Student Assistance Amendment Bill 1989

Date Introduced: 2 March 1989
House: House of Representatives
Presented by: Hon. Peter Duncan, M.P., Minister for Employment and Education Services

Digest of Bill

Purpose
The Bill will make a number of minor amendments to the AUSTUDY scheme, the main amendment allowing people to be represented when seeking a review of a decision.

Background
The AUSTUDY scheme provides allowances for secondary and tertiary students 16 years and older that are undertaking approved courses of study. Eligibility for the allowances is subject to assets and income tests, and there are a number of classes of allowance, depending on such matters as the student's age and whether they are classified as independent students. For example, the independent rate for single 16 and 17 year olds was $76.00 in 1988, while that for single independent students, 18 and over, was $91.20. In 1989, it is estimated that assistance under AUSTUDY will be paid to 34,600 tertiary students and 29,300 secondary students. Total expenditure under the AUSTUDY scheme in 1989-90 is estimated at approximately $786 million.1

The Student Assistance Act 1973 (the Principal Act) established the Student Assistance Review Tribunal (the Tribunal) as the principal method of review for adverse decisions regarding the AUSTUDY allowance. While the procedure before a Tribunal is designed to be as informal as possible, there is no right for an applicant to be represented by another person in proceedings before the Tribunal, the decision of representation being a matter for the Tribunal to determine. While this may further the aim that proceedings be as informal as possible, it may also lead to the possibility of review applications being lost as they were not properly presented to raise all relevant matters. The Principal Act also provides for review of decisions by the Administrative Appeals Tribunal.

Main Provisions
The interpretation provisions of the Principal Act will be amended by clause 4. The main amendments will substitute new definitions of authorised...
person (the new definition will depend on the office held rather than the current procedure where the Minister authorises each relevant person to make decisions under the Principal Act) and will replace references to universities and advanced education institutions with a reference to higher education institutions. This reflects the current amalgamation program.

Section 10 of the Principal Act allows an authorised person to determine if a person is eligible for an AUSTUDY allowance and section 11 provides for the determination of the benefit payable. Clause 8 will amend section 10 to combine the two functions under that section, while clause 9 will repeal section 11 which consequently becomes redundant.

Clauses 13 to 17 make administrative changes consequent on the change in definition of authorised person and provide for requests for review to be forwarded through the Secretary.

Section 28 of the Principal Act will be amended by clause 19 to provide a right to representation before the Tribunal.

Clause 22 will amend section 31B of the Principal Act to enable penalties for a failure to repay overpayments on time to be recovered on the same basis as the overpayments.

Clause 27 deals with current applications. If a decision has been made as to whether the applicant is eligible for benefits, the application will be heard as if these amendments were not made.

References


For further information, if required, contact the Education and Welfare Group.

13 March 1989

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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