

EXPLANATORY STATEMENT

YOUTH ALLOWANCE (SATISFACTORY STUDY PROGRESS GUIDELINES) DETERMINATION 1998

Issued by the authority of the Minister for Social Security

Summary

This Determination is made under subsection 541B(3B) of the *Social Security Act 1991* (the Social Security Act), which was inserted by Schedule 1 to the *Social Security Legislation Amendment (Youth Allowance) Act 1998*.

The purpose of the Determination is to provide guidelines on when a person may be deemed to be making satisfactory progress towards completing an approved course.

Background

Paragraph 541(1)(a) of the Social Security Act states that one of the ways that a person can satisfy the youth allowance activity test for a period, is by satisfying the Secretary that, throughout the period, the person is undertaking full-time study. Paragraph 541B(d) of the Social Security Act states that a person is undertaking full-time study if they are making satisfactory progress towards completing an approved course. Subsection 541B(3A) of the Social Security Act states that, in forming an opinion on whether a person is making satisfactory progress towards completing an approved course, the Secretary is to have regard to guidelines set by the Minister under subsection 541B(3B). Subsection 541B(3C) of the Social Security Act states that these guidelines are disallowable instruments.

Explanation of the provisions

Part 1 – Preliminary

Section 1.1 cites the name of the Determination and section 1.2 states that the Determination commences on 1 July 1998. Section 1.3 states the purpose of the Determination.

Section 1.4 defines various terms that are used in the Determination. Section 1.5 states that examples used in the Determination are not exhaustive and that if an example is inconsistent with a provision in the Determination, then the provision prevails.

Section 1.6 states the kinds of circumstances the Secretary may have regard to, in considering whether a person is affected by special circumstances beyond his or her control.

Section 1.7 states that the Secretary is to take account of a person's part-time study in forming an opinion on whether the person is making satisfactory progress in their course. The example under section 1.7 illustrates the way that a person's part-time studies is to be included in an assessment of their satisfactory progress in a course.

Part 2 - Guidelines

Division 1 - Kinds of full-time study

A **long course** is an approved course the minimum duration of which is a period longer than one year. Section 2.1 states that satisfactory progress in a long course is completion of the course in a period that comprises the minimum period of time to complete the course, plus an additional year or semester, depending on the studies undertaken beyond the minimum period. If the person has a year long subject to complete beyond the minimum period of time, then he or she will have an additional year to complete the course. If the person has a semester long subject to complete beyond the minimum period of time, then he or she will have an additional semester to complete the course.

A **short course** is an approved course the standard minimum duration of which does not exceed one year. Section 2.2 states that satisfactory progress in a short course is completion of the short course within a period of time that enables the course, or any part of the course, to be attempted twice.

In both long courses and short courses, the period in which a person is deemed to be making satisfactory progress towards the completion of their course, may be extended in cases where the person is affected by circumstances that are beyond his or her control.

Section 2.3 states that the time for the completion of an honours course is the standard minimum length of the course (including the honours component), and an additional period depending on whether a semester long or year long subject is to be completed.

Section 2.4 states that the time for the completion of a masters qualifying course is the time comprising the standard minimum length of the course, including the honours component, and an additional period of one uncompleted subject or unit. The duration of the additional period depends on whether the uncompleted unit is one semester or one year long.

Section 2.5 states that where a person chooses to undertake a combined course, the time for completing the course is based on the minimum time for the completion of the combined course, and not a period calculated with reference to the separate course components.

Section 2.6 states that the minimum time to complete a course that involves competency-based training or self-paced study, is the time that it would take to complete the course if the course was completed by way of conventional training.

Division 2 - Additional study at the same level

Section 2.7 applies to persons who have failed to successfully complete a course and then undertake study in another course at the same level. Subsection 2.7(2) states that where a person fails a course of study, whether it be a short or a long course, the person may attempt a course at the same level a second time (whether it is the same course or another course), and be deemed to be making satisfactory progress towards the completion of that course. Subsection 2.3(3) states that if the person fails a course at the same level twice, and wants to undertake study at the same level a third time, then, for the person to be deemed to be making satisfactory progress towards completing their course, they must have been affected by circumstances beyond their control.

Section 2.8 applies to persons who have withdrawn from a course and undertake to complete a further course at the same level. Subsection 2.8(2) states that the Secretary may consider that a person is making satisfactory progress towards completing a further course at the same level if the reason that the person withdrew from the course is because they were affected by circumstances beyond their control, or if the further course is a short course, or if 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 is the minimum length of the course.