

EXPLANATORY STATEMENT

A Determination made under subsection 5D(1) of the Student Assistance Act 1973

Student Assistance (Education Institutions and Courses) Amendment Determination 2013 (No. 1)

Summary

The *Student Assistance (Education Institutions and Courses) Amendment Determination 2013 (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*.

The Amendment Determination amends the *Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)* (Principal Determination). The Amendment Determination makes changes to the list of Masters courses in Schedule 3 to the Principal Determination by repealing that schedule and substituting it for a new Schedule 3.

The Masters courses listed in Schedule 3 are the Masters courses provided by higher education providers 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 under social security law, such as Youth Allowance, Austudy and the Pensioner Education Supplement (provided they meet the other qualification criteria for those payments).

Notes on Clauses

Section 1

Section 1 of the Amendment Determination provides that the name of the instrument is the *Student Assistance (Education Institutions and Courses) Amendment Determination 2013 (No. 1)*.

Section 2

Section 2 of the Amendment Determination provides that the instrument will commence on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3

This clause provides that Schedule 1 of the Amendment Determination amends the Principal Determination.

Item 1 of Schedule 1

This item repeals Schedule 3 of the Principle Determination and substitutes it with Schedule 3 contained in the Amendment Determination. The Masters courses listed in the new Schedule 3 include the 34 Masters courses listed in the following table that were not listed in Schedule 3 of the Principal Determination.

Education Institution	Course
Alphacrucis College	Master of Theology
Australian Catholic University	Master of Teaching Early Childhood (Birth to Five Years)
Australian National University	Medicinae ac Chirurgiae Doctoranda
Bond University	Master of Nutrition and Dietetic Practice
Deakin University	Master of Optometry
Edith Cowan University	Master of Counselling and Psychotherapy
Federation University of Australia	Master of Psychology Clinical
Griffith University	Doctor of Medicine
James Cook University	Master of Nursing (Nurse Practitioner)
La Trobe University	Master of Accounting and Financial Management
La Trobe University	Master of Financial Analysis
La Trobe University	Master of Financial Analysis (Financial Planning)
La Trobe University	Master of Financial Analysis (Financial Risk Management)
La Trobe University	Master of Financial Analysis (Investment)
La Trobe University	Master of Islamic Banking and Finance
Macquarie University	Juris Doctor
Macquarie University	Master of Special Education
Monash University	Master of Teaching (Early Years)
Murdoch University	Master of Divinity
RMIT University	Master of Applied Science (Chinese Herbal Medicine)
RMIT University	Master of Environmental Science and Technology
RMIT University	Master of Project Management
Southern Cross University	Master of Social Work (Professional Qualifying)
University of Melbourne	Master of Urban Design
University of New England	Master of Teaching (Secondary)
University of New South Wales	Doctor of Medicine
University of Newcastle	Juris Doctor
University of Queensland	Master of Epidemiology
University of Queensland	Master of Teaching (Primary)
University of Sydney	Doctor of Medicine
University of Sydney	Master of Medicine (Clinical Epidemiology)
University of Sydney	Master of Science in Medicine (Clinical Epidemiology)
University of Western Australia	Doctor of Medicine
University of Wollongong	Master of Public Health

The eight courses listed in the following table were in the list in Schedule 3 of the Principal Determination but have been removed from the list in Schedule 3 of the Amendment Determination at the request of the education provider as the provider considers those courses are no longer eligible for approval.

Education Institution	Course
Griffith University	Master of Midwifery
University of Sydney	Master of Dental Science (Oral Medicine and Oral Pathology)
University of Sydney	Master of Dental Science (Orthodontics)
University of Sydney	Master of Dental Science (Paediatric Dentistry)
University of Sydney	Master of Dental Science (Periodontics)
University of Sydney	Master of Dental Science (Prosthodontics)
University of Sydney	Master of Health Science (Behavioural Science)
University of Sydney	Master of Health Science (Child and Adolescent Health)

Eighteen of the currently approved courses have had their names changed as described in the table below:

Education Institution	New Course Name under new Schedule 3	Old Course Name under the Principal Determination
Bond University	Master of Sustainable Environments and Planning	Master of Environmental Management (Sustainable Development); Master of Urban Planning
Central Queensland University	Master of Professional Accounting (NGE)	Master of Professional Accounting
RMIT University	Master of Business Information Technology	Master of Business (Information Technology)
RMIT University	Master of International Development	Master of Social Science (International Development)
RMIT University	Master of International Urban and Environmental Management	Master of Social Science (International Urban and Environmental Management)
RMIT University	Master of Justice and Criminology	Master of Social Science (Criminal Justice Administration)
RMIT University	Master of Public Policy	Master of Social Science (Policy and Human Services)
RMIT University	Master of Supply Chain and Logistics Management	Master of Business (Logistics Management)
RMIT University	Master of Translating and Interpreting	Master of Social Science (Translating and Interpreting Studies)
RMIT University	Master of Urban Planning and Environment	Master of Social Science (Environment and Planning)
Swinburne University	Master of Professional Accounting Global Leadership Program	Master of Professional Accounting - Leadership
University of Melbourne	Master of Biomedical Science	Master of Science (Biomedical and Health Sciences)
University of Melbourne	Master of Spatial Information Science	Master of Spatial Information Systems
University of Sydney	Master of Education (Special and Inclusive Education)	Master of Education (Special Education)
University of Tasmania	Master of Marine and Antarctic Science	Master of Antarctic Science
University of Technology, Sydney	Master of Intellectual Property	Master of Industrial Property
University of Western Australia	Master of Psychology (Industrial and Organisational Psychology)	Master of Industrial and Organisational Psychology - Coursework
University of Western Sydney	Master of Special Education	Master of Teaching (Special Education)

Consultation:

The then Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (the Department) invited higher education providers to apply for the inclusion of their Masters courses in the list of Masters courses that are “tertiary courses” for the purposes of the Act. Guidelines for the approval of Masters courses for inclusion in the Principal Determination are available on the Department’s web site at:

www.innovation.gov.au/HigherEducation/StudentSupport/Pages/ApprovedInstitutionsAndCoursesForStudentIncomeSupport.aspx.

The Department undertook consultations with the higher education providers that sought inclusion of their Masters courses in the Amendment Determination.

Regulatory Impact Analysis:

The Amendment Determination does not require a Regulatory Impact Statement or 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 are needed to be fulfilled prior to the making of the Amendment Determination.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Student Assistance (Education Institutions and Courses) Amendment Determination 2013 (No. 1)

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Determination

The *Student Assistance (Education Institutions and Courses) Amendment Determination 2013 (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*.

The Amendment Determination amends the *Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)* (Principal Determination). The Amendment Determination amends the list of Masters courses in Schedule 3 to the Principal Determination by adding new courses, replacing the names of existing courses and removing existing courses.

The Masters courses listed in Schedule 3 are the Masters courses provided by higher education providers 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 under social security law, such as Austudy and Youth Allowance (provided they meet the other eligibility criteria for those payments).

Human rights implications

The Instrument engages the following human rights:

Right to education

The Instrument engages the right to education contained in Article 13 of the International Covenant on Economic, Social and Cultural Rights.

By determining that certain Masters courses are “tertiary courses”, which in turn assists people studying those courses to qualify for certain income support payments under social security law, the Amendment Determination may enable students to access education and therefore will be compatible with human rights.

Conclusion

This instrument is compatible with human rights as it may enable students to access education.