;”;

10

- (b) by omitting “includes” from the definition of “full-time student” in sub-section (1) and substituting “means”;

15

- (c) by inserting after the definition of “permanent resident of Australia” in sub-section (1) the following definition:

“‘secondary school’ means a school in Australia that, under the regulations, is to be treated as a secondary school for the purposes of this Act;”;

20

- (d) by omitting “Tertiary” from the definition of “student assistance” in sub-section (1);

- (e) by omitting from sub-section (1) the definitions of “tertiary education institution” and “university” and substituting the following definition:

25

“‘university’ means an educational institution in Australia that, under the regulations, is to be treated as a university for the purposes of this Act.”; and

- (f) by omitting sub-section (2) and substituting the following sub-section:

30

“(2) For the purposes of the definitions of ‘advanced education institution’, ‘education institution’, ‘secondary school’, ‘technical and further education institution’ and ‘university’ in sub-section (1), a reference to Australia includes a reference to the Territory of Christmas Island.”.

35

5. Part III of the Principal Act is repealed and the following Part is substituted:

“PART III—EDUCATION ASSISTANCE**Education Assistance**

“10. An authorised person may, subject to and in accordance with the regulations, approve the grant of Education Assistance to a person who is

40

an Australian citizen or a permanent resident of Australia and is undertaking, or proposes to undertake, at an education institution—

(a) a course of study or instruction that the Minister has determined in writing is—

(i) a secondary course for the purposes of this section; or

(ii) a tertiary course for the purposes of this section; or

(b) a part of a course of study or instruction, being a part that the Minister has determined in writing is—

(i) a part of a secondary course for the purposes of this section; or

(ii) a part of a tertiary course for the purposes of this section.

Benefit under Education Assistance

“11. Benefit under Education Assistance granted to a person shall consist of—

(a) where the person is a full-time student, the payment of such amount of living allowance as is payable under the regulations in respect of the person or in respect of the person and any dependants of the person; and

(b) the payment of such other allowances, if any, as are payable in accordance with the regulations.”.

Grant of Post-graduate Awards

6. Section 14 of the Principal Act is amended by inserting “in writing” after “Minister” (wherever occurring).

7. After section 31 of the Principal Act the following section is inserted:

Adjustment of benefit

“31A. Notwithstanding any other provision of this Act, where—

(a) an amount has been paid by way of benefit under the *Social Security Act 1947* that, because of paragraph 133 (1) (a) of that Act, is not payable; and

(b) the person to whom that amount was paid is receiving, or is entitled to receive, benefit payable under student assistance,

then, unless action is taken under section 140, or sub-section 146 (1), of that Act in relation to that amount, an amount equal to that amount may be deducted from that benefit payable under student assistance and, where the deduction is made, the person is not required to repay that first-mentioned amount.”.

Saving

8. Where, immediately before the commencement of this Act, an institution, authority or body was, under the regulations in force under the Principal Act, to be treated as a tertiary education institution for the purposes of the Principal Act, that institution, authority or body shall, unless

and until the regulations otherwise provide, be deemed to be an education institution for the purposes of the Principal Act as amended and in force after the commencement of this Act.

Transitional

9. Notwithstanding the amendments of the Principal Act made by this Act— 5

- (a) the Principal Act, as in force immediately before the commencement of this Act, continues to apply in respect of grants, and applications for grants, of Tertiary Education Assistance in respect of study or instruction undertaken before the commencement of this Act; and 10
- (b) without limiting the generality of paragraph (a), grants of Tertiary Education Assistance may, after the commencement of this Act, be approved under section 10 of the Principal Act, as so in force, in respect of study or instruction so undertaken.

NOTE

1. No. 155, 1973, as amended. For previous amendments, see No. 37, 1976; No. 26, 1982; Nos. 63, 72 and 120, 1984; and No. 137, 1985.