

1991

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

IMMIGRATION (EDUCATION) AMENDMENT BILL 1991
EXPLANATORY MEMORANDUM

Circulated by authority of the
Minister for Immigration, Local Government
and Ethnic Affairs
The Hon Gerry Hand MP



IMMIGRATION (EDUCATION) AMENDMENT BILL 1991

OUTLINE

This Bill amends the Immigration (Education) Act 1971 the Act) to provide the Minister for Immigration, Local Government and Ethnic Affairs with a power to broaden the categories of persons who may avail themselves of English language and citizenship courses. The Bill also makes a number of minor technical amendments to the Act.

Access To Services

2 The Bill provides that the Minister may arrange for English courses and citizenship courses to be provided to particular categories of persons. These categories largely mirror the existing scope of the Act. However the Act has been amended to enable the Minister to arrange for the courses to be provided to persons who hold a Temporary Entry Permit of a class specified by the Minister by notice in the Gazette. This is intended to enable access to the courses by persons who have qualified for special provisional residence categories in Australia.

FINANCIAL IMPACT STATEMENT

3 There will be no increase in Commonwealth appropriations as a result of the amendments made to the Act by this Bill.

4 The cost of extending eligibility for the Adult Migrant Education Program to some classes of temporary entry permit holders will be met within the current appropriation.

NOTES ON INDIVIDUAL CLAUSES

Clause 1 - Short title etc.

1 This clause provides that the Act may be cited as the Immigration (Education) Amendment Act 1991. The clause also identifies the Principal Act as the Immigration (Education) Act 1971 (referred to hereafter as 'the Act').

Clause 2 - Commencement

2 This clause provides that the Act commences on the day on which it receives the Royal Assent.

Clause 3 - Interpretation

3 This clause amends and inserts a number of definitions used in the Act. Notably:

- . 'teaching and learning materials' is amended to include printed materials, audio materials, visual aids and audiovisual aids. This definition provides a more contemporary listing of materials than the previous definition ('includes textbooks, films, sound recordings and wall charts') and is not intended to restrict the scope or change the meaning of the definition.
- . 'citizenship course' is defined to mean a course of instruction designed to impart an understanding of ways of life in Australia and of the rights and duties of an Australian citizen. 'English course' is defined to mean a course of instruction in the English language. These definitions are provided for reasons of drafting convenience. They do not reflect any change in the purposes of the Act which have always included the provision of English and citizenship courses.

Clause 4 - English courses and citizenship courses

4 This clause repeals section 4 of the Act, which identified the persons eligible for English and citizenship courses, and substitutes a new provision. That identification, which was based on the concept of 'immigrant', is replaced by a more specific identification of eligible persons by reference to their status under the Migration Act 1958 eg holder of a Permanent Entry Permit, holder of a Temporary Entry Permit of a specified class, etc. The clause also expressly extends eligibility to New Zealand citizens who are, in most cases, exempt from the requirement to hold entry permits. The effect of the changes

is to, potentially, expand the class of eligible persons as the Minister may specify classes of Temporary Entry Permits whose holders are eligible to undertake the courses.

5 The new section 4 also provides a lower age limit (18 as opposed to the former age limit of 21) in relation to eligibility for the courses where that eligibility is based on the parent having held a Permanent Entry Permit.

Clause 5 - Provision of teaching and learning materials

6 This clause amends section 5 of the Act to replace the phrase 'the way of living of the Australian people' with the phrase 'the ways of life in Australia'. The latter phrase better reflects the multicultural nature of Australian society and avoids the assimilationist connotations of the former phrase.

Clause 6

7 This clause repeals section 6 of the Act which provided that regulations could be made in relation to the payment of living allowances. Regulations have never been made pursuant to section 6. Living allowances have instead been made under an administrative scheme pursuant to annual appropriations for this purpose.

Clause 7 - Training courses for teachers

8 This clause amends section 7 of the Act to include references to the governments of the Northern Territory and Australian Capital Territory in the definition of 'employer'. This amendment acknowledges the advent of self-government in those Territories. The clause also makes stylistic changes to section 7 including the adoption of non-sexist language.

Clause 8 - Research projects

9 This clause makes stylistic changes to section 8.

Clause 9 - Payments under arrangements etc.

10 This clause amends section 9 of the Act to include references to the Northern Territory and the Australian Capital Territory, in order to reflect the advent of self-government in those Territories. The clause also expands the itemisation of costs which the Commonwealth may meet, under an arrangement with a State or Territory Government, to include the cost of student support services eg childcare facilities, counselling, and referral to other educational facilities.

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