

Immigration (Education) Regulations (Amendment) 1993 No. 31

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 31

Issued by the Authority of the Minister for Immigration, Local Government and Ethnic Affairs

Immigration (Education) Act 1971

Immigration (Education) Regulations (Amendment)

Section 4A of the Immigration (Education) Act 1971 (the Act) provides that the regulations may provide for the charging and recovery of fees in respect of English language courses provided under the Act. Regulation 13 of the Act also provides for the Governor-General to make regulations prescribing matters required or permitted to be prescribed.

In addition, the Migration (Laws) Amendment Act (No.2) 1992 inserts a new section 4D into the Act. Section 4D commences on 1 March 1993. Paragraph 4D(3)(b) will provide that the regulations may provide for other matters to be prescribed for the Secretary to have regard to in determining whether it is unreasonable for an obligation to provide English language tuition to cease.

Subsection 4(1) of the Acts Interpretation Act 1901 (the Act) provides that where an amending Act amends a principal Act in such a way that the principal Act will confer power to make regulations then the power may be exercised before the amendments come into operation as if they had come into operation. The purpose of the Regulations is:

- in regulation 2, to provide that the Regulations are to commence on 1 March 1993. This is the day on which the amendment inserting section 4D into the Act commences and therefore is in accordance with the requirements of subsection 4(2) of the Acts Interpretation Act 1901; and
- in regulation 3, to omit subregulation 5(1) of the Immigration (Education) Regulations which prescribes the meaning of "health care card" and substitute another subregulation 5(1) which also includes the Health Benefits Card, the Pensioner Health Benefits Card, the Dependant Treatment Entitlement Card and the Pensioner Health Benefits Card; and
- in regulation 4, to add a new regulation 6 to the Immigration (Education) Regulations to prescribe matters for the purposes of paragraph 4D(3)(b) of the Act. The regulations commence on 1 March 1993.