# 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 clauseprovides 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.

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| --- | --- |
| **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](http://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.