

COMMONWEALTH OF AUSTRALIA

SCHOOLS ASSISTANCE ACT 2008

Determination No. 2010-385 section 92

Specification of criteria for the purposes of the definition of “eligible new arrival” under paragraph 92(1)(b) of the *Schools Assistance Act 2008* (the “Act”)

I, Damien McGrath, a delegate of the Minister for Education (for the purposes of section 92(1)(b) of the Act) determine, under subsection 92(3) of the Act, that “eligible new arrival”, for the purposes of paragraph 92(1)(b) of the Act, means a person who:

1. either:
 - (a) is of normal schooling age and holds a permanent or temporary visa as specified by the Minister in Determination No. 2010-268 or 2010-269; or
 - (b) is not of normal schooling age but:
 - (i) is accepted as a primary or secondary school student by a non-government educational authority due to their specific educational needs; and
 - (ii) is the holder of a permanent humanitarian visa as specified by the Minister in Determination No. 2010-268;and
2. at the time of receiving funding for intensive English language tuition under the Act:
 - (a) is undertaking primary or secondary education at a non-government school; or
 - (b) has enrolled at a non-government school as a primary or secondary student;and
3. if in the first year of primary schooling, has enrolled in intensive English language tuition funded under the Act within 18 months of the person:
 - (a) arriving in Australia, or
 - (b) being granted a temporary or permanent visa under the Humanitarian Program as specified by the Minister in Determination No. 2010-268;and
4. if in a year of schooling other than the first year of primary, has enrolled in intensive English language tuition funded under the Act within 6 months of the person:
 - (a) arriving in Australia, or
 - (b) being granted a temporary or permanent visa under the Humanitarian Program as specified by the Minister in Determination No. 2010-268;and

5. the student has been assessed by non-government education authorities as requiring education assistance through an intensive ESL course.

Dated this 28 day of October 2010

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Damien McGrath
A/g Branch Manager
Inclusive Education and Engagement Branch
Engagement and Wellbeing Group

1 CITATION

This Determination may be cited as the *Specification of criteria for the purposes of the definition of “eligible new arrival”*. It is complimentary to the definition registered under this citation as F2010L0263 on the Federal Register of Legislative Instruments.

2 AUTHORITY

This Determination is made under subsection 92(3) of the *Schools Assistance Act 2008* (the Act) for the purpose of the definition of “Eligible New Arrival” under paragraph 92(1)(b) of the Act.

In accordance with subsection 92(6) of the Act, this Determination is a legislative instrument.

3 DATE OF EFFECT

This Determination is taken to have commenced on 1 January 2009.

4 APPLICATION

This Determination is taken to have applied on and after 1 January 2009.