

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **DEFINITION OF ‘ACADEMIC YEAR’**

##### **(REGULATION 1.03)**

1. This Instrument is made under Regulation 1.03 of the *Migration Regulations 1994* (‘the Regulations’).
2. Regulation 1.03 of the Regulations provides that an academic year means a period specified by the Minister in an instrument.
3. The purpose of the Instrument is to provide the specific number of weeks which determines the measure of one, two and three academic years for meeting the Australian study requirement or points test as part of applying for General Skilled Migration (GSM). Students applying for GSM must complete a specified period of study in order to meet the Australian study requirement and/or earn points for Australian study. The intention is to remove any uncertainty as to the number of weeks a course must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students. Previously, this measurement existed only in policy.
4. The instrument establishes within the Regulations the policy standard which has been applied since 1 September 2007. That is, 1 academic year is at least a total of 46 weeks, 2 academic years at least a total of 92 weeks, and 3 academic years is at least a total of 138 weeks, being the duration of a course of courses registered under section 9 of the *Education Services for Overseas Students Act 2000*.
5. Pursuant to section 18 of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The instrument commences on 15 May 2009.