

EXPLANATORY STATEMENT

Student Assistance (Education Institutions and Courses) Amendment Determination 2010 (No. 1)

Summary

The *Student Assistance (Education Institutions and Courses) Amendment Determination 2010 (No. 1)* (the Amendment Determination) is made under subsection 5D (1) of the *Student Assistance Act 1973* (the Act). Subsection 5D (3) of the Act provides that a determination under subsection 5D (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*; such an instrument is a legislative instrument, by operation of subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*.

The Amendment Determination amends the *Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)* (Principal Determination). The purpose of the Amendment Determination is to add Masters courses to the list of Masters courses in Schedule 3 to the Principal Determination. The Masters courses listed in Schedule 3 are the Masters courses at Australian tertiary institutions that are “tertiary courses” for the purposes of the Act. In turn, the determination of these courses as tertiary courses for the purposes of the Act allows people studying those courses to qualify for certain welfare payments, such as austudy payment and youth allowance (provided they meet the other qualification criteria for those payments).

Notes on Clauses

Sections 1 and 2 of the Amendment Determination are mechanical provisions that provide for the name of the instrument and its commencement, respectively.

Section 3 of the Amendment Determination provides that Schedule 1 to the determination amends the Principal Determination.

Item 1 of Schedule 1 to the Amendment Determination substitutes Schedule 3 of the Principal Determination for a new Schedule 3. The Masters courses listed in the new Schedule 3 include all Masters courses included in the substituted Schedule 3, as well as 51 additional Masters courses.

Consultation

The Department of Education, Employment and Workplace Relations enables tertiary institutions to apply for the inclusion of Masters courses in the list of Masters courses for which student welfare payments are payable. Guidelines for the approval of Masters courses for inclusion in the Principal Determination are available on the Department’s web site at:

<http://www.deewr.gov.au/HigherEducation/Programs/StudentSupport/Pages/StudentIncomeSupport.aspx>

The Amendment Determination is beneficial. The Department undertook consultations with tertiary institutions who sought inclusion of their courses in the determination, but did not consider that further consultation was necessary.

Regulatory Impact Analysis

These Amendment Determination does not require a Regulatory Impact Statement nor a Business Cost Calculator Figure. These Amendment Determination is not regulatory in nature, will not impact on business activity and will have no, or minimal, compliance costs or competition impact.

No special statutory conditions needed to be fulfilled prior to the making of the Amendment Determination.