

Commonwealth of Australia

Social Security Act 1991

Youth Allowance (Satisfactory Study Progress Guidelines) Determination 1998

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make this Determination under subsection 541B (3B) of the *Social Security Act 1991*.

Dated 30 June 1998.

JOCELYN NEWMAN
Minister for Social Security

Part 1—Preliminary

1.1 Name of Determination

This Determination is the *Youth Allowance (Satisfactory Study Progress Guidelines) Determination 1998*.

1.2 Commencement

This Determination commences on 1 July 1998.

1.3 Purpose

The purpose of this Determination 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 for paragraph 541B (1) (d) of the Act.

1.4 Definitions

In this Determination:

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 (9), (10), (11) or (12) of the Act, as applicable.

long course means a course of education the standard minimum length of which is a period longer than 1 year.

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 the standard minimum length of which is a period equal to 1 semester.

short course means a course of education the standard minimum length of which is a period not exceeding 1 year, but does not include an honours 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.

Note The following expressions used in this Determination are defined in the Act (see s 23):

- educational institution
- Secretary
- Youth Allowance Activity Agreement.

1.5 Examples

- (1) An example in this Determination is part of this Determination.
- (2) If a provision includes an example of its operation:
 - (a) the example is not exhaustive; and
 - (b) if the example is inconsistent with the provision—the provision prevails.

1.6 Special 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 the following kinds of circumstance:

- (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 is obliged to relocate, necessitating repeating part of a course of study, or starting a course again (because of the requirements of the educational institution concerned);

- (e) the person has caring responsibilities for another member of the person's family;
- (f) any other exceptional circumstance that interferes with the person's ability to complete a course of education or study within the standard minimum length of time.

1.7 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 this Determination, the person is taken to have completed 1 year of the course.

Part 2 Guidelines

Division 1 Kinds of full-time study

2.1 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) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.
 - (3) Reference in this section to a course includes reference to an articulated course that is a long course.

2.2 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) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.
- (3) Reference in this section to a course includes reference to an articulated course that is a short course.

2.3 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.

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 within the meaning of s 541B (5) of the Act.

2.4 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.

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 within the meaning of s 541B (5) of the Act.

2.5 Combined course option

- (1) Satisfactory progress in a course that follows completion of another course by the same student (*student A*), 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 2.1 or the period mentioned in section 2.2, as appropriate; or
 - (b) if the institution offers students a combined course comprising the earlier and later courses studied by student A—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 an uncompleted subject or unit that is a part of the course.
- (2) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.

2.6 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.

Division 2 Additional study at same level

2.7 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 at the same level.
- (2) Satisfactory progress in the later study is completion of the study in accordance with the relevant section of Division 2 dealing with study of that kind.
- (3) If the person fails to successfully complete the later course (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.

2.8 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 is making satisfactory progress in undertaking the further course, provided any of the following circumstances apply to the person:
 - (a) the reason for withdrawing from the earlier study is that the person was affected by circumstances beyond his or her control;
 - (b) the later study is a short course;
 - (c) the person enters into a Youth Allowance Activity Agreement, a term of which is that the person will continue the later study until completion of the course within the time that, under Division 1, is regarded as satisfactory progress in that course of study.
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