

EXPLANATORY STATEMENT

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

Summary

The *Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)* (the Determination) is made by the Minister for Education, Employment and Workplace Relations (the Minister) under section 5D of the *Student Assistance Act 1973* (the Act).

The purpose of the Determination is to determine the education institutions and courses for which a student may be eligible for financial supplement under the Act.

The Determination retains the broad coverage of education institutions and courses provided by the *Student Assistance (Education Institutions and Courses) Determination 2009 (No. 1)*.

The major change to the Determination is:

- the amendment to s10 of the Determination in order that a part-time course may be regarded as a tertiary course for the purposes of Pensioner Education Supplement (PES)
- the inclusion of additional courses in Schedule 3, which lists approved Masters by coursework programs to provide eligibility for income support payments for students.

The amendment to s10 is to enable tertiary students undertaking the same study load in relation to a course to be eligible for PES regardless of whether the course is offered as a full-time course or a part-time course.

The inclusion of additional courses to Schedule 3 to the Determination is a result of the Department's invitation to the higher education sector providers to submit additional courses for approval by the Minister for Education. The Minister has regard to the *Guidelines for the approval of Masters Courses for Student Income Support Payments* in assessing applications for approval of courses from the higher education sector providers. The Guidelines can be found at the following link: http://www.dest.gov.au/sectors/career_development/programmes_funding/programme_categories/student_income_support/default.htm

Explanation of Provisions

Section 1 of the Determination states the name of the Determination.

Section 2 states that the Determination commences on the day after it is registered.

Section 3 revokes the *Student Assistance (Education Institutions and Courses) Determination 2009 (No.1)* is revoked.

Section 4 provides definitions for the purposes of the Determination.

Section 5 provides that an institution determined to be a higher education institution in the Determination is a kind of education institution for paragraph(a) of the definition of *education institution* in the Act.

Section 6 determines what is to be regarded as a secondary school for paragraph(c) of the definition of *education institution* in the Act.

Section 7 determines what is to be regarded as a technical and further education institution for paragraph(b) of the definition of *education institution* in the Act.

Section 8 provides that special schools are to be regarded as education institutions for paragraph(d) of the definition of *education institution* in the Act.

Section 9 specifies secondary courses for the purposes of for paragraph 5D(1)(a) of the Act.

Section 10 sets out what are to be regarded as tertiary courses for the purposes of paragraph 5D(1)(a) of the Act.

Paragraph 10(1)(a) specifies that courses listed in Column 1 of Schedule 2 to the Determination are tertiary courses.

Paragraph 10(1)(b) has the effect of extending financial supplement to students undertaking a tertiary course at Masters level insofar as the course is specified in Schedule 3 to the Determination.

Subsection 10(2) has the effect of providing that students undertaking a tertiary course are regarded as undertaking qualifying study regardless of whether the course is offered as a full-time course or a part-time course for the purposes of paragraph 1061PC of the *Social Security Act 1991*.

Subsection 10(3) has the effect of providing that a unit of a course specified in Schedules 2 and 3 is part of a tertiary course.

Schedule 1 lists secondary courses for the purposes of subsection 5D(1) of the Act.

Schedules 2 and 3 list tertiary courses for the purposes of subsection 5D(1) of the Act.

Regulatory Impact Statement and Consultation

This Determination does not require a Regulatory Impact Statement (RIS) and/or a Business Cost Calculator Figure. This Determination is not regulatory in nature, will not impact on business activity and will have no, or minimal, compliance costs or competition impact. It is not expected that any compliance costs will be incurred by business as a result of this Determination. Consultation was not undertaken due to its beneficial nature and as the instrument has no impact on business.