



## **Youth Allowance (Satisfactory Study Progress) Guidelines 2014**

*Social Security Act 1991*

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I, KEVIN ANDREWS, Minister for Social Services, acting under subsection 541B(3B) of the *Social Security Act 1991*, make these Guidelines.

Dated 10 September 2014

Kevin Andrews

Minister for Social Services

# Contents

<b>Part 1 – Preliminary</b>	<b>3</b>
1 Name of Guidelines.....	3
2 Commencement.....	3
3 Revocation.....	3
4 Purpose.....	3
5 Definitions.....	3
6 Circumstances beyond person's control .....	4
7 Effect of part-time study .....	4
<b>Part 2 – Guidelines</b>	
<b>Division 1 - Kinds of full-time study .....</b>	<b>5</b>
8 Long courses .....	5
9 Short courses .....	5
10 Honours courses .....	5
11 Masters qualifying courses.....	6
12 Masters courses.....	6
13 Combined course option.....	6
14 Competency-based training and self-paced study .....	7
15 Secondary courses .....	7
<b>Division 2 - Additional study at same level .....</b>	<b>8</b>
16 Study following failure of a previous course .....	8
17 Study following withdrawal from a previous course ..	8

# Part 1 – Preliminary

## 1 Name of Guidelines

These Guidelines are the *Youth Allowance (Satisfactory Study Progress) Guidelines 2014*.

## 2 Commencement

These Guidelines commence on the day after they are registered.

## 3 Revocation

The *Youth Allowance (Satisfactory Study Progress Guidelines) Determination 1998* is revoked.

## 4 Purpose

The purpose of this legislative instrument is to set out the guidelines for the exercise of the Secretary's discretion, under subsection 541B(3A) of the Act, to form an opinion about whether a person is making satisfactory progress towards completing a course for paragraph 541B(1)(d) of the Act.

## 5 Definitions

In these Guidelines:

**Act** means the *Social Security Act 1991*;

**articulated course** means a course of education (other than an honours course or a masters qualifying course) comprising 2 or more courses of education that, when linked, result in a successful student receiving an award separate from the awards received for the component courses;

**level** for a course, has the same meaning as it has in relation to that course, or in relation to a course of that kind, in subsection 569H (8A) (9), (10), (11) or (12) of the Act, as applicable;

**long course** means a course of education that has a standard minimum length of longer than 1 year, but does not include an honours course or a masters course;

**masters qualifying course** means an intermediate course required to be completed before a person commences study for a masters degree;

**semester subject** means a subject that has a standard minimum length equal to 1 semester;

**short course** means a course of education that has a standard minimum length of less than 1 year, but does not include an honours course, a masters qualifying course or a masters course;

***standard minimum length***, for a course, means the period of time taken to complete the course by a student who completes successive stages of the course:

- (a) without intervals of absence; and
- (b) without a study workload higher than the normal amount of full-time study, within the meaning of subsection 541B(2) of the Act, for the course.

***Youth Allowance Activity Agreement*** means an administrative agreement between a person and the Secretary known as a Youth Allowance Activity Agreement.

*Note:* A number of terms used in these Guidelines are defined in the Act (see subsection 23(1)), including:

- educational institution; and
- Secretary.

## **6 Circumstances beyond person's control**

In considering whether a person is affected by circumstances beyond his or her control, the Secretary may have regard to whether:

- (a) the person is, or has been, disabled by an illness or other medical condition;
- (b) the person has suffered family trauma;
- (c) the person has experienced a natural disaster;
- (d) the person must repeat or restart a course of study (because of the requirements of the educational institution concerned) after the person was required to relocate their place of residence;
- (e) the person has caring responsibilities for another member of the person's family;
- (f) there are any other exceptional circumstances that interfere with the person's ability to complete a course of education or study within the standard minimum length of time.

## **7 Effect of part-time study**

In forming an opinion under a guideline in Part 2 about satisfactory progress in a course, some part of which has been undertaken otherwise than as full-time study, within the meaning of subsection 541B(1) of the Act, the Secretary must take account of the part-time study progress as if it were undertaken as full-time study.

### *Example*

A full-time year of a course, comprising 4 units, is completed by a person as part-time study at the rate of 1 unit a year. For these Guidelines, the person is taken to have completed 1 year of the course.

## **Part 2 – Guidelines**

### **Division 1 Kinds of full-time study**

#### **8 Long courses**

- (1) Satisfactory progress in a long course is completion of the course within a period of time comprising:
  - (a) the standard minimum length of the course; and
  - (b) an additional period for completion of 1 uncompleted subject or unit that is a part of the course.

#### *Examples*

1. If the course is a 3 year course and includes semester units, one of which has been failed, or not completed—satisfactory progress is completion in 3 years and 1 further semester; or
  2. If the course is a 3 year course and includes yearly units, one of which has been failed, or not completed—satisfactory progress is completion in 3 years and 1 further year.
- (2) Despite subsection (1), the Secretary could form the opinion that a person is making satisfactory progress towards completing a long course if the person is, or has been, affected by circumstances beyond his or her control.
  - (3) Reference in this section to a course includes an articulated course that is a long course.

#### **9 Short courses**

- (1) Satisfactory progress in a short course is completion of the course within a period of time that enables the course, or any part of the course, to be attempted twice.
- (2) Despite subsection (1), the Secretary could form the opinion that a person is making satisfactory progress towards completing a short course if the person is, or has been, affected by circumstances beyond his or her control.
- (3) Reference in this section to a course includes an articulated course that is a short course.

#### **10 Honours courses**

- (1) Satisfactory progress in an honours course is completion of the course within the period of time comprising the standard minimum length of the course (including the honours component) and an additional period for completion of 1 uncompleted subject or unit (in either the undergraduate or the honours component).

- (2) Subsection (1) applies regardless of whether the honours component of the course is attempted immediately after the undergraduate component, or at some later time.
- (3) Despite subsection (1), the Secretary could form the opinion that a person is making satisfactory progress towards completing an honours course if the person is, or has been, affected by circumstances beyond his or her control.

*Note* This section may be irrelevant to honours study additional to a successfully completed honours course attached to another particular course of study. Its relevance will depend on whether or not the additional honours course is an approved course of education or study within the meaning of subsection 541B(5) of the Act.

### **11 Masters qualifying courses**

- (1) Satisfactory progress in a masters qualifying course is completion of the course within the period of time comprising the standard minimum length of the course (including an honours component and the masters qualifying component) and an additional period for completion of 1 uncompleted subject or unit (in any of the components of the course).
- (2) Subsection (1) applies regardless of whether the masters qualifying component of the course is attempted immediately after the honours component, or at some later time.
- (3) Despite subsection (1), the Secretary could form the opinion that a person is making satisfactory progress towards completing a masters qualifying course if the person is, or has been, affected by circumstances beyond his or her control.

*Note* This section may be irrelevant to qualifying study additional to a successfully completed honours course attached to another particular course of study. Its relevance will depend on whether or not the additional course is an approved course of education or study within the meaning of subsection 541B(5) of the Act.

### **12 Masters courses**

- (1) Satisfactory progress in a masters course is completion of the course within a period of time comprising:
  - (a) the standard minimum length of the course; and
  - (b) an additional period for completion of 1 uncompleted subject or unit that is a part of the course.
- (2) Despite subsection (1), the Secretary could form the opinion that a person is making satisfactory progress towards completing a masters course if the person is, or has been, affected by circumstances beyond his or her control.

### **13 Combined course option**

- (1) Satisfactory progress in a course (the *later course*) by a person that follows completion of another course by the same person, at the same educational institution, is completion of the later course within:

- (a) if paragraph (b) does not apply—the applicable period mentioned in section 8, 9, 10, 11 or 12, as appropriate; or
  - (b) if the institution offers students a combined course comprising the earlier and later courses studied by the person—the period of time that is the sum of:
    - (i) the standard minimum length of the combined course; and
    - (ii) an additional period for completion of 1 uncompleted subject or unit that is a part of the course.
- (2) Despite subsection (1), the Secretary could form the opinion that the person is making satisfactory progress towards completing the later course if the person is, or has been, affected by circumstances beyond his or her control.

#### **14 Competency-based training and self-paced study**

Satisfactory progress in competency-based training, or in self-paced study, is completion of the training within the period of time that, if the qualification were obtained by a conventional course of study, would, under these guidelines, be regarded as satisfactory progress in that course of study.

*Note* This section only has effect where the relevant training or study is part of an approved course of education or study within the meaning of subsection 541B(5) of the Act.

#### **15 Secondary courses**

- (1) The Secretary could form the opinion that a person enrolled in a secondary course is not making satisfactory progress towards completing that course if, on five or more days in a school term, the person has been absent from school without a reasonable excuse.
- (2) Despite subsection (1), the Secretary could form the opinion that a person who is enrolled in a secondary course and who, on five or more days in a school term, has been absent from school without a reasonable excuse, is making satisfactory progress towards completing that course if:
- (a) the person enters into a Youth Allowance Activity Agreement, a term of which is that the person will not be absent from school, without a reasonable excuse, on five or more days in a school term; and
  - (b) at all times throughout the secondary course, the person satisfies the Secretary that they are complying with the terms of the Youth Allowance Activity Agreement.

## **Division 2     Additional study at same level**

### **16 Study following failure of a previous course**

- (1) This section applies to a person who, having once failed to successfully complete a course, undertakes study in another course (the *second course*) at the same level.
- (2) Satisfactory progress in the second course is completion of the course in accordance with the relevant section of Division 1 dealing with study of that kind.
- (3) If the person fails to successfully complete the second course, the Secretary could form the opinion that the person is making satisfactory progress in undertaking a third course at the same level, provided the reason for failing to complete the second course is that the person was affected by circumstances beyond his or her control.

### **17 Study following withdrawal from a previous course**

- (1) This section applies to a person who, having once withdrawn from a course, undertakes study in another course at the same level.
- (2) The Secretary could form the opinion that the person, in undertaking the further course, is making satisfactory progress towards completing a course if any of the following circumstances apply to the person:
  - (a) the reason for withdrawing from the earlier course of study is that the person was affected by circumstances beyond his or her control;
  - (b) the further course of study is a short course; or
  - (c) the person enters into, and at all times throughout the course satisfies the Secretary that they are taking reasonable steps to comply with the terms of, a Youth Allowance Activity Agreement, under which the person agrees they will continue the further course until the earlier of the day on which:
    - (i) the person completes the further course; or
    - (ii) the person is no longer qualified for youth allowance.