

Student Assistance (Education Institutions and Courses) Amendment Determination 2012 (No. 1)

F2012L02588

Portfolio: Tertiary Education, Skills, Science and Research

Summary of committee view

2.25 The committee seeks clarification of the possible impact that the removal of the three courses from the list of 'tertiary courses' may have on the right to education and the right to social security.

Overview

2.26 This instrument amends the list of Masters courses provided by higher education providers that are classified as 'tertiary courses' for the purposes of the *Student Assistance Act 1973* (the Act). The determination of courses as 'tertiary courses' for the purposes of the Act allows people studying those courses to qualify for certain income support payments under social security law, such as Austudy and Youth Allowance (provided they meet the other eligibility criteria for those payments).

2.27 The instrument lists 35 new courses, replaces the name of four courses, and removes three existing courses from the list of 'tertiary courses'. The three courses removed from the list are:

- Master of Nursing (Nurse Practitioner), Griffith University;
- Master of Teaching (Professional Practice) – Secondary, Griffith University;
- Master of Teaching (Professional Practice) – Primary, Griffith University.

2.28 These three courses were removed at the request of the education provider as the provider considered that the courses are no longer eligible for approval.

Compatibility with human rights

2.29 The statement of compatibility acknowledges that the instrument engages the right to education contained in article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and concludes that the 'instrument is compatible with human rights as it may enable students to access education.'

2.30 However, by removing three courses from the list of 'tertiary courses' for the purpose of the Act, the instrument may limit the right to education contained in article 13 of ICESCR and the right to social security contained in article 9 of ICESCR.

2.31 The committee seeks clarification from the Minister for Tertiary Education, Skills, Science and Research in relation to the possible impact that the removal of the three courses from the list of 'tertiary courses' may have on the right to

Any Member or Senator who wishes to draw matters to the attention of the committee under the *Human Rights (Parliamentary Scrutiny) Act 2011* is invited to do so.

education and the right to social security. In addition, the committee seeks information as to why it is considered that the three courses are 'no longer eligible for approval'.