



Student Assistance (Education Institutions and Courses) Amendment Determination 2017 (No. 3)

I, Christian Porter, Minister for Social Services, make the following determination.

Dated 11 October 2017

Christian Porter
Minister for Social Services

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1 Name

This instrument is the *Student Assistance (Education Institutions and Courses) Amendment Determination 2017 (No. 3)*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2018.	1 January 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 5D(1) of the *Student Assistance Act 1973*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)

1 Section 4

Insert:

student payment, for a student and a course, has the meaning given by subsection 11(4).

2 Paragraph 10(1)(a)

Repeal the paragraph, substitute:

- (a) that is:
 - (i) specified in Column 1 of the table in Schedule 2 to this instrument and provided by an education institution specified for that course in Column 2 of that table; and
 - (ii) for a course specified in item 5 or 8 of that table—an approved course within the meaning of the *VET Student Loans Act 2016*; and
 - (iii) for a course specified in item 10 of that table—to the extent that the course consists of study in a VET course, an approved course within the meaning of the *VET Student Loans Act 2016*; or
- (aa) to which section 11 of this instrument applies; or

3 Subsection 10(2)

Omit “paragraphs (1)(a) and (b)”, substitute “paragraph (1)(a), (aa) or (b)”.

4 After section 10

Insert:

11 Tertiary courses—transitional arrangements for certain Schedule 2 courses

- (1) For the purposes of paragraph 10(1)(aa) of this instrument, this section applies to a course if:
 - (a) the course is specified in Column 1 of item 5, 6, 8, 9, 10 or 11 of the table in Schedule 2 to this instrument; and
 - (b) the course commenced before, on or after 1 January 2018; and
 - (c) when the course commenced, it was a tertiary course under paragraph 10(1)(a) of this instrument; and
 - (d) the course has ceased to be a tertiary course under that paragraph.
- (2) Paragraph 10(1)(aa) of this instrument does not apply to the course in relation to a student if, immediately before the course ceased to be a tertiary course under paragraph 10(1)(a) of this instrument, the student was not receiving a student payment for the course.
- (3) Paragraph 10(1)(aa) of this instrument ceases to apply to the course in relation to a student if, at or after the time the course ceased to be a tertiary course under

paragraph 10(1)(a) of this instrument but before the student completes the course, the student ceases to be receiving a student payment for the course.

- (4) A student is receiving a *student payment* for the course if the student is receiving any of the following because the student is undertaking the course:
- (a) austudy payment under the *Social Security Act 1991*;
 - (b) assistance under the ABSTUDY scheme;
 - (c) youth allowance under the *Social Security Act 1991* because the student is undertaking full-time study;
 - (d) pensioner education supplement under the *Social Security Act 1991*.

5 Schedule 2 (note to Schedule heading)

Omit “subsection 10(2)”, substitute “subsections 10(2) and 11(1)”.

6 Schedule 2 (table)

Repeal the table, substitute:

Tertiary courses		
Item	Column 1 Course	Column 2 Education institution
1	Pre-vocational course	Registered training organisation
2	ESL course	Registered training organisation Higher education institution Any other body approved by the relevant State or Territory to conduct the course
3	VET course that is not: (a) a secondary course specified in Schedule 1; or (b) a VET course specified in item 5	Higher education institution Registered training organisation
4	VET course that is not a VET course specified in item 5	Registered training organisation
5	VET course at the level of: (a) diploma; or (b) advanced diploma; or (c) graduate certificate; or (d) graduate diploma	Higher education institution Registered training organisation
6	Undergraduate or postgraduate accredited higher education course at the level of: (a) associate degree; or (b) associate diploma; or (c) Bachelor degree; or (d) bridging study for overseas-trained professionals; or (e) postgraduate bachelor degree; or (f) Masters qualifying course; or (g) any of the following that is not a VET course: (i) diploma; (ii) advanced diploma;	Higher education provider within the meaning of the <i>Higher Education Support Act 2003</i>

Schedule 1 Amendments

Tertiary courses		
Item	Column 1 Course	Column 2 Education institution
	(iii) graduate certificate; (iv) graduate diploma; or (h) a course that: (i) leads to 2 of the above qualifications; and (ii) is identified as a combined course in the institution's handbooks; and (iii) is not a secondary course specified in Schedule 1; and (iv) is not a course accredited at Master or Doctorate level (other than a course specified in Schedule 3)	
7	Open Learning that: (a) is not a secondary course specified in Schedule 1; and (b) is at the level of a VET course; and (c) is not specified in item 8	Higher education institution participating in Open Learning Registered training organisation participating in Open Learning
8	Open Learning at the level of a VET course at the level of: (a) diploma; or (b) advanced diploma; or (c) graduate certificate; or (d) graduate diploma	Higher education institution participating in Open Learning Registered training organisation participating in Open Learning
9	Open Learning at the level of: (a) associate degree; or (b) associate diploma; or (c) Bachelor degree; or (d) bridging study for overseas-trained professionals; or (e) postgraduate bachelor degree; or (f) Masters qualifying course; or (g) any of the following that is not a VET course: (i) diploma; (ii) advanced diploma; (iii) graduate certificate; (iv) graduate diploma; or (h) a course that: (i) leads to 2 of the above qualifications; and (ii) is identified as a combined course in the institution's handbook; and (iii) is not a secondary course specified in Schedule 1; and (iv) is not a course accredited at Masters or Doctorate level (other than a course specified in Schedule 3)	Higher education provider within the meaning of the <i>Higher Education Support Act 2003</i> participating in Open Learning
10	A course: (a) consisting of concurrent study, at 2 different institutions, in:	To the extent that the course consists of study in the accredited higher education course—higher education

Tertiary courses		
Item	Column 1 Course	Column 2 Education institution
	<ul style="list-style-type: none"> (i) an accredited higher education course; and (ii) a VET course at the level of diploma, advanced diploma, graduate certificate or graduate diploma; and (b) that leads to the award of a separate qualification at each institution; and (c) that is classified in each institution's handbook as a combined course	provider within the meaning of the <i>Higher Education Support Act 2003</i> To the extent that the course consists of study in the VET course: <ul style="list-style-type: none"> (a) higher education institution; or (b) registered training organisation
11	A course: <ul style="list-style-type: none"> (a) consisting of concurrent study, at 2 different institutions, in: <ul style="list-style-type: none"> (i) an accredited higher education course; and (ii) a VET course other than at the level of diploma, advanced diploma, graduate certificate or graduate diploma; and (b) that leads to the award of a separate qualification at each institution; and (c) that is classified in each institution's handbook as a combined course 	To the extent that the course consists of study in the accredited higher education course—higher education provider within the meaning of the <i>Higher Education Support Act 2003</i> To the extent that the course consists of study in the VET course: <ul style="list-style-type: none"> (a) higher education institution; or (b) registered training organisation