

EXPLANATORY STATEMENT

Student Assistance (Education Institutions and Courses) Amendment Determination 2011 (No. 1)

Summary

The *Student Assistance (Education Institutions and Courses) Amendment Determination 2011 (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 Amendment Determination adds 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 income support 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 34 Masters courses that were not listed in the old Schedule 3. Nine Masters courses have been removed from the new Schedule 3 at the request of the education provider as they are either no longer offered or they have been replaced by new courses.

One Masters course is no longer offered and a replacement course is already approved:

- the Master of Mental Health at Southern Cross University;

Eight courses have been replaced by newly approved courses:

- the Master of Osteopathy at Southern Cross University has been replaced by the Master of Osteopathic Medicine;
- the Master of Arts (Applied Linguistics) at the University of New England has been replaced by the Master of Applied Linguistics (TESOL);
- the Master of Applied Psychology in Community Psychology at Victoria University has been replaced by the Master of Applied Psychology (Community Psychology);
- the Master of Applied Psychology in Sports Psychology at Victoria University has been replaced by the Master of Applied Psychology (Sport Psychology);
- the Master of Applied Science - Clinical Exercise Practice at Victoria University has been replaced by the Master of Applied Science (Clinical Exercise Practice);
- the Master of Applied Science – Exercise Rehabilitation at Victoria University has been replaced by the Master of Applied Science (Exercise Rehabilitation);
- the Master of Clinical Psychology at Victoria University has been replaced by the Master of Psychology (Clinical Psychology); and
- the Master of Health Science (Osteopathy) at Victoria University has been replaced by a new course of the same name.

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:

www.deewr.gov.au/student_income_support.

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

Regulatory Impact Analysis

The Amendment Determination does not require a Regulatory Impact Statement nor a Business Cost Calculator Figure. The 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 Determination.

fulfilled prior to the making of the Amendment