



**2011**

**Australian Government  
Department of Employment**

**Student Payment Management Team**

# **ABSTUDY POLICY MANUAL**

The purpose of the ABSTUDY scheme is to address the particular educational disadvantages faced by Aboriginal and Torres Strait Islander people by improving educational outcomes to a level commensurate with the Australian population in general. ABSTUDY policy aims to encourage eligible Indigenous students and apprentices to take full advantage of available educational opportunities and improve their employment opportunities.

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## ABSTUDY Scheme

The purpose of the ABSTUDY scheme is to address the particular educational disadvantages faced by Aboriginal and Torres Strait Islander people by improving educational outcomes to a level commensurate with the Australian population in general. ABSTUDY policy aims to encourage eligible Indigenous students to take full advantage of available educational opportunities and improve their employment opportunities.

Means tested benefits available as part of the ABSTUDY scheme are targeted to those most in need.

## History of ABSTUDY

The Aboriginal Study Grants Scheme (ABSTUDY), the precursor to the current ABSTUDY scheme, was introduced in 1969 as part of the then Commonwealth Government's commitment to implement special measures to assist Australian Aboriginal and Torres Strait Islander people to achieve their educational, social and economic objectives through financial assistance to study.

ABSTUDY became available to Indigenous students in tertiary studies from the beginning of the 1969 academic year in response to the lack of participation of Indigenous peoples in higher education. Eligible full-time students received a Living Allowance, with higher rates applying to partnered students and where there were dependent children. Compulsory course fees were also paid, as well as a book and equipment allowance. Travel costs were paid for students who needed to study away from home.

Initially, the Australian Government clearly identified that primary and secondary education was the responsibility of the States and Territories. However, it became evident during 1969 that many Indigenous students were not eligible for entry to tertiary education, and hence for ABSTUDY assistance, because of the gap between the cessation of compulsory schooling and normal commencement of post-secondary education. Because of the low numbers of Indigenous students staying at school past the compulsory period, the scheme was extended to mature age secondary students to enable them to advance to matriculation studies and to gain entry into a tertiary course.

To promote the participation of Aboriginal and Torres Strait Islanders in secondary education so that they were able to continue on to tertiary studies, the Aboriginal Secondary Grants Scheme (ABSEG) was introduced at the beginning of 1970. In 1973, ABSEG was extended by Government decision to include all Indigenous students attending secondary school. This decision recognised that these Indigenous students needed additional assistance and encouragement prior to leaving school to realise their educational potential, as it was evident that many did not undertake senior secondary studies.

Further developments were mainly in the post-secondary area with extension of entitlements to Indigenous students undertaking short courses, assistance with tutoring and eligibility for students undertaking studies by correspondence.

It became apparent that many Indigenous students wishing to undertake post-secondary courses often lacked the necessary educational preparation to undertake post-secondary studies in formal institutions. Family commitments also prevented many others from leaving isolated communities to pursue studies. The schemes were therefore broadened to provide a wider range of opportunities, both in education institutions and through specially arranged courses provided for groups of Indigenous students.

In 1975 and 1976, ABSTUDY was extended to enable special courses to be established for Aboriginal and Torres Strait Islanders in remote areas who did not have access to the usual range of education and training opportunities. Where local experts were not available to run these courses, specialist instructors were brought in to the local communities.

In 1988, the two schemes were amalgamated into the current Aboriginal and Torres Strait Islander Study Assistance Scheme (ABSTUDY) which has two components, ABSTUDY Tertiary and ABSTUDY Schooling. A major revamp of the ABSTUDY scheme was undertaken in 1989 and 1990 following the introduction of the National Aboriginal and Torres Strait Islander Education Policy (AEP).

In December 1998, the Government announced changes to ABSTUDY to take effect from 1 January 2000, which intended to help target ABSTUDY benefits to those students most in need of assistance, and to address particular educational disadvantages faced by these Indigenous students. The decisions reflected many of the concerns raised by the Indigenous community that ABSTUDY be retained as a separate scheme and that the additional benefits available under the Youth Allowance (YA) were not available under ABSTUDY.

The changes brought ABSTUDY Living Allowance payments in alignment with those payable under the YA for 16-20 year old students. Indigenous students aged 21 years and over became eligible for the Newstart rate that is a higher rate of payment than students in receipt of the YA or Austudy payment. Students over 21 years of age became subject to a more generous partner income test than applied for Newstart recipients. The Pensioner Education Supplement was aligned with that payable under the *Social Security Act 1991*.

In July 2005, following an election commitment to extend the eligibility for Youth Allowance, Austudy and ABSTUDY payment to full-time Australian Apprentices, a means-tested living allowance for eligible Australian Apprentices under ABSTUDY was introduced. The intent of the extension of assistance to Australian Apprentices is to provide extra help during the initial years of training while wages are generally at their lowest.

The amendments to the ABSTUDY Policy also exempted from assessment of income the value of Commonwealth Trade Learning Scholarships and Tools for your Trade initiative.

## Objectives of ABSTUDY

ABSTUDY is an important symbol of the Australian Government's commitment to Indigenous education; more generally, it signals the Australian Government's recognition that education will be a key to the Government's objective of reconciliation with the Indigenous community, and a prime measure by which its overall performance in this area will be measured.

The main objectives of the ABSTUDY Scheme are to:

- encourage Aboriginal and Torres Strait Islander people to take full advantage of the educational opportunities available,
- promote equity of educational opportunity, and
- improve educational outcomes.

## Supporting programs

ABSTUDY is supported in its aims and objectives by the following National Aboriginal and Torres Strait Islander Education Policy (AEP) programs that are administered by the Department of Education, Employment and Workplace Relations (DEEWR).

## Interpretation of ABSTUDY Policy

Interpretation of the ABSTUDY policy involves consideration of the fact that it is a scheme aimed at removing some of the barriers to Indigenous Australians accessing education. The ABSTUDY scheme provides allowances to people in recognition of their educational and social disadvantage. As such, if there is an ambiguity in a piece of policy which is most beneficial in character, then the ambiguity should be resolved in a way that is MOST favourable to the people the policy is intended to assist.

## Policy Approval

The policy intent of ABSTUDY, set out in this manual known as the ABSTUDY Policy Manual, has the approval by the Minister for Education, Employment and Workplace Relations.



# **Part I Administration of ABSTUDY**

## **Chapter 1 - Administration Framework for ABSTUDY**

This chapter provides information on the administrative framework for the ABSTUDY scheme

### **1.1 Administrative Framework for ABSTUDY**

#### **1.1.1 Portfolio responsibility**

ABSTUDY policy remains the portfolio responsibility of the Minister for Education, Employment and Workplace Relations (DEEWR).

#### **1.1.2 Policy interpretation and application**

The Department (DEEWR) provides advice on the application of the ABSTUDY policy.

#### **1.1.3 Who Administers ABSTUDY?**

ABSTUDY is administered and delivered by Centrelink on behalf of DEEWR.

### **1.2 Financial Administration**

#### **1.2.1 Financial controls**

Payment procedures and practices for ABSTUDY benefits, unless otherwise specified, are to be carried out in accordance with the *Financial Management and Accountability Act 1997* and the Financial Management and Accountability Regulations.

#### **1.2.2 Overpayments and recovery**

Provisions relating to overpayments and recovery matters, including delegations to waive or recover student assistance debts, are authorised under the *Student Assistance Act 1973*.

### **1.3 Freedom of information**

All documents created or held by the Department with regard to ABSTUDY are subject to the *Freedom of Information Act 1982* ("FOI Act"). Unless a document falls under an exemption provision, it will be made available to the general public if requested under the FOI Act.

### **1.4 Privacy and Data-Matching**

DEEWR and Centrelink are bound by the provisions of the *Privacy Act 1988*. Section 14 of the *Privacy Act 1988* contains the Information Privacy Principles (IPPs) that prescribe the rules for handling personal information. Persons, bodies and organisations involved in the ABSTUDY programme must also abide by the IPPs and the *Privacy Act 1988* when handling personal information collected for the purposes of that programme.

It is an offence under Part 10, Division 3 of the *Student Assistance Act 1973*, for persons to use or disclose protected information collected by Centrelink or DEEWR for purposes of this Act for purposes not authorised under the *Student Assistance Act 1973*.

Centrelink collects personal information from [Australian Apprentices](#), students, their parents/guardians and their partners, where relevant. Centrelink may only collect this personal information necessary for, or directly related to, the ABSTUDY scheme. Relevant purposes are

those identified in the *Student Assistance Act 1973*, the Student Assistance Regulations 2003 and this ABSTUDY Policy Manual, or information which is directly related to those purposes.

Centrelink and DEEWR may also disclose personal information where required or authorised by other legislation. For example, DEEWR and Centrelink may disclose personal information to the Australian Taxation Office (ATO) in accordance with the *Data-Matching Programme (Assistance and Tax) Act 1990*.

Centrelink and DEEWR should otherwise only disclose personal information with the consent of the individual concerned or where permitted or authorised by law.

**Note:** For more information refer, [Privacy](#) or call 1300 363 992.

## 1.5 Collection of Information

Centrelink may require a person to give information or produce a document that is in the person's possession or under the person's control, or attend a meeting with a Centrelink Officer or agent where Centrelink considers that the information or document or the meeting may be relevant to:

- whether a person who has made a claim for an ABSTUDY benefit is or was qualified to receive the benefit; or
- whether an ABSTUDY benefit is payable to the person receiving it; or
- the application of income management under Part 3B of the Social Security (Administration) Act 1999 to the person.

Where an applicant has not provided Centrelink with information to support their claim or continuing entitlement for ABSTUDY, or has failed to attend a meeting with a Centrelink Officer or agent, Centrelink may suspend an applicant's ABSTUDY payment pending the provision of this information from the applicant or attendance at a meeting with a Centrelink Officer or agent.

If an [applicant](#) refuses or is unable to provide the additional information required by Centrelink, to make a correct determination in relation to their eligibility for ABSTUDY within the required timeframe of 14 days, their payment may be cancelled and an [overpayment](#) raised against the [applicant](#) (refer [Student Assistance Act 1973](#)).

## Chapter 2 - Customer Obligations - Change in Circumstances

This chapter discusses a recipient's change in circumstances, and how those changes effect ABSTUDY eligibility and entitlements. Notification of these changes is the responsibility of the recipient.

### 2.1 Notification of changes – Recipient Obligations

Under Section 48 of the *Student Assistance Act 1973*, ABSTUDY Payees must advise Centrelink within fourteen days of the occurrence of any "[prescribed event](#)" as listed in Regulation 6 and Schedule 1 of the *Student Assistance Regulations 2003* (detailed below). An occurrence of a "prescribed event" is sometimes referred to as a "[change in circumstances](#)".

(1) For Section 48 of the *Student Assistance Act*, each of the following is a prescribed event in relation to a person who is receiving, or entitled to receive, an amount under the ABSTUDY Scheme:

#### Part 1 - ABSTUDY Payee:

101 - does not enrol in the course to which the amount relates by the end of the enrolment period, or

102 - does not begin the course within the first 3 weeks of the first day it is offered, or

103 - cancels his or her enrolment in the course to which the amount relates, or

104 - has his or her enrolment cancelled by the education institution, or

105 - discontinues the course to which the amount relates, or

106 - discontinues full-time study in the course to which the amount relates, or

107 - reduces his or her approved 25 per cent, or two-thirds, concessional study-load under the ABSTUDY Scheme, or

108 - begins to receive a benefit for education or vocational training from the Commonwealth or a Commonwealth authority, or a State or Territory Department or authority, or

108A - has received/is receiving a Commonwealth Scholarship, Student Start-up Scholarship, or Relocation Scholarship, or

109 - begins to receive a pension or payment under the *Veterans' Entitlement Act 1986*, or

110 - becomes an Australian Apprentice or ceases to be an Australian Apprentice, or

111 - ceases to receive an ABSTUDY Pensioner Education Supplement qualifying payment under the ABSTUDY Scheme, or

112 - ceases to qualify for an independent or away from home living allowance under the ABSTUDY Scheme, or

113 - stops living permanently with his or her partner, or

114 - is taken into lawful custody, or

115 - changes the address of his or her place of residence or permanent home, or

116 - earns an amount of income that is not the same amount as the last estimate of income given to Centrelink, or

117 - becomes aware that his or her assets have increased in value beyond the maximum value under the ABSTUDY Scheme, or

118 - becomes aware of circumstances that may affect his or her entitlement to rent assistance. A person:

(a) becomes the ABSTUDY payee's partner, or

(b) ceases to be the ABSTUDY payee's partner.

118A - The ABSTUDY payee:

(a) changes address, or

(b) starts to share his or her accommodation with another person, or

(c) ceases to share his or her accommodation with another person, or

(d) moves to government housing for which he or she pays rent.

119 - ceases to be an Australian citizen, or

120 - ceases to be recognised as an Australian Aboriginal or Torres Strait Islander following an investigation of his or her Aboriginality or Torres Strait Islander status, or

121 - a person becomes the ABSTUDY payee's parent, partner or spouse, or

122 - a person ceases to be the ABSTUDY payee's parent, partner or spouse.

123 - the ABSTUDY payee becomes aware of circumstances that may affect his or her entitlement to remote area allowance:

124 - the ABSTUDY payee:

(a) will be, or likely to be, absent from his or her permanent home, in relation to which remote area allowance is paid, for more than 8 weeks, but

(b) will remain in Australia.

125 - the ABSTUDY payee intends to be overseas for any period, or

126 - the ABSTUDY payee relocates his or her permanent home, or

127 - the ABSTUDY payee partner dies, or

128 - the ABSTUDY payee dependent child dies, or

129 - the ABSTUDY payee dependent child is, or intends to be, overseas, or

130 - the ABSTUDY payee permanently separates from his or her partner, or

131 - the ABSTUDY payee ceases work with his or her employer, either temporarily or permanently, or

132 - the ABSTUDY payee starts to receive, or is receiving, a payment:

(a) in relation to a compensation-related claim, or

(b) from an amount of money paid in relation to a compensation-related claim.

133 - the ABSTUDY payee claims, or receives, a payment under the scheme known as Australian Apprenticeships, known as Living Away from Home Allowance.

## PART 2 - ABSTUDY Payee's parent:

201 - a person becomes the partner of the parent of the ABSTUDY payee's parent, or

202 - a person ceases to be the partner of the parent of the ABSTUDY payee's parent, or

203 - the ABSTUDY payee's parent becomes aware of the value of his or her assets for a period has increased in value above the maximum value under the ABSTUDY Scheme, or

204 - the ABSTUDY payee's parent becomes a designated parent, or

205 - the number of dependent children for which the ABSTUDY payee's parent is responsible has reduce since:

(a) an ABSTUDY application form was lodged for the year of study; or

(b) the last notification of the number of dependent children was given to Centrelink.

206 - the ABSTUDY payee's parent earns an amount of income for the current tax year that is at least 25 per cent more than the estimate of income given in the ABSTUDY application form for the year of study.

## PART 3 - ABSTUDY Payee's partner:

301 - the ABSTUDY payee's partner dies, or

302 - the ABSTUDY payee's partner earns an amount or income for the current tax years that is not the same as the estimate of income given in the ABSTUDY application form for the year of study, or

303 - the ABSTUDY payee's partner becomes an ABSTUDY payee, or

304 - the ABSTUDY payee's partner begins to receive a pension or payment under the *Veterans' Entitlement Act 1986*, or

305 - the ABSTUDY payee's partner becomes aware that the value of his or her assets for a period has increased in value above the maximum value.

(2) For sub regulation (1), an event mentioned in 201, 202 ,203 ,204 or 206 of Schedule 1 is a prescribed event only if the ABSTUDY payee:

- (a) knows that the event has occurred, or
- (b) ought reasonably to know that the event has occurred

**Note:** Some of the events described in sub-regulation (1) may occur without the ABSTUDY payee's knowledge.

For example, the ABSTUDY payee may not know that a person has become the partner of the payee's parent until after the person becomes the partner. The event would become a prescribed event under item 201 only when the ABSTUDY payee knows, or ought reasonably to know, that the person has become the partner.

## 2.2 Failure to advise Centrelink of prescribed events

Persons who fail to advise Centrelink of the occurrence of a [prescribed event](#) may be prosecuted under the Criminal Code. Failure to notify Centrelink of the occurrence of a prescribed event as listed above will be an offence under section 49 of the *Student Assistance Act 1973*, punishable by a maximum penalty of twelve months imprisonment.

## 2.3 False or misleading information

People who give false or misleading information in connection with a claim for ABSTUDY can, under the provisions of the *Student Assistance Act 1973*, incur penalties of up to a \$6,000 fine or twelve months imprisonment.

## 2.4 Suspension and cancellation of ABSTUDY payments

Where an applicant has [not notified Centrelink](#) of a [prescribed event](#) or provided information Centrelink has requested to enable continuing assessment of the ABSTUDY payee's entitlement, (as outlined under [Chapter 1.5 – Collection of Information](#)), Centrelink may suspend an applicant's ABSTUDY payment pending the provision of additional information from the recipient.

If an [applicant](#) refuses or is unable to provide the additional information required by Centrelink to make a correct determination in relation to their eligibility to ABSTUDY, their payment may be cancelled and an [overpayment](#) raised against the [applicant](#) (refer [Student Assistance Act 1973](#)).

## 2.5 Change of Circumstance

Where a change of circumstance occurs, the student's or [Australian Apprentice's](#) eligibility and/or entitlement are reassessed from the date of the change in circumstance.

## Chapter 3 - Overpayment and Recovery of Allowances

This chapter details the definition of an overpayment for ABSTUDY purposes, the authority under which an ABSTUDY debt is raised and recovered, and the identification of the appropriate debtor.

### 3.1 Definition of an Overpayment

An overpayment occurs when payments which have been made in respect of a student or [Australian Apprentice](#) exceed the amount to which s/he is entitled.

### 3.2 Authority to Raise and Recover a Debt

#### 3.2.1 Raising a debt

Section 39 of the [Student Assistance Act 1973](#) gives Centrelink the authority to raise and recover a debt where an overpayment of ABSTUDY has occurred.

#### 3.2.2 Recovery of debts

Provisions relating to debt recovery matters, including the conditions under which an ABSTUDY debt can be waived, are contained in the [Student Assistance Act 1973](#).

### 3.3 Responsibility for Overpayments

The person responsible for repaying any overpaid amount (known as the responsible debtor) is usually the person who received the ABSTUDY payment. For ABSTUDY purposes the person who has received the payment is known as the 'ABSTUDY Payee'.

#### 3.3.1 Exceptions

Exceptions are:

- where a private board provider receives an ABSTUDY payment for an approved boarding student, the [parent/guardian](#) who redirected the payment remains responsible for repaying any overpaid amount, or
- where payments are obtained fraudulently, the person who applied for ABSTUDY assistance is responsible for repaying any overpaid amount whether paid to themselves, to another person or to an institution.

### 3.4 Recovery of debt where the Parent / guardian is the responsible debtor

For ABSTUDY Schooling students, a [parent/guardian](#) will be responsible for overpayments of:

- School Term Allowance paid to the parent/guardian,
- [School Fees Allowance](#) paid to the parent/guardian,
- [Living Allowance](#) paid to the parent/guardian,
- in the case of an approved boarding student, Living Allowance paid on behalf of the parent/guardian to a private board provider,
- [Fares Allowance](#) paid for under 16-year-old boarding students, and
- [Additional Assistance](#) paid for an under 16-year-old student.

### 3.5 Recovery of debt where the Student is the responsible debtor

A Student will be responsible for the overpayments if the following allowances are paid to the student:

- [Living Allowance](#)
- [Pensioner Education Supplement](#)
- [Incidentals Allowance](#)
- [Additional Incidentals Allowance](#)
- [Masters and Doctorate Allowances](#)
- [Away-from-base assistance paid as travel allowance](#)
- [Fares Allowance](#)
- [Pharmaceutical Allowance](#)
- [Remote Area Allowance](#)
- [Rent Assistance](#)
- [Additional Assistance](#)
- [Relocation Scholarship](#)
- [Student Start-up Scholarship](#)

### **3.6 Recovery of debt where the Boarding institution is the responsible debtor**

A boarding institution will be responsible for overpayments of:

- [Pharmaceutical Allowance](#), [Rent Assistance](#), [Remote Area Allowance](#), [Living Allowance](#) paid fortnightly, term-in-advance or on account to the boarding school, hostel or residential college;
- [Under 16 Boarding Supplement](#), and
- [Additional Assistance](#) paid to the boarding institution.

### **3.7 Recovery of debt where the School is the responsible debtor**

A school will be responsible for overpayments of:

- [School Fees Allowance](#) and
- [Additional Assistance](#) paid to the school.

### **3.8 Recovery of debt where the Tertiary education institution is the responsible debtor**

A tertiary education institution will be responsible for overpayments of:

- [Away-from-base assistance](#) paid as residential costs and fares to the tertiary education institution
- [Additional Assistance](#) paid to the tertiary education institution
- [Lawful Custody Allowance](#) where paid to the tertiary education institution
- Payments made to the institution under the Residential Costs Option in respect of board and lodgings if the student is not eligible for the Residential Costs Option, and
- [Commonwealth supported places](#) or course fees where paid to the tertiary education institution.

### **3.9 Recovery of Debt where the Australian Apprentice is the Responsible Debtor**

An [Australian Apprentice](#) will be responsible for the overpayments if the following allowances are paid to the Australian Apprentice:

- [Living Allowance](#)
- [Incidentals Allowance](#)
- [Pharmaceutical Allowance](#)
- [Remote Area Allowance](#)
- [Rent Assistance](#)
- [Additional Assistance](#)



## Chapter 4 - Reviews and Appeals

### 4.1 Requesting a Review of Decision for ABSTUDY

This chapter details the review and appeal rights of ABSTUDY recipients.

If applicants, [Australian Apprentices](#) or students on whose behalf claims have been made, disagree with a decision about their assessment, they may ask Centrelink to review any decision affecting their eligibility or entitlement for ABSTUDY benefits, and/or any decision regarding debt recovery. A third party can undertake the same review and appeal process where it is the [applicant](#) for the ABSTUDY entitlement, or it is the [responsible debtor](#).

#### 4.1.1 Rights of review

Decisions regarding a person's eligibility and entitlement to ABSTUDY are made in accordance with the ABSTUDY Policy Manual. However, decisions regarding debt recovery matters are made under the [Student Assistance Act 1973](#).

As a result, an applicant's rights of review regarding an **assessment** decision differ to those relating to matters of debt recovery. Rights of review regarding assessment decisions are set out in [4.2](#) and those for debt recovery decisions are set out in [4.3](#).

### 4.2 Review and Appeal of ABSTUDY Eligibility or Entitlement Decisions

#### 4.2.1 Review of ABSTUDY eligibility or entitlement decision

Where Centrelink has been asked to review a decision regarding ABSTUDY eligibility and entitlement under ABSTUDY Policy, an officer who was not involved in the original decision will undertake the review.

There is no time limit for requesting reviews of ABSTUDY eligibility or entitlement.

#### 4.2.2 Appeals to the Minister

If a student, [Australian Apprentice](#), applicant or third party acting as an agent is not satisfied with a Centrelink review decision, the person or an agent acting on her/his behalf may appeal in writing to the Minister about any Centrelink decision affecting his or her ABSTUDY eligibility or entitlements. The Minister has delegated their power to the Group Manager responsible for ABSTUDY in the Department of Education, Employment and Workplace Relation (DEEWR). The Group Manager is independent of Centrelink.

In general, the grounds for appeal are that:

- the decision being appealed against was contrary to ABSTUDY provisions; or
- the circumstances of the case meet the intention but not the letter of the ABSTUDY Policy Manual.

**Note:** This provision only relates to a Centrelink decision about an individual's ABSTUDY eligibility or entitlement.

It does not apply where the Centrelink decision is about a decision under Part 3B of the *Social Security (Administration) Act 1999* ('the SSA Act') in relation to a person who is subject to the income management regime under section 123UB of the SSA Act.

## 4.3 Review and Appeal of ABSTUDY Debt Recovery Decisions

### 4.3.1 Review of debt recovery decision

ABSTUDY debt recovery decisions are made under the provisions of the [Student Assistance Act 1973](#). Recipients who are dissatisfied with a **debt recovery** decision may apply for a review of the decision by Centrelink.

There is a 3-month time limit for requesting reviews under the *Student Assistance Act 1973*.

#### 4.3.1.1 Types of debt recovery decisions

Decisions about recovering a debt, include:

- the setting of rates for withholding from current entitlement;
- garnisheeing bank accounts and wages;
- writing off or waiving a debt; and
- imposing late payment charges and/or interest.

#### 4.3.1.2 Legislation

The relevant legislation is contained in the [Student Assistance Act 1973](#).

following sections are relevant to debt recovery:

- s.39A regarding payment by instalments
- s.40 - regarding applying interest and late payment charge
- s.41 - regarding removing penalty charges
- s.42 - regarding debt and garnishee
- s.43 - regarding writing off debts
- s.43A-43F - regarding waiver of debts, and
- s.343-345 - regarding obtaining information.

For review of decisions see Part 9 (sections 302 to 334 inclusive) of the Act.

### 4.3.2 Appeals to the Social Security Appeals Tribunal (SSAT)

Recipients who are dissatisfied with the outcome of a Centrelink review of a debt recovery decision can apply to the Social Security Appeals Tribunal (SSAT) for a review of the decision.

Centrelink provides brochures for appeal to the SSAT with the review of decision where that review has been unfavourable to the client. The SSAT can be contacted by writing to GPO Box 9943 in capital cities, or by telephoning Freecall TM **1800 011 140**. Further information can be found at [Social Security Appeals Tribunal](#).

### 4.3.3 Appeals to the Administrative Appeals Tribunal (AAT)

Recipients who are dissatisfied with an SSAT decision can apply to the Administrative Appeals Tribunal (AAT).

Forms on which an AAT appeal may be lodged are available from the AAT Registry in each State by writing to GPO Box 9955 in each capital city, phoning **1300 366 700** or from the [Administrative Appeals Tribunal](#) website. Appeals to the AAT are lodged directly with the Tribunal.

#### 4.3.4 Jurisdiction of SSAT and AAT

The SSAT and AAT may review a decision to recover a debt under the ABSTUDY Scheme (under the *Student Assistance Act 1973*) and also to review the decision to raise and recover the debt, and the quantum of the debt. The SSAT and the AAT may not review the decision by the Secretary (under subsection 42(3) of the Act) to issue a garnishee order against a third party in order to recover the debt.

## Chapter 5 - Taxation

This chapter contains information on the tax status of ABSTUDY payments.

### 5.1 Tax status of ABSTUDY Allowances

Payments intended to support the day-to-day living costs of students or [Australian Apprentices](#) are assessable forms of income for tax purposes. The exception to this is under the *Income Tax Assessment Act 1936*, when student assistance allowances paid on behalf of, or directly to, students aged less than 16 years are not regarded as taxable income. This is not affected by whether the student is [dependent](#) or [independent](#) for ABSTUDY purposes.

The taxable status of an allowance is not affected by whether the payment is made to the [student](#), [Australian Apprentice](#), [parent/guardian](#) or other third party.

#### 5.1.1 Taxable ABSTUDY Allowances

ABSTUDY allowances that are considered taxable are:

- [Living Allowance](#) for students aged 16 years or over,
- [Living Allowance](#) for Australian Apprentices aged 16 years or over,
- the reduced Living Allowance component of the [Residential Costs Option](#);
- unused [Group 2 School Fees Allowance](#) that has been transferred to pay excess boarding costs,
- [Additional Assistance](#), where it is paid as a fortnightly allowance.

#### 5.1.2 Non-taxable ABSTUDY Allowances and Benefits

ABSTUDY allowances and benefits that are considered non-taxable are:

- [Living Allowance](#) for students aged less than 16 years
- [Living Allowance](#) for Australian Apprentices aged less than 16 years
- [Rent Assistance](#)
- [Remote Area Allowance](#) (non-taxable but affects tax rebate)
- [Pharmaceutical Allowance](#)
- [Incidentals Allowance](#)
- [Additional Incidentals Allowance](#)
- [Residential Costs component of the Residential Costs Option](#)
- [School Term Allowance](#)
- [Group 1 School Fees Allowance](#)

- [Group 2 School Fees Allowance](#) (except where unused component of Group 2 School Fees Allowance has been transferred to pay excess boarding costs)
- [Fares Allowance](#)
- [Away From Base entitlements](#)
- [Pensioner Education Supplement](#)
- [Relocation Allowance](#)
- Assistance to pay [Commonwealth supported places](#) or [Course Fees for Masters and Doctorate students](#)
- [Thesis Allowance](#)
- [Lawful Custody Allowance](#)
- [Under 16 Boarding Supplement](#)
- [Additional Assistance](#) paid as a lump sum
- [Crisis Payment](#)
- [Commonwealth Scholarship](#)
- [Relocation Scholarship](#)
- [Student Start-up Scholarship](#)

## 5.2 Taxation instalments

Students and [Australian Apprentices](#) may elect to have tax deducted from taxable ABSTUDY allowances.

## 5.3 Payment summaries

Centrelink issues payment summaries at the end of each financial year to students who have received taxable allowances during that year. The payment summary details:

- the gross amount of taxable income paid for the financial year, and
- the total amount (if any) of taxation instalments deducted for the financial year.

## **Part II Applying for ABSTUDY**

### **Chapter 6 - Applying for ABSTUDY**

This chapter discusses who can apply for ABSTUDY, and how those claims are made.

#### **6.1 Who can apply for ABSTUDY?**

There are five types of acceptable applicants for ABSTUDY. They are:

- students;
- full-time [Australian Apprentices](#);
- parents or guardians;
- institutions;
- interim applicants.

##### **6.1.1 Students**

The student may apply for ABSTUDY assistance if they are:

- 16 years of age or over; or
- meet one of the [independent status](#) criteria; or
- enrolled in or intending to enrol for tertiary or postgraduate study; or
- receiving an Australian Government pension.

##### **6.1.2 Parent/Guardian Applicant**

For students other than those specified in 6.1.1, an ABSTUDY claim is to be lodged by the person who has the responsibility for care and maintenance of the student and with whom the student normally lives. The applicant will be:

- either of the student's [parents](#), where the student lives with them;
- the [parent](#) with whom the student lives, where the student's parents are separated and the student lives with one of them;
- a guardian, where responsibility for the student's care has been assumed by a guardian with whom the student normally lives;
- the foster parent, guardian or parent(s) as appropriate (see the three dot points above), where the student is in State care but placed in the care of foster parent, guardian or parent(s);
- an officer authorised by the relevant State/Territory authority, where the student is in government care; or
- where the student would, but for reasons of age, qualify as an orphan or as a homeless student and is in the care of a person or institution, that person or an officer authorised by that institution.

##### **6.1.3 Institutions**

Institutions may be considered applicants for the purposes of:

- [Away from base](#) submissions;
- [Under 16 Boarding Supplement](#); and
- interim claims for boarding school students.

##### **6.1.4 Interim applicant**

A claim lodged by an interim applicant can be accepted where:

- the student, or person who would normally apply on behalf of the student, is not able to submit a claim because of exceptional circumstances; and

- the person who submits the claim as an interim applicant has temporary care of the student, is able to make an informed declaration about the student's [Aboriginality](#) and is prepared to accept ABSTUDY conditions; and
- Centrelink has no reason to believe that by accepting a claim from an interim applicant it is not following the wishes of the student or parent/long-term guardian in respect of the student's schooling.  
**Note:** For information regarding the lodgement of interim claims by a boarding school, see 6.2.1.

### 6.1.5 Full-time Australian Apprentices

A full-time [Australian Apprentice](#) may apply for ABSTUDY assistance if they:

- are undertaking a full-time apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeships scheme; and
- meet the ABSTUDY primary eligibility criteria; and
- have a current [Commonwealth Registration Number](#); and
- Have either
- reached the minimum school leaving age as defined by the relevant State/Territory education authority; or
- provided evidence that s/he has been granted an exemption from the State/Territory education authority in order to complete a full-time apprenticeship or trainee apprenticeship.

The terms Australian Apprenticeships and Australian Apprentices cover all apprenticeships and traineeship arrangements – both new and traditional. Australian Apprenticeships can cover full or part-time work. However, only full-time Australian Apprentices are those whose training contract is considered full-time by DEEWR.

#### 6.1.5.1 Part-time Australian Apprentices

Part-time Australian Apprentices are those whose ordinary hours of employment, incorporating both work and training components are LESS than that which is regarded as full-time for a new apprentice in that industry, trade, occupation or kind of work.

Part-time Australian Apprentices are not entitled to ABSTUDY under the Australian Apprentice provisions. Australian Apprentices must be considered full-time Australian Apprentices to be eligible for assistance under ABSTUDY.

Part-time Australian Apprentices undertaking a full-time training or study block are considered full-time students for that period they are undertaking the full-time training or study block.

## 6.2 Lodging a claim for ABSTUDY

A completed ABSTUDY claim is the instrument by which ABSTUDY benefits may be approved.

An ABSTUDY applicant must lodge an ABSTUDY claim in accordance with Centrelink's determination of:

- what constitutes a claim; and
- how a claim may be made.

Where a claim is lodged on or before the applicable closing date, the [ABSTUDY Payee](#) may receive full benefits in accordance with their approved entitlements.

No benefits may be approved for an applicant:

- in respect of a period for which there has been no ABSTUDY claim; or
- before the claim has been approved by a delegated officer.

### 6.2.1 Interim claims from boarding schools

Interim claims can be accepted from boarding schools only in the following circumstances:

- the student or person who would normally apply on behalf of the student is not able to submit a claim because of exceptional circumstances, such as serious illness or remote locality; and
- the claim is lodged in the student's first term at the school; and
- the boarding school accepts responsibility for obtaining a full claim from the applicant; and
- the institution accepts responsibility for the student's boarding and tuition fees where a complete claim is not subsequently lodged by the applicant; and
- Centrelink has no reason to believe that by accepting an interim claim it is not following the wishes of the applicant in respect of the student's schooling.

#### 6.2.1.1 Fares allowance for interim claims

Where the above circumstances are met, [Fares Allowance](#) for the student's first two terms at the school can be approved. Where a full claim from the applicant has not been received by the student's second term, no further Fares Allowance is to be approved.

## 6.3 Lodgement dates

### 6.3.1 Notification of Intent to Claim

An [applicant](#) and/or [student](#) may advise Centrelink that they have an intent to lodge a claim. Where the claim is actually lodged within 13 weeks of notifying an intent to claim, the claim will be deemed to have been lodged on the date of the notification of intent.

An Australian Apprentice may advise Centrelink that they have an intent to lodge a claim. Where the claim is actually lodged within 14 days of notifying an intent to claim, the claim will be deemed to have been lodged on the date of the notification of intent. If the Australian Apprentice is suffering from a medical condition or has special circumstances which make it not reasonably practicable for them to lodge the claim, it may be lodged within 13 weeks after the contact and Centrelink must give the Australian Apprentice a written notice acknowledging the contact. Only then will the claim be deemed to have been lodged on the date of the notification of intent.

Intent of lodgement of the ABSTUDY claim must also meet the closing date specified in 6.3.2.

For an Australian Apprentice's claim to be considered, the [Australian Apprentice](#) must have a current [Commonwealth Registration Number](#). This can be obtained by the Australian Apprentice signing a training agreement or training contract with their employer and Australian Apprenticeships Centre (AAC). The training agreement or training contract will have the start date of the apprenticeship, traineeship or trainee apprenticeship. The start date for payment will be the latter of the start date of the Australian Apprenticeship or contact with Centrelink to notify of an intent to claim.

### 6.3.2 Closing dates for lodgement of claims

Table 1 lists the closing dates for lodgement of ABSTUDY claims with Centrelink.

**Table 1 - Lodgement of ABSTUDY claims**

If the applicant is applying for..	then the closing date is...
a full-year course	by the end of the calendar year.
a course of less than one year	by the end of the course.

Table 2 lists the closing dates for lodgement of [PES](#) claims with Centrelink.

**Table 2 - Lodgement of ABSTUDY Pensioner Education Supplement (PES) claims**

If the applicant is applying for...	then the closing date is...
a full-year course	by 31 March
a second semester course	by 31 July
a course of less than one year	28 days from the date of qualification

In all cases, PES claims must be lodged prior to the student discontinuing study.

### 6.3.2.1 Lodgement dates for Away From Base submissions

For details of the lodgement dates for submissions for Away From Base assistance, refer to [96.2 Away From Base submissions](#).

### 6.3.3 Incorrect or inappropriate claim

Where a [student](#) and/or [applicant](#) has lodged an incorrect or inappropriate claim for another payment (e.g. FaHCSIA PES, Youth Allowance, Austudy payment or Assistance for Isolated Children) by the closing dates stipulated in 6.3.2, the customer may be considered to have lodged an ABSTUDY claim on that date.

### 6.3.4 Late lodgement

Where Centrelink considers that the ABSTUDY claim would, but for circumstances beyond the applicant's control, have been lodged by the applicable closing date, students may receive full benefits in accordance with their approved entitlements.

#### 6.3.4.1 Explanation of late lodgement

The applicant must provide a written statement explaining the reason for late lodgement of the claim. Other evidence such as a medical certificate may also be requested.

## 6.4 Closing date for additional information

There is no closing date for acceptance of additional information.



## Chapter 7 - Evidence and Supporting Documentation

ABSTUDY claims generally require documentation to support details provided in the claim. This topic covers the types of acceptable documentation and when they must be presented.

### 7.1 General Power to Request Information

Section 343 of the [Student Assistance Act 1973](#) gives Centrelink the authority to request any information or documentation that is relevant to the determination of a customer's ABSTUDY eligibility or entitlement.

Refer to Chapter [1.5](#) for details on the collection of information.

### 7.2 Forms of Supporting Documentation

Examples of supporting documentation include, but are not limited to:

- proof of identity;
- proof of Australian citizenship;
- proof of enrolment; and
- current Commonwealth Registration Number.

#### 7.2.1 Proof of Identity

Students and [Australian Apprentices](#) claiming ABSTUDY will need to provide suitable proof of identity as specified by Centrelink.

#### 7.2.2 Proof of Australian Citizenship

Students and [Australian Apprentices](#) claiming ABSTUDY are required to provide proof of Australian citizenship where they were born outside of Australia and its external territories AND they have not previously provided such proof to Centrelink.

#### 7.2.3 Proof of Enrolment

ABSTUDY students will need to provide suitable proof of enrolment as specified by Centrelink.

#### 7.2.4 Commonwealth Registration Number

The Commonwealth Registration Number is a number issued by DEEWR to all approved [Australian Apprentices](#).

To be paid as a full-time Australian Apprentice under ABSTUDY a person must have a current (and not suspended) Commonwealth Registration Number.

DEEWR is the party that can give definitive advice as to the currency or otherwise of a Commonwealth Registration Number.

### 7.3 Proof of Aboriginality and Torres Strait Islander status

In some circumstances, proof of Aboriginality or Torres Strait Islander status may be required. See [Chapter 10](#) for details of acceptable proof.

## Chapter 8 - Tax File Number (TFN)

This chapter discusses the requirement to provide a Tax File Number when applying for ABSTUDY.

### 8.1 Requirement to provide a Tax File Number (TFN)

The *Student Assistance Act 1973* stipulates that ABSTUDY benefits are not payable in respect of an applicant until Centrelink is given:

- the applicant's tax file number; and
- where another person's income or assets are required to be taken into account for the purpose of calculating the benefit, that person's tax file number.

Payments may not commence on an ABSTUDY claim until either the relevant persons (see [8.2](#)) have either provided their TFN or lodged a claim for a TFN with Centrelink for referral to the Australian Taxation Office (ATO).

### 8.2 Persons who must provide a TFN

Legislation requires that the following categories of persons must provide their TFN when applying for ABSTUDY assistance:

- students aged 16 or older;
- [Australian Apprentices](#);
- parents/guardians of students aged less than 16 years;
- parents/guardians of all students aged 16 years or older, upon whom the student is financially dependent; and
- the student's or [Australian Apprentice's](#) partner.

### 8.3 Persons not required to provide a TFN

The following categories of persons do not need to provide a TFN when making claim for ABSTUDY assistance:

- customers who have previously supplied their TFN to Centrelink;
- students under 16 years of age;
- students, parents or partners who are exempt from providing their TFN under the *Income Tax Assessment Act 1936* as they receive a FaHCSIA or DVA income support pension or benefit;
- students, [Australian Apprentices](#), parents or partners who are at risk from another person and whose physical safety could be at increased risk from the disclosure of their TFN;
- Aboriginal or Torres Strait Islander clients who are attending a traditional ceremony at the time of claim lodgement - a TFN must be provided on their return from participation in that ceremony;
- students, [Australian Apprentices](#), parents or partners who have lost all records of their TFN because of fire or flood damage to their home within the six months preceding the claim for ABSTUDY - ceases to take effect six months after the damage occurred;
- customers who have lodged a claim for a TFN through Centrelink but have not yet received advice from ATO;
- parents who live permanently outside Australia and who do not earn income in Australia;
- parents or partners who are temporarily overseas - a TFN must be provided on their return to Australia;
- aged person 80+ (no review required);
- persons living in a Natural Disaster Zone (review required, review period is 90 days);
- homeless person (review required, review period is 90 days);
- profoundly disabled persons;

- person in Nursing Home;
- person in Psychiatric Institution; and
- partner uncontactable (review required, review period is 90 days).

## **8.4 Regarded as having provided a TFN**

A student or [Australian Apprentice](#) and the student's or Australian Apprentice's partner or the student's or Australian Apprentice's parent/guardian will be regarded as having supplied a TFN if:

- s/he has provided the TFN to Centrelink for a previous claim; or
- s/he provides her/his TFN for the current claim; or
- s/he has lodged a TFN claim/enquiry form with Centrelink.

## **Part III Primary Eligibility Criteria for ABSTUDY**

### **Chapter 9 - Primary Eligibility Criteria for ABSTUDY**

This chapter outlines the primary eligibility criteria for ABSTUDY. It also discusses the effect of absences from Australia upon eligibility for ABSTUDY.

#### **9.1 Primary Eligibility Criteria for ABSTUDY**

To be eligible for any ABSTUDY assistance, a student or [Australian Apprentice](#) must meet the primary eligibility criteria for ABSTUDY. The primary ABSTUDY eligibility criteria are:

- the student or New Apprentice is an [Australian citizen](#); and
- the student or New Apprentice is an [Australian Aboriginal or Torres Strait Islander person](#); and
  - the student is either:
    - enrolled in an [approved course](#); or
    - undertaking an approved [Testing and Assessment](#) activity to determine their suitability to undertake an approved course; or
    - undertaking a Testing and Assessment activity to determine their suitability for the Indigenous Youth Mobility Programme (IYMP); and
  - the Australian Apprentice has a current [Commonwealth Registration Number](#) in relation to a full-time apprenticeship or traineeship or trainee apprenticeship under the Australian Apprenticeships Scheme;
- the student or Australian Apprentice is not receiving or will not receive any other [government assistance](#) to study or complete their apprenticeship, traineeship or trainee apprenticeship; and
- the student or Australian Apprentice normally lives in Australia.

##### **9.1.1 Normally lives in Australia**

A student or [Australian Apprentice](#) is considered to normally live in Australia if they maintain a [permanent home](#) here, even if they are temporarily living or travelling overseas. A student or Australian Apprentice should be regarded as not normally living in Australia if they maintain a permanent home outside of Australia and its external territories.

#### **9.2 Portability of ABSTUDY**

##### **9.2.1 Temporary Absences from Australia**

ABSTUDY remains payable where a student or [Australian Apprentice](#) temporarily lives or travels overseas in the following circumstances:

- the student or Australian Apprentice continues to meet the primary eligibility criteria; and
- the student travels or lives overseas for no longer than 13 weeks; or
- the student meets the requirements for Overseas Studies set out in [Chapter 55](#).

##### **9.2.2 Returning to Australia**

If a student or [Australian Apprentice](#) returns to Australia for a period of 13 weeks or less, the return is taken not to affect the continuity of the period of absence. This means that a new period cannot start unless the person has returned for greater than 13 weeks.

###### **9.2.2.1 Absences greater than 13 weeks due to circumstances beyond the students control**

Where a student or [Australian Apprentice](#) is unable to return to Australia due to circumstances beyond their control, such as illness, ABSTUDY can be extended at the delegate's discretion. Evidence supporting the extended stay will need to be provided by the student or New Apprentice.

In such cases the Australian Apprentice would still need to meet the eligibility criteria. That is, they must continue to meet the eligibility criteria set out in 9.1.

### 9.2.3 Permanent departures

ABSTUDY is not payable where a student departs Australia and commences to reside in a permanent home outside Australia and its external territories

Eligibility for ABSTUDY will cease on the date of departure.

### 9.2.4 Payment of Fares Allowance

[Fares Allowance](#) is not payable for travel to or from an overseas destination.

## **Chapter 10 - Aboriginality or Torres Strait Islander Status**

### **10.1 Definition of Aboriginality or Torres Strait Islander status**

To be considered as eligible for ABSTUDY assistance, applicants must first establish Aboriginality or Torres Strait Islander status. This chapter covers the establishment of Aboriginality or Torres Strait Islander status.

An Australian Aboriginal or Torres Strait Islander person for ABSTUDY purposes, is one who:

- is of [Aboriginal or Torres Strait Islander descent](#); **and**
- [identifies as an Australian Aboriginal or Torres Strait Islander person](#); **and**
- [is accepted as such by the community in which s/he lives or has lived](#).

### **10.2 Evidence Requirements**

#### 10.2.1 Aboriginality on application

Centrelink will normally accept a student's or [Australian Apprentice's](#) declaration during the ABSTUDY claiming process as sufficient evidence of their Aboriginality or Torres Strait Islander status.

#### 10.2.2 Evidence of Aboriginality or Torres Strait Islander status

Where uncertainty exists as to the Aboriginality or Torres Strait Islander status of the student or [Australian Apprentice](#), evidence will be required to establish that s/he is an Australian Aboriginal or Torres Strait Islander. This evidence must be in accordance with **all three parts** of the [definition of Aboriginality and Torres Strait Islander status](#).

**Note:** The onus is on the applicant to establish Aboriginality or Torres Strait Islander status.

##### 10.2.2.1 Evidence of Aboriginal or Torres Strait Islander descent

Aboriginal or Torres Strait Islander **descent** may be proved by:

- birth records or genealogies verified by a suitable authority as applicable to the student or [Australian Apprentice](#), or

- a letter signed by the Chairperson of an Aboriginal and/or Torres Strait Islander incorporated organisation (where records are not available).

#### 10.2.2.2 Evidence of self-identification as an Aboriginal or Torres Strait Islander

To demonstrate **self-identification**, the applicant should sign an affirmation that he/she identifies as an Australian Aboriginal or Torres Strait Islander.

#### 10.2.2.3 Evidence of acceptance as an Aboriginal or Torres Strait Islander by the community

Acceptance as an Aboriginal or Torres Strait Islander should be confirmed in writing from the Chairperson of an Aboriginal or Torres Strait Islander incorporated organisation in a community in which the applicant lives or has previously lived.

### 10.3 When to initiate a query

An ABSTUDY Unit Manager may initiate an Aboriginality query if:

- a person contacts Centrelink, claiming that there is doubt about the Aboriginality of a person who has applied for ABSTUDY, and indicating why one or more Aboriginality criteria has not been met; or
- a preliminary investigation, instituted as a result of information or substantial suspicion, confirms that there is doubt about a claim.

## Chapter 11 - Approved Courses of Study

To be eligible for ABSTUDY allowances, students and [Australian Apprentices](#) must undertake an approved course for ABSTUDY purposes. This chapter covers approved and non-approved courses of study and education institutions.

### 11.1 Approved study

To be eligible for ABSTUDY assistance, a student or [Australian Apprentice](#) must be:

- studying;
  - at an approved education institution ([secondary](#) and [tertiary](#)), and
  - in an [approved course](#), or
- undertaking an approved [Testing and Assessment](#) activity to determine their suitability to undertake an approved course; or
- have a current [Commonwealth Registration Number](#) in respect of a full-time apprenticeship, traineeship or trainee apprenticeship under the scheme known as Australian Apprenticeships.

With the exception of Indigenous Special Courses provided by a correctional services authority, the [Determination of Education Institutions and Courses](#) under the *Student Assistance Act 1973* provides the legal basis for determining which education institutions and courses are approved under ABSTUDY policy.

For students to be eligible for the full range of ABSTUDY Awards, the course must also be approved as a [full-time course](#). Where a course can only be approved as a part-time course, [Part-time Award](#) is payable.

### 11.1.1 Mode of study

An approved course may be studied by:

- attendance at classes;
- distance education/correspondence;
- external studies;
- open learning;
- flexible delivery; or
- a mode of study featuring a combination of the above.

## 11.2 Approved education institutions for secondary level studies

Approved education institutions for secondary level studies awards under [Schooling A](#), [Schooling B](#), [Part-time Award](#) and [Lawful Custody Award](#) are:

- government schools including those offering distance education/correspondence courses;
- non-government education institutions offering primary, ungraded, secondary or special courses accredited by the relevant State or Territory education authority;
- senior secondary colleges;
- TAFE institutions;
- Higher Education Providers; and
- Correctional services authorities providing secondary level Indigenous Special Course/s for students in Lawful Custody.

### 11.2.1 Secondary school

A secondary school is a school in Australia or on Christmas Island or Cocos (Keeling) Islands that is:

- a government secondary school, or
- a non-government school that is not conducted for profit and is recognised as a secondary school under State or Territory law;

- i. for the payment of government capital or recurrent grants, or
- ii. for the payment of government grants or bursaries to the students.

### 11.2.2 Special schools

To be approved for ABSTUDY allowances, students at special schools are required to:

- study at an approved special school, ie, a school conducted primarily for students having a significant physical, intellectual behavioural or psychiatric disability that is:
  - a government school, or
  - a non-government school that is recognised as a school under the law of a State or Territory, or

- i. for the payment of government capital or recurrent grants, or
- ii. for the payment of government bursaries or allowances to its students; and

- undertake study that the State/Territory education authority, non-government education authority or school Principal has stated, in writing, to be at secondary level.

#### 11.2.2.1 Secondary course at a special school

A special school programme is accepted as a "secondary course" for ABSTUDY purposes where an education authority determines the course to be secondary. The assessment of the level of

study undertaken by individual students attending special schools appropriately rests with an education authority, usually the relevant State/Territory or non-government education authority, as appropriate or, in some cases, the school Principal.

### 11.3 Approved education providers for tertiary level studies

Approved education providers for tertiary level studies are:

- higher education providers that attract Australian Government funding;
- TAFE institutions;
- Independent Indigenous Vocational Education and Training Providers (IIVET);
- Private education providers provided
  - their primary focus is education, **and**
  - they are registered, **and**
  - their courses are accredited by the relevant State/Territory education authority
- Correctional services authorities providing tertiary level Indigenous Special Course/s for students in Lawful Custody;
- Bond University; and
- [Open Learning Australia](#).

### 11.4 Excluded education institutions

The following education institutions are not approved institutions for the purposes of ABSTUDY assistance:

- the International Institute of Business and Technology (WA);
- the Australian Institute of Sport and the State based equivalents; and
- any education institution not defined in the [Determination of Education Institutions and Courses](#) under the *Student Assistance Act 1973*.

### 11.5 Approved Courses

#### 11.5.1 Mainstream courses

A mainstream course is a course available to all members of the Australian community.

All mainstream courses approved under the 'Determination of Education Institutions and Courses' (see [Appendix B](#)) are also approved for ABSTUDY. The Determination does not specify full or part-time courses.

#### 11.5.2 Indigenous special courses of study

Indigenous special courses of study are courses developed with course content designed specifically for Australian Aboriginal and Torres Strait Islander students. Indigenous special courses of study may be approved subject to the course meeting course requirements below:

- not being identified in [11.6](#) as an excluded course,
  - this includes courses which are comprised wholly or substantially of [Away-from-base activities](#), and
- having a vocational education focus; and being either:
  - a course accredited by an education institution or relevant State/ Territory authority, or
  - a study programme approved by a correctional services authority for a student in lawful custody.



### 11.5.2.1 Indigenous special courses of study where there is an equivalent mainstream course

Where there is an equivalent mainstream course, Indigenous special courses of study are to be approved in the same way as the mainstream course.

## 11.6 Excluded courses

The following courses are not approved for ABSTUDY (with the exception of [Lawful Custody Award](#)):

- courses conducted through a non-registered education institution;
- non-accredited higher education or TAFE-equivalent courses conducted by private providers;
- non-accredited vocational education and training programs comprising a sequence of training that consists of modules from other vocational education training courses; or
- any course not defined in the [Determination of Education Institutions and Courses](#) under the *Student Assistance Act 1973*.

Also excluded are:

- Australian Government funded programs such as:
  - mainstream Labour Market Programs; or
  - community-based strategies; or
  - courses conducted through the Community Development Employment Projects (CDEP) scheme; or
  - courses conducted through government departments/agencies available only to their employees;
- courses comprised wholly or substantially of [Away-from-base activities](#); and
- courses which are not available to all members of the Australian community.

### 11.6.1 Courses that are wholly or substantially Away-from-base activities

A course is considered to be comprised wholly of Away-from-base activities where there are no course work requirements in addition to the Away-from-base activities.

A course is considered to be comprised substantially of Away-from-base activities where there are minimal course work requirements in addition to the Away-from-base activities.

Courses are not considered to be comprised substantially of Away-from-base activities where there is an ongoing requirement for students to undertake course work throughout their study period, both during and between the Away-from-base activities.

## 11.7 Full-time and part-time courses

### 11.7.1 Full-time courses

For the purposes of ABSTUDY, the **normal amount of full-time study** in respect of a course is:

(a) if:

- the course is a course of study within the meaning of the *Higher Education Support Act 2003*; and
- there are Commonwealth supported students (within the meaning of that Act) enrolled in the course;

the full-time student load for the course; **or**

(b) if the course is not such a course but the student undertakes a study amount as defined by the institution as a full-time course of study that a full-time student should typically undertake in respect of the course; **or**

(c) otherwise an amount of full-time study equivalent to the average amount of full-time study that a person would have to undertake for the duration of the course in order to complete the course in the minimum amount of time needed to complete it.

Without limiting the above, the **normal amount of full-time study** in respect of a course is an average, taken over the duration of the period for which the person in question is enrolled in the course, of 20 contact hours per week.

Students undertaking courses that may be classified as full-time courses may be assessed for entitlements under all ABSTUDY Awards, subject to their study-load and eligibility for study-load concessions.

#### 11.7.1.1 Full-time Australian Apprenticeships

For the purposes of ABSTUDY, eligible [Australian Apprentices](#) undertaking an apprenticeship, traineeship or trainee apprenticeship are those whose training contract is considered full-time by DEEWR.

#### 11.7.2 Part-time courses

A course must be regarded as a part-time course if:

- it does not meet one of the above criteria; or
- a full-time workload cannot be defined (courses without attendance requirements which cannot verify full-time study requirements).

Students undertaking such courses can be approved only for entitlements under the [Part-time Award](#) and [Lawful Custody Award](#). [Study-load concessions](#) cannot be applied to such courses.

#### 11.7.3 Two part-time courses

Two part-time courses cannot be grouped to make one full-time course. The student is entitled to the benefits arising from each Part-time Award.

Exceptions to this are:

- articulated courses, where two or more courses are linked together to form an overall qualification; and
- two associated courses where one merges with or leads into the other course, e.g. a bridging course leading into a degree course, or a supplementary program studied concurrently with a degree course; and
- composite courses, also known as nested courses, where units from two or more different accredited courses that have the same course title recognised under the Australian Qualification Framework (AQF) are part of a coherent study sequence and lead to, or form part of, an overall qualification.

### 11.8 Secondary and Tertiary level courses

Most approved courses and their level are defined in the 'Determination of Education Institutions and Courses' in [Appendix B](#).

### 11.8.1 Secondary courses

An accredited secondary course means a course accredited as a secondary course by the authority responsible for the accreditation of those courses in the State or Territory in which the course is conducted.

An accredited secondary course can include both accredited secondary subjects and accredited Vocational Education and Training (VET) subjects leading to a VET qualification. These courses undertaken at a secondary school are secondary courses.

Secondary courses may also be secondary level or preparatory courses provided at other education providers, e.g. TAFE colleges, senior secondary colleges, universities or non-government institutions.

Preparatory courses for tertiary study, also known as bridging, access or enabling courses, are secondary level courses. English as a Second Language (ESL) and Language, Literacy and Numeracy Programs, and Certificate in General Education for Adults courses are also secondary level courses.

Indigenous special courses provided by a correctional services authority may also be secondary level. They are not required to be accredited to attract ABSTUDY under the [Lawful Custody Award](#).

### 11.8.2 Tertiary courses

An accredited higher education course means a course that is:

- accredited as a higher education course by the authority responsible for the accreditation of those courses in the State or Territory in which the course is conducted; or
- if a higher education institution or a non-government institution is authorised by the law of the State or Territory in which the institution is located to accredit its own higher education courses, a course conducted and accredited as a higher education course by that institution.

An accredited vocational education and training course means a course accredited as a vocational education and training course by the authority responsible for the accreditation of those courses in the State or Territory in which the course is conducted, and conducted by a Registered Training Organisation, which includes TAFE, secondary school, some non-governmental providers, Vocational Education and Training providers, and in some circumstances, a higher education institution.

Indigenous special courses provided by a correctional services authority may also be tertiary level. They are not required to be accredited to attract ABSTUDY under the [Lawful Custody Award](#).

#### 11.8.2.1 Australian Apprenticeships Access Programme (AAP) courses

Australian Apprenticeships Access Programme (AAP) courses are considered to be [tertiary level courses](#).

### 11.8.3 Deciding whether courses are Secondary or Tertiary level

Institutions may not specify whether a course is secondary or tertiary level; this will particularly be the case in respect of non-government institutions offering vocational education and training courses. In order to assess whether a course should be classified as a secondary or a tertiary

course, the course documentation, such as a course prospectus, should be referred to in addition to the Determination of Education Institutions and Courses at [Appendix B](#).

#### 11.8.4 Courses with Secondary and Tertiary subjects

Where a course includes both secondary and tertiary subjects, it should be determined to be either a secondary course or a tertiary course as referred to in [11.8.3](#).

### 11.9 Length of courses

#### 11.9.1 Short courses

A short course is a course where the normal minimum duration for a full-time student to complete the course is not more than 30 weeks. This period includes any holidays and vacations.

#### 11.9.2 Full year course

A full year course is a course where the normal minimum duration for a full-time student to complete the course is 30 weeks or more. Students studying in full year courses normally study for the whole academic year.

An articulated course is considered a full year course where two or more short courses are linked together to form the same award or accreditation, and the normal minimum duration for a full-time student to complete this overall course is 30 weeks or more.

#### 11.9.3 Late starting courses

A late starting course is one that starts between 1 April and 30 June or between 1 August and 31 December in the year of study, inclusive.

## 12 - Government and Non-Government Financial Assistance

This chapter covers the effect upon ABSTUDY eligibility and entitlement for students and [Australian Apprentices](#) who receive government financial assistance.

### 12.1 Income support

#### 12.1.1 Receipt of Government income support to study

Students and [Australian Apprentices](#) are **ineligible** for ABSTUDY assistance for a course of study or training if they also receive another form of Australian Government income support to study that course. This includes, but is not limited to:

- Youth Allowance (where study in the course makes up part or all of the activity test requirements);
- Austudy;
- Assistance for Isolated Children (AIC);
- Language, Literacy and Numeracy Supplement (LLNS);
- Pensioner Education Supplement (PES);
- Veterans' Children's Education Scheme (VCES);
- Living Away from Home Allowance (LAFHA); and

- [Community Development Employment Projects](#) (CDEP) where the CDEP wage is paid for the same activity (course of study or Australian Apprenticeship) for which the ABSTUDY application is made.

An exception to this provision applies to those Indigenous Australian apprentices who are undertaking an apprenticeship, traineeship or trainee apprenticeship with an employer who receives a CDEP wage for that person as a subsidy to engage Indigenous Australian Apprentices.

### 12.1.2 Cannot receive income support and ABSTUDY Living Allowance

Student and [Australian Apprentices](#) may not receive ABSTUDY [Living Allowance](#) and [income support](#) from another government source at the same time.

### 12.1.3 Part-time award

Australian Government income support payment recipients may be eligible for entitlements under the ABSTUDY [Part-time Award](#) if they are studying, provided that this study does not make up part or all of their activity test requirements for the income support payment.

### 12.1.4 Disability Pension received from the Department of Veterans' Affairs and ABSTUDY

Students in receipt of Disability Pensions from the Department of Veterans' Affairs may receive ABSTUDY Living Allowance, but the Disability Pension is assessed as income for the purposes of the personal income test.

### 12.1.5 DFISA-like payments

Recipients of Defence Force Income Support Allowance-like (DFISA-like) payments under the *Veterans' Entitlements Act 1986* may be eligible for entitlements under the [Part-time Award](#).

### 12.1.6 [Community Development Employment Projects](#) (CDEP)

*While the following policy applies for ABSTUDY, a person is not eligible to be a CDEP participant whilst they are a full-time student in receipt of ABSTUDY Living Allowance. Applicants must inform their CDEP administrator of their decision to apply for ABSTUDY.*

Full-time students and Australian Apprentices receiving CDEP assistance may receive ABSTUDY Living Allowance for their course of study or Australian Apprenticeship if their CDEP wage is not being paid for that activity. In these circumstances the student's other income, including their Australian Apprentice wage, and the CDEP wage are assessed as income for the purposes of the ABSTUDY personal income test.

Full-time students are not eligible for ABSTUDY where the course they are undertaking is related to their CDEP activity as they are already in receipt of Government income support for that activity.

Australian Apprentices who receive CDEP assistance to undertake that Australian Apprenticeship are not eligible for ABSTUDY as they are already in receipt of Government income support for that activity.

## 12.2 Training assistance, wage subsidies and employer assistance

Persons who are receiving training assistance for formal study or who are assisted through an Australian or State/Territory government wage subsidy by an employer, are ineligible for ABSTUDY. Examples of training assistance and wage subsidies include but are not limited to: training schemes, scholarships, bursaries, cadetships and any similar assistance and can be from Government and non-Government sources.

[Australian Apprentices](#) who are receiving training assistance for formal study or who are assisted through an Australian Government or State/Territory government wage subsidy via an employer, may be eligible for ABSTUDY, provided they meet the criteria under the [Tertiary Award](#) for [Australian Apprentices](#).

**Note:** Participation in an Aboriginal School Based Traineeship (ASBT), or the Indigenous Tertiary Education Salary Scheme (ITESS) in the Northern Territory, does not preclude ABSTUDY eligibility. In these circumstances, income from these sources is taken into account under the ABSTUDY [personal income test](#).

### 12.2.1 Full-time apprentices or trainees

The criteria considered to determine a student's eligibility for ABSTUDY include:

- employed as a full-time apprentice or trainee under a training agreement, under the Australian Apprenticeship Scheme; **and**
- engaged in the apprenticeship or traineeship on a [full-time basis](#); **and**
- holder of a current [Commonwealth Registration Number](#) in relation to a full-time apprenticeship, traineeship or trainee apprenticeship.

### 12.2.2 Australian Apprenticeships Access Program

Full-time Australian Apprenticeships Access Program (AAAP) participants are **not** excluded from ABSTUDY assistance because the program is mostly pre-vocational training. They are, however, not eligible for Incidentals Allowance, as AAAP participants are not required to meet any course fees or charges.

### 12.2.3 Green Corps

Green Corps participants are excluded from receiving ABSTUDY Living Allowance but may apply for other ABSTUDY entitlements for a course they are undertaking provided they:

- meet the ABSTUDY primary eligibility criteria; and
- meet the specific eligibility criteria for those ABSTUDY entitlements.

## 12.3 Scholarships

In general, the receipt of a scholarship does not preclude ABSTUDY eligibility unless the student is an employee of a government agency and is awarded a scholarship by that agency to undertake secondary or tertiary studies.

Students receiving government scholarships can receive ABSTUDY provided they are not an employee of the government agency awarding the scholarship. This does not include periods for

which the student is an employee for the purposes of work experience. The value of the scholarship however, may be counted as income when assessing the student's Living Allowance entitlement.

The treatment of scholarships under the personal income test, and the exemption of certain types of scholarships from this test, is discussed in [Chapter 59](#).

**Note:** A student is not considered an employee of a government agency where she/he is an employee for the purposes of work experience.

### 12.3.1 [Commonwealth Scholarships](#)

A person is not qualified for a Student Start-up Scholarship for the same period for which they have received or will receive a Commonwealth Education Costs Scholarship or [equivalent scholarship payment](#). Similarly, a person is not qualified for Relocation Scholarship for the same period for which they have received or will receive a Commonwealth Accommodation Scholarship or [equivalent scholarship payment](#).

## 12.4 Date of commencement of other Government assistance

The assistance should be taken as commencing on the date the student or [Australian Apprentice](#) begins study under the program or undertakes an apprenticeship, traineeship or trainee apprenticeship, or the date the agreement commences, whichever is the earlier.

## 12.5 Receiving Government assistance from two sources

A student or [Australian Apprentice](#) may not receive Australian Government assistance from two sources for the same course of study or training. However, where a student or [Australian Apprentice](#) is receiving Government assistance for a particular course of study or training, ABSTUDY may be payable where the student or [Australian Apprentice](#) is undertaking an additional course for which the Government assistance is not paid.

## Chapter 13 - General Provisions Affecting Eligibility and Entitlement

This chapter discusses the assessment of changes in circumstances, and the effect upon eligibility of certain changes.

### 13.1 Change in Circumstances

Where a change of circumstance occurs, the student's and [Australian Apprentice's](#) eligibility and/or entitlement are reassessed from the date of the change in circumstance. This is not affected by the date on which the student or [Australian Apprentice](#) notifies of the change.

The changes in circumstances of which a customer must advise Centrelink, and the penalties that may apply if such a change is not advised, are detailed in [Chapter 2 ABSTUDY Customer Obligations](#).

### 13.2 Student or Australian Apprentice Enters Lawful Custody

When a person enters lawful custody, eligibility for all ABSTUDY Awards (with the exception of [Lawful Custody Award](#)) ceases for the duration of the custodial sentence.

### 13.3 Death of a Student or Australian Apprentice

If a student or [Australian Apprentice](#) dies, ABSTUDY eligibility will cease from the day on which the student or Australian Apprentice died.

### 13.4 Commonwealth Registration Number

A full-time [Australian Apprentice](#) is not eligible to receive ABSTUDY unless they have a current Commonwealth Registration Number. ABSTUDY eligibility will only continue where the status remains current. If the [Commonwealth Registration Number](#) is suspended ABSTUDY payments cannot be made. ABSTUDY will be cancelled if a Australian Apprentice's Commonwealth Registration Number is suspended.



## **Part IV Specific Eligibility Criteria for ABSTUDY Awards**

### **Chapter 14 - ABSTUDY Awards**

The concept of ABSTUDY “Awards” is a way of organising the allowances available to particular groups of students or [Australian Apprentices](#). There are seven Awards available under the ABSTUDY scheme; the eligibility of a student or Australian Apprentice for a particular Award will depend upon their study, training and personal circumstances. The following chapters detail these seven Awards, and the specific eligibility criteria needed to qualify for each Award. They also list the benefits and allowances that the applicant may be entitled to under each Award.

#### **14.1 Specific Eligibility Criteria**

Students and [Australian Apprentices](#) are eligible for an ABSTUDY Award if they meet:

- the [primary eligibility criteria](#); and
- the specific eligibility criteria for the type of Award for which they are applying.

#### **14.2 Awards payable**

Only one Award is payable in respect of a course of study, an apprenticeship, traineeship or trainee apprenticeship.

#### **14.3 Concurrent Awards**

Where a student is studying two or more courses, the student may hold one or more Awards concurrently providing that only one of the Awards pays [Living Allowance](#) or the Pensioner Education Supplement.

Where an Australian Apprentice is undertaking one or more courses of study in addition to undertaking the Apprenticeship Apprenticeship, the person may hold one or more Awards concurrently, providing that only one of the Awards pays [Living Allowance](#) .

The concurrent award does not affect benefits in respect of each Award.

#### **14.4 Benefits and Allowances payable under an Award**

While a student or [Australian Apprentice](#) may be eligible for an ABSTUDY Award, they are not automatically entitled to all benefits and allowances payable under the Award. Each benefit and allowance has specific qualification criteria and limits upon the assistance payable. Refer to the Chapters on the specific allowances and benefits for details of the qualification and limits for each.

## Chapter 15 - Schooling A Award

This chapter outlines the specific eligibility criteria for the Schooling A Award and the allowances that may be available under this Award.

### 15.1 Specific Eligibility Criteria for Schooling A Award

A student is eligible for the Schooling A Award if s/he meets the general ABSTUDY eligibility criteria and is:

- 15 years of age or younger; and
- studying a full-time secondary course; and either
  - living at home, or
  - not approved for the [living away from home](#) or [independent](#) rates;

OR

- 14 years of age or more at 1 January in the year of study; and
- a full-time primary school student; and
- living at home.

### 15.2 Allowances and Benefits available under the Schooling A Award

A student approved for the Schooling A Award may be entitled to the following benefits:

- School Term Allowance;
- [School Fees Allowance](#);
- [Away-from-Base assistance for distance education/correspondence students to attend residential schools](#); and
- [Fares Allowance](#) in order to attend approved Away-from-base activities.

## Chapter 16 - Schooling B Award

This chapter outlines the specific eligibility criteria for the Schooling B Award and the allowances that may be available under this Award.

### 16.1 Specific Eligibility Criteria for Schooling B Award

A student is eligible for a Schooling B Award if s/he meets the general ABSTUDY eligibility criteria and is:

- 16 years of age or older, or 15 years of age or older and in State Care, and
- either:
  - undertaking an approved course of full-time primary studies, or
  - undertaking full-time secondary school studies,

OR

- any age, and
- undertaking full-time secondary non-school studies, and
- meets the ABSTUDY progress and duration of assistance rules, and
- either:
  - has reached the minimum school leaving age as defined by the relevant State/Territory education authority, or
  - has provided evidence that s/he has been granted an exemption by the State/Territory education authority in order to attend a TAFE or other non-school institution,

OR

- under 16 years of age, and
  - meets one of the conditions for approval to live away from home, and does live away from home, and
  - is undertaking full-time secondary school studies, or
  - has already completed the final year of primary school and has moved away from home to undertake secondary schooling but instead needs to repeat the final year of primary school at another location that offers both primary and secondary schooling.

### 16.2 Allowances and Benefits available under the Schooling B Award

A student approved for a Schooling B Award may be entitled to one or more of the following benefits:

- [Living Allowance](#) OR [Pensioner Education Supplement](#) (PES),
- [School Fees Allowance](#),
- [Fares Allowance](#),
- [Away-from-base assistance](#),
- [Incidentals Allowance](#) (where student is 18 years or over at 1 January in the year of study),
- [Under 16 Boarding Supplement](#),
- [Rent Assistance](#),
- [Remote Area Allowance](#),
- [Pharmaceutical Allowance](#),
- [Additional Assistance](#),
- [Relocation Scholarship](#), and
- [Student Start-up Scholarship](#).

## Chapter 17 - Tertiary Award

This chapter outlines the specific eligibility criteria for the Tertiary Award and the allowances that may be available under this Award.

### 17.1 Specific Eligibility Criteria for Tertiary Award

A student or [Australian Apprentice](#) is eligible for a Tertiary Award if s/he meets the primary ABSTUDY eligibility and:

- is studying a full-time post-secondary course or undertaking a full-time apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeships scheme; and
  - has reached the minimum school leaving age as defined by the relevant State/Territory education authority; or
  - has been granted exemption from the State/Territory education authority in order to attend a TAFE or an Australian Apprenticeship or another tertiary institution; and
- if a student, is studying a full-time (including concessional) study-load and meets the ABSTUDY progress and duration of assistance rules; or
- if an Australian Apprentice, has a current [Commonwealth Registration Number](#).

### 17.2 Student Allowances and Benefits available under the Tertiary Award

A student approved for a Tertiary Award may be entitled to one or more of the following benefits:

- [Living Allowance](#) OR [Pensioner Education Supplement](#);
- [Incidentals Allowance](#);
- [Additional Incidentals Allowance](#);
- [Fares Allowance](#);
- [Rent Assistance](#);
- [Remote Area Allowance](#);
- [Pharmaceutical Allowance](#);
- [Away-from-base assistance](#);
- [Additional Assistance](#).
- [Relocation Scholarship](#)
- [Student Start-up Scholarship](#)

### 17.3 Australian Apprentice Allowances and Benefits Available Under the Tertiary Award

A New Apprentice may be entitled to one or more of the following benefits:

- [Living Allowance](#);
- [Incidentals Allowance](#);
- [Rent Assistance](#);
- [Remote Area Allowance](#);
- [Pharmaceutical Allowance](#);
- [Additional Assistance](#).

## Chapter 18 - Part-time Award

This chapter outlines the specific eligibility criteria for the Part-time Award and the allowances that may be available under this Award.

### 18.1 Specific Eligibility Criteria for Part-time Award

A student is eligible for a Part-time Award if s/he meets the general ABSTUDY eligibility criteria and:

- is studying a post-secondary course; and
- is not studying a full-time workload;

OR

- is 18 years or older at 1 January in the year of study; and
- is studying a secondary course; and
- is not studying a full-time workload;

### 18.2 Allowances and Benefits available under the Part-time Award

A student approved for a Part-time Award may be entitled to the following benefits:

- [Incidentals Allowance](#) (not including Additional Incidentals Allowance);
- [Away-from-base assistance](#);
- [Fares Allowance](#) to attend Away-from-base activities.

## Chapter 19 - Testing and Assessment Award

This chapter outlines the specific eligibility criteria for the Testing and Assessment Award and the allowances that may be available under this Award.

### 19.1 Specific Eligibility Criteria for Testing and Assessment Award

A person is eligible for a Testing and Assessment Award if s/he meets the ABSTUDY general eligibility criteria and:

- is undertaking a Testing and Assessment activity to determine the participants suitability for the Indigenous Youth Mobility Programme (IYMP); and/or
- seeks to enrol in an [approved tertiary course](#) or a higher degree at the Masters or Doctorate level, and is required to travel away from her/his normal place of residence to attend a selection test or an interview to determine suitability for, and acceptance into, the course, where such a test/interview is a normal requirement for admission to the course; and
- is unable to be assessed from previous study; and
- is not receiving or will not receive any other significant form of financial assistance for the test/interview.

#### 19.1.1 Limit of assistance

Applicants may be assisted to attend a maximum of two testing and assessment programs in a year.

### 19.2 Allowances and Benefits available under the Testing and Assessment Award

A student approved for Testing and Assessment Award may be entitled to the following benefits:

- [Fares Allowance](#); and
- [Away-from-base assistance](#).

## Chapter 20 - Masters and Doctorate Award

This chapter outlines the specific eligibility criteria for the Masters and Doctorate Award and the allowances that may be available under this Award.

### 20.1 Specific Eligibility Criteria for the Masters and Doctorate Award

A student is eligible for a Masters and Doctorate Award if she/he:

- meets the general ABSTUDY eligibility criteria, and
- and is enrolled on a full-time or concessional study-load basis in an approved Masters degree or Doctorate (PhD) course, and
- is not receiving, or will not receive, any other form of government assistance (refer [12.5](#)). For example: a student cannot be in receipt of both the ABSTUDY Masters and Doctorate Award and the Australian Postgraduate Award.

#### 20.1.1 Approved courses

An approved course is a [full-time course](#) for which a Masters or Doctorate degree is offered by an approved higher education institution.

#### 20.1.2 Excluded courses

Other postgraduate courses, such as the following, do not qualify for this Award:

- Masters qualifying course
- Postgraduate Diploma, eg Diploma of Education, and
- Postgraduate Bachelor Degree, eg Bachelor of Letters.

### 20.2 Allowances and Benefits available under the Masters and Doctorate Award

A student approved for an ABSTUDY Masters and Doctorate Award may be entitled to:

- [Living Allowance](#) OR [Pensioner Education Supplement](#),
- [Incidentals Allowance](#),
- [Additional Incidentals Allowance](#),
- [Thesis Allowance](#),
- [Assistance to pay Commonwealth Supported Places commitment](#) (previously known as HECS), OR compulsory course fees,
- [Relocation Allowance](#) OR [Fares Allowance](#),
- [Away-from-base assistance](#),
- [Additional Assistance](#),
- [Relocation Scholarship](#), and
- [Student Start-up Scholarship](#)

#### 20.2.1 Commonwealth Supported Students (previously known as students receiving HECS)

Students in receipt of an ABSTUDY Masters and Doctorate living allowance or Pensioner Education Supplement, who are undertaking full-time postgraduate studies as a Commonwealth supported student, can apply to Centrelink for their student contributions to be paid under ABSTUDY. Such students must choose the up-front payment option and provide Centrelink with a

copy of their confirmation of enrolment notice to ensure that Centrelink pays the amount owing on or before the census date or the date set by the provider, if earlier.

## Chapter 21 - Lawful Custody Award

This chapter outlines the specific eligibility criteria for the Lawful Custody Award and the allowances that may be available under this Award.

### 21.1 Student or New Apprentice in Lawful Custody Award

A student or [Australian Apprentice](#) is eligible for this award if s/he meets the general ABSTUDY eligibility criteria, and:

- is in lawful custody for a period of more than two weeks, and
- is studying a suitably approved course; or
- is undertaking a full-time apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeship scheme.

#### 21.1.1 Situations that are not lawful custody

For the purposes of the Lawful Custody Award, a person in any of the following situations is not regarded as being in lawful custody:

- parole;
- home detention program;
- work release, or transfer release while living in the community.

### 21.2 Allowances and Benefits

A student or [Australian Apprentice](#) approved for the Students in Lawful Custody Award may be entitled to the following benefits:

- [Lawful Custody Allowance](#); and

Students approved for the Lawful Custody Award may also be entitled to [Away-from-base assistance](#) (where permission has been given by correctional institution for the student to attend).



## Chapter 22 - Overview of Allowances available under ABSTUDY Awards

This chapter provides a summary of allowances available under each ABSTUDY Award.

### 22.1 Overview of Student Allowances Available Under each Award

Students approved for an ABSTUDY Award may be entitled to one or more of the allowances listed at 22.1.1.

#### 22.1.1 Student Allowances and Benefits available under Awards

ABSTUDY Allowance and Benefits	ABSTUDY Award Codes <sup>1</sup>						
	A	B	T	P/t	TA	MD	LC
Additional Assistance		X	X			X	
Away-from-base assistance	X	X	X	X	X	X	X
Under 16 Boarding Supplement		X					
Incidentals Allowance		X	X	X		X	
Additional Incidentals Allowance			X			X	
Assistance to pay student contributions (formerly HECS) or tuition fees						X	
Lawful Custody Allowance							X
Living Allowance		X	X			X	
Pensioner Education Supplement		X	X			X	
Relocation Allowance						X	
Relocation Scholarship		X	X			X	
Student Start-up Scholarship		X	X			X	
School Fees Allowance	X	X					
School Term Allowance	X						
Rent Assistance		X	X				
Thesis Allowance						X	
Fares Allowance	X	X	X	X	X	X	X

1 Award Codes: **A** - Schooling Award A, **B** - Schooling Award B, **T** - Tertiary Award, **Pt** - Part time Award, **TA** - Testing and Assessment Award, **MD** - Masters and Doctorate Award, **LC** - Lawful Custody Award

Note: \* Relocation Scholarship and Student Start-up Scholarship are only available to eligible students under Schooling B Award for undertaking an [approved scholarship course](#).

## 22.2 Overview of Allowances Available to Australian Apprentices

ABSTUDY Allowance	ABSTUDY Tertiary Award	Lawful Custody Allowance
Additional Assistance	X	
Away-from-base assistance		
Under 16 Boarding Supplement		
Incidentals Allowance	X	
Additional Incidentals Allowance		
HECS (Assistance to pay HECS commitment or compulsory course fees)		
Lawful Custody Allowance		X
Living Allowance	X	
Pensioner Education Supplement		
Relocation Allowance		
School Fees Allowance		
School Term Allowance		
Rent Assistance	X	
Thesis Allowance		
Fares Allowance		

## **Part V Student and Australian Apprentice Status**

### **Chapter 23 - Student and Australian Apprentice Status**

This chapter provides an overview of the different categories of student and [Australian Apprentice](#) status.

#### **23.1 Student and Australian Apprentice status categories**

Students and [Australian Apprentices](#) are categorised as meeting either:

- [dependent status](#),
- [independent status](#), or
- [student or Australian Apprentice in State care](#).

Students and [Australian Apprentices](#) can belong to only one category at any one time.

##### **23.1.1 Awards for which student and Australian Apprentice status is relevant**

Student and [Australian Apprentice](#) status is relevant to determining entitlements under the following Awards:

- [Schooling A Award](#),
- [Schooling B Award](#),
- [Tertiary Award](#), and
- [Masters and Doctorate Award](#).

##### **23.1.2 Awards for which student and Australian Apprentice status is not relevant**

Student and [Australian Apprentice](#) status is not relevant to determining entitlements under the following Awards:

- [Part-time Award](#),
- [Lawful Custody Award](#), and
- [Testing and Assessment Award](#).

#### **23.2 What does student and Australian Apprentice status determine?**

The status of a student and [Australian Apprentice](#) is a factor that determines:

- the benefits to which a student or [Australian Apprentice](#) is entitled,
- the means tests to be applied, and/or
- the rate of entitlement for certain allowances.

## Chapter 24 - Introduction to Dependent Status

This chapter provides an overview of dependent status.

### 24.1 Dependent Status

A student or [Australian Apprentice](#) is considered to have a dependent status if s/he:

- does not meet any of the criteria for [independent status](#), and
- does not receive a pension under the *Social Security Act 1991* or the *Veterans' Entitlement Act 1986*, and
- is not a [student or Australian Apprentice in State Care](#), and
- is not in [lawful custody](#).

### 24.2 Types of Dependent Status

There are two types of dependent students and [Australian Apprentices](#):

- students or Australian Apprentices who:
  - live at the permanent home to study or undertake an apprenticeship, traineeship or trainee apprenticeship, or
  - live away from the permanent home but do not qualify for assistance to live away from home, or
  - would qualify for assistance to live away from home, but choose not to live away from home to study or undertake an apprenticeship, traineeship or trainee apprenticeship, and
- students or Australian Apprentices who live away from home and qualify for assistance to live away from the permanent home to study or undertake an apprenticeship, traineeship or trainee apprenticeship. Refer to [Chapter 25 Eligibility Criteria for Away from Home entitlements](#).

#### 24.2.1 Rate of Living Allowance

Where a dependent student or [Australian Apprentice](#) lives away from the permanent home and qualifies for assistance to live away from home to study or undertake an apprenticeship, traineeship or trainee apprenticeship, s/he is entitled to receive the Away from Home rate of Living Allowance, subject to the relevant means tests.

A dependent student or Australian Apprentice who is not in the above category is entitled to receive the standard (at-home) rate of Living Allowance, subject to the relevant means tests.

## Chapter 25 - Eligibility Criteria for Away from Home Entitlements

This chapter outlines the eligibility criteria for Away from Home entitlements.

### 25.1 Eligibility Criteria for Away from Home entitlements

A student or [Australian Apprentice](#) is approved for Away from Home entitlements in the following circumstances:

- either:
  - s/he does not have [reasonable access](#) to an [appropriate education institution](#) or work place whilst living in the permanent home, or
  - s/he cannot reasonably be expected to study or undertake a Australian Apprenticeship whilst [living in the permanent home](#),

and

- s/he lives away from the [permanent home](#).

Or:

A secondary school aged student may be approved for Away from Home entitlements in the following circumstances:

- s/he does not have reasonable access to an appropriate secondary education institution, or
- s/he cannot reasonably be expected to undertake secondary schooling whilst living in the permanent home, and
- intends to undertake secondary studies, however in order to do so is required to repeat the final year of primary school in preparation for a successful transition to secondary studies, and
- the school s/he has enrolled in offers this year of schooling, and
- s/he has enrolled in the final year of primary schooling

and

- s/he lives away from the permanent home.

### 25.1.1 Evidence supporting claims for Away from Home entitlements

As determined by Centrelink, evidence may be required to support a student's or [Australian Apprentice's](#) claim for Away from Home entitlements.

### 25.1.2 Australian Apprentices

Where a person who wishes to undertake a full-time apprenticeship, traineeship or trainee apprenticeship is required to live away from the permanent home in order to undertake their Australian Apprenticeship, Away from Home entitlements may be approved.

## 25.2 What is Reasonable Access?

A student is considered to not have reasonable access to an [appropriate education institution](#) in the following circumstance:

- travelling time and/or access between the [permanent home](#) and the appropriate education institution/s make daily travel impossible or unreasonable, as set out in [Chapter 26](#).

Reasonable Access provisions may apply where an [Australian Apprentice](#) is undertaking an apprenticeship, traineeship, or trainee apprenticeship with an employer or training provider and the travelling time and/or access between the permanent home and the employer or training provider make daily travel impossible or unreasonable, as set out in Chapter 26.

## 25.3 What is an Appropriate Education Institution?

### 25.3.1 Appropriate Education Institution for Secondary School Students

For secondary school students, an appropriate education institution is any government school that offers tuition at the student's level, that is, the year or grade for which the student is qualified to enrol. However, the determination of what is an appropriate education institution for a secondary school student may vary in the following circumstances:

- the government school/s to which the student has [reasonable access](#) is considered a limited programme school, as set out in [Chapter 27](#), or
- the student wishes to undertake an approved special course, as set out in [Chapter 28](#), or
- the student has a disability for which the government school/s to which the student has reasonable access cannot cater, as set out in [Chapter 29](#), or
- the student has been excluded from attending the government school/s to which the student has reasonable access, as set out in [Chapter 30](#), or
- the student has been subjected to racial discrimination of a serious and continuing nature at the government school/s to which the student has [reasonable access](#), as set out in [Chapter 31](#), or
- it would be unreasonable for the student to break continuity of study, as set out in [Chapter 32](#).

### 25.3.1.1 Away from Home entitlements not approved

Notwithstanding the provisions set out in 25.3.1, Away from Home entitlements **will not** be approved for a secondary student:

- to assist the student to bypass a school to which s/he has [reasonable access](#) to attend another school of their choice,
- simply because particular subjects which the student wishes to study are unavailable at the nearby school,
- where there is an appropriate education institution to which the student has reasonable access,
- if the State or Territory education authority objects to the bypassing of the particular school or type of school involved, or
- where the student will be undertaking distance education or correspondence studies,
- to enable the student to attend a special course if the student already has reasonable access to the applicable special course at an appropriate education whilst living at the permanent home, or
- specifically to attend an Aboriginal or Torres Strait Islander school (unless the provisions set out in [28.2](#) apply).

### 25.3.2 Appropriate Education Institution for Secondary Non-school Students

For secondary non-school students, an appropriate education institution is any government TAFE college or senior matriculation college to which the student has [reasonable access](#) that offers the secondary non-school course that the student wishes to undertake.

### 25.3.3 Appropriate Education Institution for Tertiary Students

For tertiary students, an appropriate education institution is whichever institution the student chooses to attend.

## 25.4 Cannot Study or undertake Australian Apprenticeship whilst Living at the Permanent Home

It is considered that a student or [Australian Apprentice](#) cannot reasonably be expected to study whilst living at the [permanent home](#) in the following circumstances:

- conditions at the permanent home are a serious impediment to educational progress, as set out in [Chapter 33](#), or
- the student is from an itinerant family (secondary school students only) as set out in [Chapter 34](#), or
- the student has been awarded an approved Independent Boarding School scholarship (secondary school students only), as set out in [Chapter 35](#), or
- it is a compulsory requirement of the course to reside at the education institution whilst studying (tertiary students only) as set out in [Chapter 36](#).

## 25.5 Entitlement Period for Away from Home Rate of Living Allowance

### 25.5.1 Away from Home Rate for Secondary School Students

Where a secondary school student has been approved for Away from Home entitlements, the period of entitlement for the Away from Home Rate of Living Allowance will:

- start on either:
  - the start date of the entitlement period for that term as set out in [Chapter 73](#), where the student is approved for Away from Home entitlements and commences study at the relevant institution by the 3rd Friday of term, or
  - the date from which the student is approved for Away from Home entitlements, where this occurs after the 3rd Friday of term,

and

- ceases on either:
  - the end date of the entitlement period for that term as set out in [Chapter 73](#) where the student completes the full term's study, or
  - the date from which the student ceases to be approved for Away from Home entitlements.

#### 25.5.1.1 Temporary return to the permanent home for vacation period

A secondary school student remains entitled to the Away from Home rate of Living Allowance throughout any vacation periods where they temporarily return to the [permanent home](#).

### 25.5.2 Away from Home Rate for Secondary Non-school or Tertiary Students or Australian Apprentices

Where a secondary non-school or tertiary student or [Australian Apprentice](#) has been approved for Away from Home entitlements in respect of a course, the period of entitlement for the Away from Home Rate of Living Allowance will:

- start from the course start date, unless one of the following apply:
  - the student or Australian Apprentice commences living away from the permanent home prior to the course or Australian Apprenticeship start date and can demonstrate a reasonable need to do so, e.g. to secure rental accommodation. In this situation, the Away from Home rate of Living Allowance will start from the date the student or Australian Apprentice commences living away from the permanent home, or
  - the student or Australian Apprentice intended to commence living away from the permanent home prior to the course or Australian Apprenticeship start date, and began to incur the costs of this term accommodation from this date, but was prevented from moving on this date as a result of circumstances beyond his/her control. In this situation, the Away from Home rate of Living Allowance will start from the date the student or Australian Apprentice intended to commence living away from the permanent home, provided that this date also meets the conditions set out in the previous dot point,
  - the student or Australian Apprentice commenced living away from the permanent home after the course or Australian Apprenticeship start date, and the conditions set out in the previous dot point do not apply. In this situation, the Away from Home rate of Living Allowance will start from the date the student or Australian Apprentice commences living away from the permanent home,

and

- cease on the earlier of:
  - the date that the student or Australian Apprentice returns, on a permanent basis, to live at the permanent home, or
  - the last day of study in the relevant course or Australian Apprenticeship, or

- the date from which the student or Australian Apprentice ceases to be approved for Away from Home entitlements.

#### 25.5.2.1 Temporary return to the permanent home for vacation period

A secondary non-school or tertiary student or [Australian Apprentice](#) remains entitled to the Away from Home rate of Living Allowance throughout any vacation periods where they temporarily return to the permanent home, provided that they maintain their residence at the study or Australian Apprenticeship location.

#### 25.5.3 Temporary return to the permanent home for study

If students or [Australian Apprentices](#) who normally live away from home opt to return to the parental home on a temporary basis while studying an integral part of their course or undertaking their Australian Apprenticeship eg, for a period of practical training, they remain entitled to the Away from Home rate unless that period is equal to or greater than one term or semester in length, depending on the structure of the course. If the period is longer, the student or Australian Apprentice will be regarded as residing permanently at home from the start of the period, including any vacations.

### 25.6 Change in Location of Permanent Home

#### 25.6.1 Tertiary or secondary non-school students and Australian Apprentices

Approval of Away from Home entitlements ceases if a tertiary or secondary non-school student's or [Australian Apprentice's permanent home](#) changes to a location that is within [reasonable travelling time](#) or [distance](#) of an [appropriate education institution](#), employer or training provider. This is the case even if the student or Australian Apprentice does not return to live in the permanent home.

#### 25.6.2 Secondary school students

Approval of Away from Home entitlements for a secondary school student ceases if:

- the [permanent home](#) changes to a location that is within [reasonable travelling time](#) or [distance](#) of an [appropriate education institution](#), or
- the student returns to live on a permanent basis in the permanent home.

However, [continuity of study](#) provisions apply in certain circumstances.



## Chapter 26 - Travel Time and Access

Unreasonable travelling time and distance between the student's or [Australian Apprentice's](#) permanent home and the appropriate education institution/s or employer is grounds for approval of Away from Home entitlements.

### 26.1 Reasonable Access

A secondary school student is considered to not have [reasonable access](#) to an [appropriate education institution](#) where the [permanent home](#) is not within a [reasonable travelling time](#) and/or a [reasonable travelling distance](#) of an appropriate education institution/s.

A tertiary or secondary non-school school student is considered to not have reasonable access to an appropriate education institution where the [permanent home](#) is not within a [reasonable travelling time](#) of an [appropriate education institution/s](#).

An [Australian Apprentice](#) is considered not to have reasonable access to an employer and/or a training provider where the permanent home is not within a [reasonable travelling time](#) of the employer or training provider.

### 26.2 Reasonable Travelling Time

A student's or [Australian Apprentice's permanent home](#) is not within a reasonable travelling time of an [appropriate education institution](#) or Australian Apprentice's employer or training provider if:

- travel time taken for a single journey by the most convenient transport service available, including reasonable walking and waiting time, would, on average, exceed one and a half hours, or
- there are special circumstances which periodically affect access between the permanent home and the appropriate education institution/s or Australian Apprentice's employer or training provider for at least 20 days of the academic year, not necessarily consecutive, because of adverse travel conditions, e.g. impassable roads, flooding or unreliable transport.

#### 26.2.1 Assessing Reasonable travelling time

When calculating reasonable travel time, all time spent undertaking the following is to be included:

- walking from home to a transport stop,
- waiting for (and between) transport,
- travelling on the actual mode of transport,
- walking from a transport stop to the [Australian Apprentice's](#) employer or training provider, and
- walking from a transport stop to the education institution.

If the total time for any one journey (in either direction) is 90 minutes or more, then the student's or Australian Apprentice's [permanent home](#) is not within a reasonable travelling time of an [appropriate education institution](#) or Australian Apprentice's employer or training provider.

#### 26.2.2 Assessing special circumstances periodically affecting access

When determining whether access to an [appropriate education institution](#) is affected for at least 20 school days in the academic year, the assessment would normally be based on access in the previous years and the following is to be considered:

- historical weather or council records indicating regular years where access to school is interrupted on 20 days or more; particularly where the preceding year did not prevent access on 20 days or more due to unusual weather conditions for that particular year, or
- parents do not have access to a vehicle or are medically unfit or legally unable to drive a vehicle, or
- regular unavailability of public transport, or
- other unusual circumstances of isolation (e.g. student lives on an island which is not serviced by regular public transport, transport is regularly affected by weather and/or sea conditions or students must cross dangerous watercourses that do not have a secure bridge or similar structure).

## 26.3 Reasonable Travelling Distance

A student's [permanent home](#) is not within a reasonable travelling distance of an [appropriate education institution](#) if:

- **Rule 1:** the distance between the permanent home and the appropriate education institution (via the shortest practicable route) is at least 56 kilometres, or
- **Rule 2:** the distance between the permanent home and the appropriate education institution (via the shortest practicable route) is at least 16 kilometres, AND the distance between the permanent home and the nearest available transport service to the appropriate education institution is at least 4.5 kilometres via the shortest practicable route.

**Note:** Rule 2 also includes circumstances where the permanent home is at least 16 kilometres from the [appropriate education institution](#), and no transport exists between the permanent home and the appropriate education institution.

### 26.3.1 Assessing reasonable travelling distance

To determine whether a student's [permanent home](#) is within reasonable travelling distance of an [appropriate education institution](#), it is necessary to ascertain the actual distance in kilometres from the door of the permanent home to the nearest transport pick-up point and/or the appropriate education institution.

#### 26.3.1.1 Assessing reasonable travelling distance where no transport service exists

Where no transport service exists to the [appropriate education institution](#), the calculation of distance is to be based on the distance from the [permanent home](#) to the appropriate education institution by the most direct route in a private vehicle.

If the travelling distance meets the provisions of Rule 1 or 2, then it is determined that a student's permanent home is not within reasonable travelling distance of an appropriate education institution.

#### 26.3.1.2 Assessing reasonable travelling distance where a transport service exists

Where a transport service exists (or would be available upon request) to the [appropriate education institution](#), the calculation of distance is to be based on the route from the permanent home to the nearest transport pick-up point, and then from the pick-up point to the appropriate education institution. This is the case even if a more direct route is available by private vehicle from home to the school.

If the combination of the distance from the permanent home to the transport pick-up point, and from the transport pick-up point to the appropriate education institution meets the requirements of Rule 1 or Rule 2, then it is determined that a student's home is not within reasonable travelling distance of an appropriate education institution. Therefore, the journey exceeds a reasonable travelling distance in any of the following circumstances:

- the combination of the distance from the permanent family home to the transport pick-up point, and from the transport pick-up point to the appropriate education institution is greater than 56 kilometres, or
- the distance from home to the appropriate education institution is less than 16 kilometres but the distance from home to the transport pick-up point is at least 4.5 kilometres, the combination of the distance from home to the transport pick-up point and from the transport pick-up point to the appropriate education institution exceeds 16 kilometres, or
- the distance from home to the appropriate education institution is at least 16 kilometres, and the distance from the student's permanent family home to the nearest transport pick-up point going to the appropriate education institution is at least **4.5 kilometres**, (irrespective of the distance from transport pick-up point to the appropriate education institution).

### 26.3.1.3 Table summarising assessment of reasonable travelling distance

<b>Rule</b>	<b>If distance from the permanent home to the appropriate education institution is...</b>	<b>Distance from permanent home to transport pick-up point (where transport goes to the appropriate education institution).</b>	<b>Distance from transport pick-up point to the appropriate education institution, via the route taken by the public transport service.</b>	<b>Does the journey exceed the reasonable travelling distance?</b>
<b>Rule 1</b>	at least 56km	n/a	n/a	Yes
<b>Rule 1 variation</b>	at least 16km, and no transport is available.	n/a	n/a	Yes
<b>Rule 1 variation</b>	at least 16km, and transport is available	a	b	Yes if total distance of a + b is at least 56 km
<b>Rule 2</b>	at least 16km	At least 4.5 km	n/a	Yes
<b>Rule 2 variation</b>	less than 16 km	At least 4.5 km a	b	Yes if total distance of a + b is at least 16 km

## Chapter 27 - Limited Local School Facilities/Programme

Students may not be able to study required subjects due to a local government school not being able to offer a full curriculum, and may be required to move away from home to study at a suitable school.

### 27.1 Limited Programme School

#### 27.1.1 State/Territory education authority lists school as a limited programme school

Where the State/Territory education authority lists a school as a limited programme school, sometimes known as a bypass school, the school will not be considered an [appropriate education institution](#) for the purposes of assessing eligibility for Away from Home entitlements under the provisions set out in [Chapter 25](#).

#### 27.1.2 “Limited Programme School” - individual assessment

Where a student’s local school has not been included on the State/Territory education authority’s list of bypassable schools, an individual assessment of whether the local school offers appropriate schooling for that student can be made by the education authority and confirmed in writing. Where the assessment determines that the school does not offer appropriate schooling for that student, the school will not be considered an [appropriate education institution](#) for the purposes of assessing eligibility for Away from Home entitlements under the provisions set out in [Chapter 25](#).

#### 27.1.3 School’s ability to assess a “Limited Programme”

A secondary school that is not listed as a “Limited Programme School” by the State/Territory authority will, subject to the provisions of [Chapter 29](#), be regarded as an [appropriate education institution](#) irrespective of any claims about the adequacy of the programme.

#### 27.1.4 South Australian Rural School or an Aboriginal/Anangu School

Where a student wishes to bypass a South Australian Rural School or an Aboriginal/Anangu School in order to attend a larger secondary school, the South Australian Rural School or Aboriginal/Anangu School will not be regarded as an [appropriate education institution](#) for the purposes of assessing eligibility for Away from Home entitlements under the provisions set out in [Chapter 25](#).

## Chapter 28 - Special Courses

Students may have specific educational needs that cannot be provided by local schools, necessitating movement to a school outside the local area that can provide the course requirement.

### 28.1 Approval as a Special Course

For the purposes of assessing eligibility for Away from Home entitlements under the provisions set out in [Chapter 25](#), an institution offering the following types of special course is considered to be an [appropriate education institution](#) for a secondary school student:

- [Indigenous Studies](#),
- [Pre-requisite to post-secondary course](#),
- [Formal specialising qualification](#),
- [Agricultural Courses](#),
- [Specialist course in the arts, sport or technology](#).

Where a student will be attending a special course, any education institution that does not offer the applicable special course will not be considered an [appropriate education institution](#).

Students may not be approved for Away from Home entitlements where an applicable special course is available to which the student has [reasonable access](#).

## 28.2 Indigenous studies

A special course containing Indigenous Australian studies must have at least one secondary school subject in Indigenous Australian Studies that:

- is formally accredited by the relevant State or Territory education authority for examination purposes, and
- is endorsed by that State's or Territory's Indigenous Advisory Group or other State/ Territory formally recognised authority, as a course of study (subject) particularly valuable for Aboriginal and Torres Strait Islander students to study, and
- has the equivalent of a minimum weekly allocation of four hours for the specific Indigenous studies subject.

Students cannot bypass a government school (to which they have reasonable access) that provides Indigenous studies incorporated in the overall curriculum to attend a school where discrete subjects in Indigenous studies are offered.

### 28.2.1 Accreditation for Years 8-10 Queensland only

The formal accreditation process for curriculum for Years 8-10 in non-government schools in Queensland is that the school principal must approve the curriculum for Indigenous studies. In lieu of [28.2](#), approval for a special course of study (subject) containing Indigenous Australian Studies as a subject for Years 8-10 in non-government schools in Queensland must be undertaken in the following way:

- the school principal must approve the curriculum for this subject, and
- all curriculum documents for the Indigenous Australian studies subject, including assessment and endorsement documents from the Ministerial Council for Aboriginal and Torres Strait Islander Education, must be forwarded to:  
Branch Manager  
Income Support for Students Branch  
DEEWR  
GPO Box 9880 CANBERRA ACT 2601 Loc: 123
- A copy of the timetable must be included showing that the equivalent of a minimum of four hours has been allocated per week for the Indigenous Australian studies subject, and
- the curriculum for the course of study (subject) must meet The National Aboriginal and Torres Strait Islander Studies Curriculum Framework K-12.

- 

### 28.2.2 DEEWR approvals

DEEWR will advise Centrelink of:

- any non-government schools that have had a specialist course of study (subject) for Years 8-10 Indigenous Australian Studies approved, and
- State/Territories where Indigenous Studies is offered as an integral part of the curriculum.

## 28.3 Prerequisite to post-secondary course

A secondary course that is an essential criterion for entry to a specific post-secondary course can be considered a special course in the following circumstances:

- the student is in one of the final two years of secondary school, and
- the student has clearly decided to enter the chosen tertiary course if accepted, and
- there is no similar tertiary course that could be regarded as an available alternative, and
- the school that the student has been attending has provided satisfactory evidence that the student has the potential to gain admission to the nominated course.

## 28.4 Formal specialising qualification

A full-time secondary course on completion of which students receive a formal specialising qualification such as a Certificate of Business Studies or the International Baccalaureate Diploma can be considered a special course in the following circumstances:

- State or Territory education authorities recognise the course as a specialisation not generally available at secondary schools, and
- State or Territory education authorities recognise the completion certificate as a formal qualification.

### 28.4.1 Formal specialising qualification for mature age students

Approval may also be given to a student who will be undertaking secondary studies at a post-secondary Indigenous controlled specialist institution which caters specifically for Indigenous students, where the student:

- is 18 years or older, and
- is studying a course resulting in a completion certificate which is recognised as a formal qualification by the State/Territory education authority.

## 28.5 Agricultural Courses

Where a secondary course contains two agricultural subjects or, under special conditions, one agricultural subject, it can be considered a special course.

### 28.5.1 Attendance basis

To be considered a special course, the student must study an agricultural course:

- on a full-time basis at either a specialist agricultural school or at a normal secondary school, or
- on a part-time basis at an education institution such as a technical college, in addition to attending a normal secondary school for most of the school week.

### 28.5.2 Course components

To be considered a special course, the agricultural course must:

- have a substantial weekly time allocation, which is directly related to the theory and practice of farming eg, equivalent to four periods of approximately 40 minutes each, and
- be recognised by the State/Territory education authority, and
- be a subject which, if studied part-time, is assessed by the school to determine part of the student's overall performance.

### 28.5.3 One agricultural subject

Where a student is in either of the final two years of secondary schooling and is studying only one agricultural subject, the course may be considered a special course in the following circumstances:

- the student has studied at least two agriculture subjects in each of the junior secondary years after the first year, and
- the subject **agriculture** or its equivalent, which the student is at present studying, is not available at a school within reasonable distance from her/his home, and
- the school which the student is attending offers at least one agricultural subject in each secondary year, except the first year in some States.

## 28.6 Specialist courses in the arts, sport, technology

A specialist secondary course in drama, music, art, ballet, sport or technology can be considered a special course in the following circumstances:

- the school is a government school, and
- the specialist secondary course has been approved by the State/Territory education authority, and
- the student has been selected by the appropriate education authority to enter this specialist curricula (usually on the basis of exceptional ability).

## Chapter 29 - Disability

A student may have a disability that local schools cannot cater for, requiring the student to live away from the permanent home to attend an appropriate school.

### 29.1 Appropriate Education Institution for a Student with a Disability

Where a secondary student has a disability, health-related condition and/or special education need that require a special school programme, an [appropriate education institution](#) is one that can meet the student's special needs by providing access to the required special programme, facilities and/or environment.

The specific circumstances under which a student can be regarded as having a special need are:

- the student boards at a special education institution, or
- the student needs access to special facilities or a special environment, or
- the student cannot undertake daily travel to school, or
- the student requires access to regular medical treatment that is unavailable at the permanent home location, or
- the student needs access to a different climate.

### 29.1.1 Definition of disability or health-related condition

For the purposes of this chapter, a disability or health-related condition is defined as:

- a physical or intellectual disability; or
- a psychological, emotional or behavioural problem; or
- a medical condition; or
- pregnancy.

## 29.2 Boarding at a special education institution

A special education institution is an institution located in Australia that is:

- conducted specifically and primarily for students with disabilities, health-related conditions and/or learning difficulties, and
- a government school, or a non-government school that is recognised as a school under the law of the State or Territory in which that school is located.

Away from Home entitlements may be approved for a student who is required to attend a special education institution as a result of a disability or health-related condition, even where the student has [reasonable access](#) to this institution from the student's permanent home.

## 29.3 Access to special facilities

A student may be regarded as having a special need if they need access to special facilities that help manage or overcome a disability or health-related condition. Special facilities include:

- a special centre that caters for the child's condition and which they must attend in conjunction with their time at school, or
- special educational or physical facilities within a normal schools (e.g. visiting specialist teachers, wheelchair access/ramps).

## 29.4 Access to regular medical treatment

A student may be regarded as having a special need if, as a result of accessing required medical treatment, the student's schooling is disrupted for an amount equivalent to at least 20 school days a year, not necessarily consecutive. Away from Home entitlements can be approved to allow the student to board near the treatment centre.

## 29.5 Access to a different climate

A student may be regarded as having a special need in the following circumstances:

- if the student were to live at the permanent home during the school terms, the local climate or other circumstance would be likely to cause the student severe illness resulting in a total of at least four weeks absence during the school year, and
- it is essential for the student to attend school in another area, and
- in the area chosen for the student to attend school, the effects described above would be less likely to arise.

## Chapter 30 - Exclusion from Local Schooling

Circumstances may arise where a student has been excluded from all local schooling and may be required to move away from home to find a suitable boarding school.



## 30.1 Exclusion from Local Schooling

Government school/s that offers tuition at the student's level may be disregarded for the purposes of assessing [reasonable access](#) to an [appropriate education institution](#) for a secondary school student if:

- the student has been excluded by school authorities from all available government schools to which the student has [reasonable daily access](#), and
- distance education/correspondence studies are not appropriate.

## Chapter 31 - Racial Discrimination

Students may experience racial discrimination at a level that seriously impedes their ability to study, necessitating movement to a school outside the local area.

### 31.1 Racial Discrimination

Government school/s that offers tuition at the student's level may be disregarded for the purposes of assessing [reasonable access](#) to an [appropriate education institution](#) for a secondary school student where there is evidence that s/he has been subjected to racial discrimination of a serious and continuing nature at these school/s.

### 31.2 Assessment of Racial Discrimination

Approval of Away from Home entitlements on the basis of racial discrimination would only be given if and when all possible attempts to resolve the problem at the local level have proved to be unsuccessful.

#### 31.2.1 Substantiation

A student's eligibility on the basis of racial discrimination cannot be established without supporting documentation from local school or education authorities.

## Chapter 32 - Continuity of Study

In order to limit the disruption to the schooling of students whose circumstances change during the school year, Away from Home entitlements may be approved in certain situations under the continuity of study provisions.

### 32.1 Continuity of Study Provisions

#### 32.1.1 Students previously approved for Away from Home entitlements

Government school/s that offers tuition at the student's level may be disregarded for the purposes of assessing [reasonable access](#) to an [appropriate education institution](#) for a secondary school student if:

- the student has been previously approved for Away from Home entitlements, and
- the student no longer meets the conditions for approval for Away from Home entitlements due to a change in circumstances, and
- the student continues attending at the same education institution, and
- it would be unreasonable to break continuity of study.

**Note:** Students who were eligible for Away from Home entitlements because they were receiving an independent school scholarship cannot continue to receive this assistance under the continuity of study provisions should they cease to hold the scholarship.

### 32.1.2 Students not previously approved for Away from Home entitlements

Government school/s that offers tuition at the student's level may be disregarded for the purposes of assessing [reasonable access](#) to an [appropriate education institution](#) for a secondary school student if:

- the student remains enrolled in the same course at the same institution, and
- it would be unreasonable to break continuity of study, and
- as a result of a change in their circumstances or in policy, the student will, in less than 12 months, be eligible for Away from Home entitlements.

Examples of situations where this provision may be used are:

- a family move to an isolated area, or
- the discontinuation of a school bus service.

## 32.2 Unreasonable to Break Continuity of Study

In relation to 32.1 Continuity of Study Provisions, it is considered unreasonable to break continuity of study:

- at any time during a school or academic year, or
- if the State/Territory authorities regard continuity of schooling between Years 9 and 12 to be at least highly desirable.

## 32.3 Special Concessions for Year 12 Students

Special continuity of study concessions apply to Year 12 students who were receiving Living Allowance at the Away from Home rate until the end of the previous year. These concessions are intended to ensure that these students are not adversely affected by a change in parental income. The student may continue to receive Living Allowance at the Away from Home rate until the end of the year or until s/he discontinues study in that year, if the student:

- is undertaking Year 11 or 12, and
- was receiving Living Allowance at the Away from Home rate until the end of the previous year, and
- continues attending at the same school, and
- would become ineligible for Living Allowance due to the application of the [Parental Income Test](#).

## 32.4 Entitlements Payable Under Continuity of Study Provisions

Where a student has been approved for Away from Home entitlements under the Continuity of Study provisions and accordingly remains a student at the same school, their entitlements are as follows:

- where the student now has [reasonable access](#) to this school, [Group 2 School Fees Allowance](#) may continue to be paid up to the limit of the entitlement previously approved,

- where the student does not have [reasonable access](#) to this school, both Living Allowance (plus [Rent Assistance](#) where applicable) and Group 2 School Fees Allowance may continue to be paid up to the limit of the entitlement previously approved,
- where the permanent home is not within reasonable travelling time/distance (as set out in Chapter 26.2 and 26.3) of the school, the student is entitled to Fares Allowances, including that for interstate travel, if required.

## Chapter 33 - Unreasonable Living Conditions

Students or [Australian Apprentices](#) may experience extreme conditions that prevent them from studying at the permanent home. These circumstances are grounds for approval of Away from Home entitlements.

### 33.1 Unreasonable Living Conditions

Subject to the provisions of [Chapter 25](#), a student or [Australian Apprentice](#) may be approved for Away from Home entitlements if the conditions at the [permanent home](#), including conditions in the surrounding community environment, represent a serious impediment to the student's or Australian Apprentice's educational progress. Such conditions are those that:

- consistently deprive students or Australian Apprentices of basic necessities, or
- represent a serious threat to the student's or Australian Apprentice's health or well-being, or
- excessively disrupt or prevent the student's or Australian Apprentice's ability to study at home.

Circumstances outside the permanent home should be considered where these impact on the student's or Australian Apprentice's ability to study at home.

**Note:** The first two conditions may qualify students or Australian Apprentices as independent on the grounds of being homeless if they have reached minimum school leaving age for their home state/territory.

## Chapter 34 - Itinerant Family

Students whose parents are itinerant workers may experience disrupted education due to not having a fixed residence may qualify for Away from Home entitlements.

### 34.1 Itinerant Family

Subject to the provisions of [Chapter 25](#), a student may be approved for Away from Home entitlements where:

- the parent/s' occupations require them to spend a [significant amount of time](#) travelling long distances, with the result that the children have no fixed residence, or
- the occupation of the parent/s involves frequent, lengthy travel and the student is denied access to appropriate schooling because the parent/s is/are not normally resident at a fixed location during the school week, eg, a sole parent is an interstate transport driver.

**Note:** In a two parent family, both parents need to be itinerant for the student to be eligible. If one parent is stable in location, the family is not considered itinerant.

### 34.1.1 Significant amount of time

A significant amount of time would be 40 weeknights during the calendar year.

### 34.1.2 Impact of family movements during school year

Eligibility is determined in the light of family movements during the course of the school year.

## 34.2 Family Movements

### 34.2.1 Constant movement

Where a parent's occupation necessitates constant movement and the family's home environment is in effect 'mobile' (eg, a railway construction camp) and is constantly changing, Away from Home entitlements may be approved if:

- the student boards away from home, and
- for at least half the year, on a monthly, weekly or daily basis, the location of the student's permanent home is such that the student would not have [reasonable access](#) to that school.

### 34.2.2 Temporary movement for employment

Where families are not normally itinerant, but they are temporarily moved in their employment or must move several times in the course of a year to widely scattered localities in search of employment, Away from Home entitlements may be approved to enable the student to avoid frequent changes of school.

### 34.2.3 Temporary residence in locality

If a family temporarily resides in the locality in which any of its eligible students are boarding or spends some time in this locality as part of its regular movements, the following principles apply:

- where it would be reasonable to expect a student to cease boarding and rejoin her/his family, whether on an extended basis or for short periods on a regular basis, boarding benefits are not payable for those periods, and
- where the student cannot attend the school except as a boarder, or the school would charge full boarding fees anyway, the student remains eligible for the away from home rate.

### 34.2.4 Permanent residence during a school year

Where a family has been accepted as itinerant for a year but takes up permanent residence during the course of that year at a fixed address which provides access to suitable schooling, any student in the family who has been eligible for Away from Home entitlements up to that point remains eligible for the remainder of the year, providing [continuity of study](#) rules are met.

## 34.3 Demonstration of Itinerancy

### 34.3.1 Two moves in first term

Where the family undertakes two moves of the type specified above during first term, the family should be accepted as itinerant for that period.

### 34.3.2 Accepted as itinerant for the first term

Once a family has been accepted as itinerant for the first term on the basis of two moves during that period, assessment of eligibility for Away from Home entitlements in the remaining terms is based on the following guidelines:

- if at least one move occurs during any of the remaining terms, the family should be accepted as itinerant for the full year, or
- if no move occurs during any of the remaining terms, the student is ineligible for Away from Home entitlements after first term.

### 34.3.3 Three or more moves in first term

Where the family undertakes three or more moves during the first term, each of which would require a change of school for the student, the family should be regarded as itinerant for the full year.

### 34.3.4 Four moves over two terms

Where the family undertakes four moves in the year spread over at least two terms, the family should be accepted as itinerant for the full year.

## 34.4 Circumstances Where Family Not Considered Itinerant

A family is not considered itinerant if:

- the family could be reasonably expected to maintain a fixed address because the movement required by working is over a limited area eg, within the metropolitan area or at no time more than 56 km from one centre offering adequate schooling, or
- the parent/s occupation requires a transfer every two or three years and the family could normally expect to spend at least one full year in a location but happens to be moved more than once in a school year.

## Chapter 35 - Scholarships and Mobility Provisions

Where a student has been awarded a scholarship to participate in a program listed at 35.1 or 35.2, or meets the qualifications for Mobility provisions at 35.3, they may be eligible for the Away from Home entitlements. The purpose of ABSTUDY assistance for students who meet one of the criteria is to substantially extend the educational access and outcomes of Indigenous students.

### 35.1 Independent Boarding School Scholarship

A secondary school student may be approved for Away from Home entitlements on the basis of being offered a scholarship by an independent boarding school in the following circumstances:

- the school is an approved secondary school offering an approved course of secondary studies, and
- The boarding arrangement is an integral part of the school, and
- the school has an SES funding score for Commonwealth General Recurrent Grants of 100 or greater (*Schools Assistance Act 2008*), and
- the scholarship being offered by the school contributes a minimum of 15 per cent of the total tuition and boarding fees, and
- in establishing the scholarship, the local Indigenous Education Consultative Body (IECB), or their nominee, will provide advice on the scholarship's establishment and ongoing guidance, as required. In the absence of an IECB's ability to fulfil this role, an independent representative from the local Indigenous community with an education background should be involved, however,
- where an IECB is unable to fulfil this role the Income Support Programs Branch, DEEWR must be advised in writing of the reason for this. DEEWR will forward this advice to Centrelink.

### 35.1.1 Boarding arrangements

Where the boarding arrangements are in private homes (such as the Homestay program) for the purposes of determining ABSTUDY eligibility, the school must select the families and the fees are set by the school and are payable to the school.

## 35.2 Scholarships to Highly Effective/High Expectations Schools

A secondary student may be approved for Away from Home entitlements on the basis of being offered a scholarship in the following circumstances:

- the school is an approved secondary school offering an approved course of secondary studies, and
- the scholarship is supported by the Australian Government as approved by the Minister for Education:
  - Indigenous Youth Leadership Program (IYLP), or
  - Cape York Institute's Higher Expectations Program (HEP), or
  - Higher Expectations Program (Northern Territory), or
  - Rosemary Bishop Indigenous Education Scholarship (RBS), or
  - Sporting Chance Program, or
  - Kajji Foundation Scholarship, or
  - Australian Indigenous Education Foundation Scholarship Programme (AIEF).

Further scholarships may be added, as approved by the Minister for Education, from time to time.

## 35.3 Mobility Provisions for Welfare Reform Designated Trial Sites

The Cape York Welfare Reform is a partnership between the four communities of Aurukun, Coen, Hope Vale, and Mossman Gorge, the Australian Government, the Queensland Government and the Cape York Institute for Policy and Leadership. The period for the Reform runs from 1 July 2008 to 31 December 2012. The Mobility Provisions enable eligible students in the four communities to receive the ABSTUDY away from home entitlements to attend a secondary school outside their community.

### 35.3.1 Qualification for Mobility

Secondary school students may be approved for the ABSTUDY Away from Home provisions to enable the student to live away from the community and attend a school at another location. To be eligible for this provision, the student must permanently reside in one of four designated Cape York trial sites. These sites are Aurukun, Coen, Hope Vale, and Mossman Gorge. Students must also meet all other ABSTUDY eligibility criteria.

### 35.3.2 Change in Location of Permanent Home

Approval of Away from Home entitlements on the basis of Mobility Provisions, ceases if;

- the student's permanent home changes to a location that is outside of a designated trial site, or
- the student returns from the boarding school to live on a permanent basis in the permanent home, unless
- continuity of study provisions, as set out at [Chapter 32](#), apply.

## Chapter 36 - Compulsory Residence

Some tertiary courses have a compulsory residential element.

### 36.1 Compulsory Residence

Tertiary students may be approved for Away from Home entitlements for any period that they must, as a compulsory requirement of the approved tertiary course, reside at the education institution while studying.

## Chapter 37 - Overview of Independent Status

Students or [Australian Apprentices](#) are considered to be independent for the purposes of ABSTUDY if they meet one or more of the provisions for independence outlined in this chapter.

### 37.1 Independent Status

A student or [Australian Apprentice](#) is considered to have independent status if s/he:

- meets one of the criteria for independent status,
- does not receive a pension under the *Social Security Act 1991* or the *Veterans' Entitlement Act 1991*, and
- is not a [student or Australian Apprentice in State Care](#), and
- is not in lawful custody.

### 37.2 Types of Independent Status

There are two types of independent status:

- permanent independent status, and
- reviewable independent status.

#### 37.2.1 Permanent independent status

Permanent independent status is granted on the basis of a condition that **cannot** change. Students or [Australian Apprentices](#) who are granted permanent independent status retain their status under ABSTUDY without reassessment, whether or not they continue in unbroken study.

To meet criteria for permanent independent status the student or Australian Apprentice must:

- [meet the age criteria](#), or
- be a member of a couple, including being
  - [married or have been married](#), or
  - in or have been in a registered relationship (different or same-sex), or
  - married under Aboriginal or Torres Strait Islander Law
- [have or have had a dependent child](#), or
- [meet certain workforce criteria](#), or
- [have been in lawful custody for a cumulative period of six months or more](#), or
- [be an orphan](#), or
- [be 15 years of age or older and has undergone and completed a traditional initiation ceremony](#).  
The student or Australian Apprentice must be living in the traditional community independently of family.

## 37.2.2 Reviewable independent status

Reviewable independent status is granted on the basis of a condition that **can** change.

Students or [Australian Apprentices](#) who are granted reviewable independent status cease to have independent status if they cease to meet the conditions for reviewable independence.

To meet the criteria of reviewable independent status the student or Australian Apprentice must:

- [be 16 years of age or older and living in a de facto relationship \(different or same-sex\) which is of at least six months in duration or has the care or custody of another person's dependent child/student](#), or
- [currently have the care or custody of another person's dependent child or student](#), or
- [be 15 years of age or over and have parent\(s\) who cannot exercise parental responsibilities](#), or
- [be 16 years of age or over and living in an Aboriginal community after previously being adopted or fostered by a non-Aboriginal family for more than two years](#), or
- [be of school leaving age in the particular state or territory or at least 16 years of age, and meet the Unreasonable to Live At Home criteria](#).

## Chapter 38 - Permanent Independent Status

This topic covers the provisions for approval of permanent independent status.

### 38.1 Age

Where a student or [Australian Apprentice](#) does not already qualify for independent status under another provision from 1 January 2012, s/he is considered to have permanent independent status once s/he turns 22.

### 38.2 Current or Previous Marriage or Registered Relationship

A student or [Australian Apprentice](#) is considered to have independent status if s/he is:

- legally married or married under Aboriginal/Torres Strait Islander law, or
- in a [registered relationship](#) (different or same-sex),
- divorced or separated from his/her [partner](#) to whom s/he is/was previously legally married or in a registered relationship.

### 38.3 Parenthood

Students or [Australian Apprentices](#) are considered to have independent status if they have or previously had a [dependent child](#) of their own.

For the purposes of this provision a dependent child is a child of the applicant where the child:

- is wholly or substantially dependant on the person or person's partner; or
- was previously wholly or substantially dependant on the person or person's partner, assuming the child was in the care of the partner at the same time that the relationship existed.

A child who is adopted or dies immediately after birth is a dependant child for ABSTUDY independence purposes, as is a stillborn child for whom Maternity Allowance is paid.



For ABSTUDY independence purposes, a non-custodial parent can demonstrate that their child is substantially dependant through circumstances including:

- providing material support towards the care of the child, and/or
- having regular or periodic care of the child, and/or
- having ongoing involvement in decision making affecting the child, and/or
- paying court ordered or voluntary child maintenance in respect of the child.

## **38.4 Workforce Participation**

Independent status can be established through either of two categories, as follows:

### **38.4.1 Workforce Participation - Self Supporting through paid employment category (effective from 1 January 2012)**

Students or [Australian Apprentices](#) may be considered independent for ABSTUDY purposes if:

- they have supported themselves through paid work consisting of employment of full-time employment averaging at least 30 hours per week, in one or more jobs, for 18 months or more during any period of 2 years, or
- they qualify under the paid employment criterion for students from Inner Regional, Outer Regional, Remote or Very Remote locations. (Refer 38.4.1.4)
- they qualified prior to 1 January 2011 for independence under the transitional arrangements for 2009 “gap year” students. (Refer 38.4.1.2)
- they qualify for independence under the grandfathered arrangements. (Refer 38.4.1.3)
- 3 out of 4 years (156 out of 208 weeks) rule remains in force.

#### **38.4.1.1 Full-time employment averaging at least 30 hours per week**

From 1 July 2010 a young person may be considered independent for ABSTUDY purposes if they have supported themselves through paid work consisting of full-time employment averaging at least 30 hours per week, in one or more jobs, for at least 18 months during any period of 2 years.

The assessment under this criterion may be made in respect of one or more jobs, whether consecutive and/or concurrent.

Where a young person has been working in a job that has not consistently provided them with 30 hours per week work, their hours of work can be averaged over periods of a maximum of 13 weeks, provided that the young person can reasonably be considered to have been engaged in full-time employment over the duration of the period.

This means, for example, that a young person can be considered to meet this criterion where they have undertaken:

- At least 120 hours of work in each of 19 periods of four weeks; or s/he can reasonably be considered to have been engaged in full-time employment over the duration of the period,
- At least 390 hours of work in each of 6 periods of 13 weeks, or
- At least 30 hours of work in each of 78 weeks (i.e. 30 hours or more for 78 weeks).

#### **38.4.1.2 Transitional arrangements for 2009 “gap year” students**

From 1 January 2011, students can no longer qualify for ABSTUDY under the transitional gap year provision. Details about this provision can be found in Section 38.4.1.2 of the 2010 version of [ABSTUDY](#).

### 38.4.1.3 Grandfathered arrangements

Young people who qualified for ABSTUDY as an independent person prior to 1 July 2010 under the following criteria will retain their independent status for ABSTUDY purposes if they have supported themselves through paid work consisting of:

- part-time employment of at least 15 hours per week for at least 2 years since the person last left secondary school, OR
- a period or periods of employment over an 18 month period since the person last left secondary school, with cumulative earnings totalling at least 75 per cent of the appropriate maximum rate of the [Wage Level A of the National Training Wage Schedule included in a modern award](#) or that maximum rate as varied or replaced by Fair Work Australia.

**Note:** The appropriate rate of the Wage Level A of the National Training Wage Schedule included in a modern award is the rate that applied when the employment began.

### 38.4.1.4 Inner Regional, Outer Regional, Remote and Very Remote Students

From 1 January 2011, a young person whose family home is in a location categorized under the Australian Standard Geographical Classification (AGSC) as outer regional Australia, remote Australia or very remote Australia may be considered independent for ABSTUDY purposes if they have supported themselves through paid work consisting of:

- part time employment of at least 15 hours per week for at least 2 years since the person last left secondary school, OR
- a period or periods of employment over an 18 month period since the person last left secondary school, with cumulative earnings totalling at least 75 per cent of the [Wage Level A of the National Training Wage Schedule included in a modern award](#) or that maximum rate as varied or replaced by Fair Work Australia.

**Note:** The appropriate rate of the Wage Level A of the National Training Wage Schedule included in a modern award is the rate that applied when the employment began.

The person can be considered independent under one of these criteria if

- the person is required to live away from home ([Refer Chapter 25](#)), and
- the person is undertaking full-time study ([Refer Chapter 47](#)), and
- the person's combine parental income for the appropriate tax year ([Refer Chapter 58](#)) is less than \$150,000.

From 1 January 2012, these same arrangements apply also to a young person whose family home is in a location categorised under the AGSC as inner regional Australia.

Note: Information on the geographical location of a place can be found on the [youth.gov.au](http://youth.gov.au) website.

### 38.4.2 Workforce Participation - other

Students or [Australian Apprentices](#) are considered to have independent status if they have been in some form of workforce participation for periods totalling at least 156 weeks during the previous 208 weeks. This can be any combination of the activities listed below. These are:

- engaged full-time paid employment or self-employment, or
- undertaking an apprenticeship or full-time training agreement, or

- in receipt of an income support payment such as Youth Allowance (Other), Newstart, youth training or formal training allowance, special benefit or support under [NEIS](#), or
- unemployed and registered with Centrelink, but waiting to receive a benefit under Social Security Law, or
- on sick, maternity or recreation leave (but not paid study leave), or
- receiving an income support pension under the *Veterans' Entitlements Act* or sickness allowance or carer payment or disability support or sole parent pension (parenting payment - single) or similar pension or benefit under Social Security Law, or
- available for full-time employment but supporting medical evidence indicates that illness or incapacity prevented employment, or
- a member of a religious order where it can be demonstrated that the student was supported by the order (eg, board and lodgings), or
- in lawful custody, or
- receiving a [CDEP](#) scheme wage.

**Note 1 CDEP Participants:** Participation in a CDEP Scheme is considered employment for the purposes of establishing independence in accordance with ABSTUDY rules. When a person ceases CDEP participation in order to receive the independent rate of ABSTUDY the person will have to show that they have supported himself/herself through paid work.

**Note 2 Overseas employment:** From 6 July 2000, periods of employment overseas can be regarded for the purposes of this category.

#### 38.4.2.2 Periods excluded from workforce participation

Periods that cannot be counted towards the required 156 weeks are those where the student or [Australian Apprentice](#) was:

- registered with Centrelink but not available for full-time employment in Australia, or
- undertaking full-time primary or secondary study, including vacations between study periods, or
- undertaking full-time post-secondary study, unless the student can demonstrate that while studying, s/he was also a full-time member of the workforce, or
- receiving education assistance, such as Youth Allowance (Student) (not wages) for a course approved for ABSTUDY, or
- on paid study leave.

#### 38.4.2.3 Registration with Centrelink while at school

No account is to be taken of registration with Centrelink during periods in which the student or [Australian Apprentice](#) undertook full-time primary or secondary study. Registration during school vacations is not to be taken into account.

Also, no account is taken of periods of registration between the end of the school year and 31 December, even in respect of the student's last year of schooling, if the student or Australian Apprentice was entitled to receive ABSTUDY (or other education assistance) for that end-of-year period. Students or Australian Apprentices who were not eligible to receive education assistance for the period from the end of schooling to 31 December can count periods of Centrelink registration during that time.

#### 38.4.2.4 Waiting period for income support by school leavers

The waiting period for Youth Allowance as a school leaver may be included, if the school leaver was registered with Centrelink for this period. However, the period from the end of the school year

to 31 December cannot be counted if the student or [Australian Apprentice](#) was entitled to receive Youth Allowance/Austudy Payment as a full-time student for that time.

#### 38.4.2.5 Registration with Centrelink while qualified to get ABSTUDY Living Allowance

No account is to be taken of periods that a student or [Australian Apprentice](#) was registered for full-time employment with Centrelink, if the student or Australian Apprentice was also eligible and qualified to receive ABSTUDY [Living Allowance](#).

#### 38.4.2.6 Periods of full time post secondary education

Periods during which a student or [Australian Apprentice](#) was undertaking full-time post-secondary study are not generally counted towards workforce requirements unless the student or Australian Apprentice can demonstrate that, while studying, s/he was also a full-time member of the workforce.

Periods of paid study leave or periods during which a student or Australian Apprentice was under a training agreement or in receipt of educational assistance (such as teacher scholarships or ABSTUDY Living Allowance) will not usually be included in the workforce requirement period.

Periods during which a student or Australian Apprentice undertook academic studies at the Australian Defence Force Academy (ADFA) in Canberra cannot be counted. However, periods of military training in the academic vacations may be counted.

Periods of industrial experience forming part of a student's or Australian Apprentice's course may be counted if normal wages are paid (but periods of industrial training for which ABSTUDY Living Allowance is paid are not).

#### 38.4.2.7 Sporting activities

Periods spent training for and playing sport are not counted, even though the person may have received some remuneration from a sporting club, unless:

- the student or [Australian Apprentice](#) was a professional sportsperson, and
- the sporting activity was his/her occupation.

The sporting activity must be the person's primary occupation. Someone who plays for a local club, trains during the week and receives match fees for a game cannot be said to be a professional sportsperson.

#### 38.4.2.8 Unemployment while overseas

Periods while a student or [Australian Apprentice](#) was overseas but not in full-time employment are not counted.

#### 38.4.2.9 Periods in self-development and adventure programs

Periods that a student or [Australian Apprentice](#) spent as a participant in a youth self-development program (such as the Duke of Edinburgh's Award Scheme or Operation Rally) are not counted for independent status purposes. This applies even if:

- all upkeep is provided by the program involved, and

- some community services are performed.

## 38.5 Previous Lawful Custody

### 38.5.1 Previous Lawful Custody

Students or [Australian Apprentices](#) are considered to have independent status if they are either secondary students aged 18 years or older or tertiary students, and were previously, for a six month cumulative period or more, in lawful custody at:

- a corrective institution, or
- a remand centre, and/or
- a youth training centre.

## 38.6 Orphanhood

A student or [Australian Apprentice](#) is considered to have independent status if s/he is 15 years of age or older and an orphan.

A student or Australian Apprentice is considered to be an orphan where of his/her natural, or, adoptive, or relationship parents are either:

- dead, or
- missing and presumed dead.

**Note:** If a student's or Australian Apprentice's parent has been missing (whose whereabouts is unknown) for not less than seven years, under common law the parent may be presumed dead. State or Territory laws may vary the length of time and/or conditions under which a person may be presumed dead.

## 38.7 Special Adult Status

A student or [Australian Apprentice](#) is considered to have independent status if the student is 15 years or older and has special adult status in an Aboriginal/Torres Strait Islander community that follows a lifestyle based on adherence to traditional coming-of-age ceremonies. Such ceremony is to have been sanctioned by recognised Aboriginal or Torres Strait Islander elders of that community.

Communities that follow this lifestyle will only be recognised for ABSTUDY purposes in the Northern Territory, Queensland, South Australia and Western Australia.

To be eligible, the student's or Australian Apprentice's:

- permanent home must be in the traditional community;
- must be required to live independently of family once they have achieved special adult status; and
- must be living independent of the family home at the time of assessment for ABSTUDY.

## Chapter 39 - Reviewable Independent Status

This topic covers the provisions for approval of reviewable independent status.

### 39.1 Student or Australian Apprentice has a De Facto Partner

A student or [Australian Apprentice](#) is considered to have reviewable independent status if s/he has reached the age of consent within his/her State/ Territory and currently has lived in a de facto relationship (different or same-sex) that is of at least six months' duration.

### 39.2 Care or Custody of Child

A student or [Australian Apprentice](#) is considered to have independent status if s/he currently has the care or custody of another person's [dependent child](#).

### 39.3 Parents Cannot Exercise Parental Responsibilities

A student or [Australian Apprentice](#) is considered to have reviewable independent status where:

- s/he is 15 years of age or older, and
- his/her [parent/s](#) are (or if the student or Australian Apprentice has only one parent, that parent is):
  - serving a prison sentence, or
  - mentally incapacitated and likely to be so for an indefinite period, or
  - living in a nursing home or similar institution and likely to be there for an indefinite period, or
  - missing (and all reasonable attempts to locate or contact them have failed).

### 39.4 Returning to an Indigenous community

A student or [Australian Apprentice](#) is considered to have reviewable independent status if s/he is 16 years of age or over and has returned to live in an Indigenous community after having been adopted or fostered by a non-Indigenous family for more than two years. Independent status approved on the basis of returning to the home community may be withdrawn if the student or Australian Apprentice reverts to adoptive, foster or another form of State Care.

### 39.5 Unreasonable to Live at Home

See [Chapter 40](#) for the approval criteria for reviewable independent status on the basis that it is unreasonable for the student or [Australian Apprentice](#) to live at home.

## Chapter 40 - Unreasonable to Live at Home

This chapter details the eligibility criteria for independent status on the basis that it is unreasonable for the student or [Australian Apprentice](#) to live at home.

### 40.1 Overview of Unreasonable to Live at Home (UTLAH) Provisions

The Unreasonable to Live at Home (UTLAH) (also known as Homeless Rate) provisions are intended to assist students or [Australian Apprentices](#) who may be at risk of giving up their studies or apprenticeship, traineeship or trainee apprenticeship because of traumatic family

circumstances. This provision recognises that there are situations where students or Australian Apprentices face serious physical or mental harm in the family home. It gives such students or Australian Apprentices the opportunity to continue in their studies or Australian Apprenticeship after they have moved to a safer, more stable environment. The provision is for students or Australian Apprentices who cannot reasonably remain at home and therefore must live independently for the sake of their wellbeing.

The provision is not intended to encourage students or Australian Apprentices to leave home nor to encourage parents to cease contributing towards their children's education. It is not a means for students or Australian Apprentices to choose to leave home so that they can get a higher rate of ABSTUDY.

## 40.2 Eligibility for Independent Status – Unreasonable to Live at Home

A student or [Australian Apprentice](#) may qualify for reviewable [independent status](#) on the basis that it is unreasonable that s/he live at home, if:

- s/he is of school leaving age in the particular State or Territory or at least 16 years of age, and
- s/he cannot live at the home of her/his natural, adoptive, or relationship parents, either:
  - because of [extreme family breakdown or other similar exceptional circumstances](#), or
  - because to do so would cause [serious risk](#) to her/his physical or mental well-being due to violence, sexual abuse or other similar unreasonable circumstance, or
  - because the [parents are unable to provide the student or Australian Apprentice with a suitable home](#) owing to a lack of stable accommodation,

and

- s/he is not receiving continuous financial or other support, directly or indirectly, from either:
  - a parent of the student or Australian Apprentice, or
  - another person who is acting as the student's, or Australian Apprentice's guardian on a long-term basis,

and

- s/he is not receiving a regular government payment of welfare or student assistance (other than ABSTUDY or a social security payment), or
- s/he is NOT considered to be in State care (see [Chapter 45.1.2](#))

### 40.2.1 Natural, adoptive or relationship parents

Eligibility for independent (UTLAH) status is determined in relation to the student's or [Australian Apprentice's](#) natural (i.e. birth) parent/s, legally/traditionally adoptive parent/s, or relationship parent/s.

Where the student's or Australian Apprentice's natural, legally/traditionally adoptive, or relationship parent/s live in separate households, the student or Australian Apprentice must satisfy the UTLAH criteria in relation to each household.

## 40.2.2 Approval of Independent (UTLAH) status

Approval of independent (UTLAH) status may be backdated to the date the student or [Australian Apprentice](#) started living away from the parental home, provided that the student or Australian Apprentice had reached minimum school leaving age and was otherwise eligible for ABSTUDY.

## 40.3 Financial or Other Support from Parent or Long-term Guardian

### 40.3.1 Continuous support from a parent

A student or [Australian Apprentice](#) cannot be approved for independent (UTLAH) status if s/he is receiving continuous support from a natural, adoptive or relationship parent.

### 40.3.2 What is continuous support?

'Continuous' is not tied to any specific period of time, nor to a specified amount or type of support. Continuous support must have a regularity or stability that enables the student or [Australian Apprentice](#) to have a reasonable expectation that it will be received. Consideration should be given to the nature and intention of the support, that is, whether it is continuous rather than emergency in nature and intent, and whether it shows on-going concern for the student or Australian Apprentice.

#### 40.3.2.1 Examples of continuous support

These include:

- regular payments (eg, weekly, fortnightly, monthly, annually), regardless of the amount, and/or
- payments made in advance for, eg, school fees, HECS or rent, and/or
- regular payments for certain items, eg, car registration/maintenance, mobile phone upkeep, text books, student and sporting fees, and/or
- regular provision of food, meals, services such as laundry, use of a family car, and/or
- use of accommodation owned, leased or rented by a parent, or where a parent holds the lease and/or has paid the bond for the student's or [Australian Apprentice's](#) accommodation.

### 40.3.3 Indirect support from a parent

Independent (UTLAH) status cannot be approved where a parent provides continuous support for the student or [Australian Apprentice](#) on an indirect basis. This includes where parents arrange for assistance to be provided through a third party or organisation.

#### 40.3.3.1 Examples of indirect support

These include:

- employing the student or [Australian Apprentice](#) in a family business, and/or
- leasing or subsidising accommodation for the student's or Australian Apprentice's use, and/or
- accepting education or other subsidies from the parent's employer on behalf of the student or Australian Apprentice.

### 40.3.4 Court-ordered maintenance

Court-ordered child support of less than \$50 per week from a parent is not treated as continuous support.



## 40.4 Income support from the Commonwealth, State or Territory

A student or [Australian Apprentice](#) cannot be approved for independent (UTLAH) status if s/he is receiving income support (other than ABSTUDY or a social security benefit) on a continuous basis from an Australian Government Department or an instrumentality of a State or Territory.

### 40.4.1 What is continuing income support?

Income support is defined as payments received directly or indirectly by the student or [Australian Apprentice](#) that are intended to meet, or to assist in meeting, his or her general living costs regardless of whether they are adequate for this purpose. Such payments can be considered to be continuing where they are received on a regular basis and the student or Australian Apprentice has a reasonable expectation that they will be available for a reasonable period of time.

Support provided on an emergency or temporary basis is not considered to be continuing income support.

## 40.5 Situations Not Considered Unreasonable to Live at Home

The following situations, in themselves, do not allow independent status to be approved on the basis that it is unreasonable for the student or [Australian Apprentice](#) to live at home:

- the parents have divorced or separated, or
- the young person chooses to live independently, or
- the family consider the young person to be independent, even when this is due to deeply held cultural or religious beliefs OR they claim they cannot afford to support the young person, or
- the parents move to a new location, including overseas.

## Chapter 41 - Extreme Family Breakdown and Other Circumstances

This chapter details the assessment of independent (UTLAH) status on the basis of extreme family breakdown and other similar exceptional circumstances.

### 41.1 What is Extreme Family Breakdown?

For the purposes of independent (UTLAH) status, family breakdown may be due to various causes but must be extreme. Family breakdown must be considered in the context of the whole family situation, and must establish circumstances where it is unreasonable to expect the person to remain in that family environment. The existence of ongoing conflict alone is insufficient grounds to grant independence under this criterion.

Factors that may indicate extreme family breakdown include:

- one or more members of the family are experiencing documented behavioural and/or health problems which can be attributed to the breakdown of the family relationship, or
- the young person's substance abuse and/or anti-social behaviour is so extreme that specialised intervention has been unsuccessful and it is beyond reasonable expectations for the parent(s) to have the capacity to resolve the situation, or
- evidence that the emotional or physical well-being of the young person or another family member would be jeopardised if the young person were to live at home, or

- unsuccessful attempts have been made to resolve the issue(s), for example through counselling or mediation.

#### 41.1.1 Parents refuse to allow young person to live at home

If [parents](#) refuse to allow the student or Australian Apprentice to live at home, this does not constitute 'extreme family breakdown' unless there is evidence of extreme and enduring family conflict. This applies particularly if the young person has provoked the response from parents by unwillingness to meet reasonable expectations.

### 41.2 What Are Other Similar Exceptional Circumstances?

Situations that constitute 'other similar exceptional circumstances', or that are similar to extreme family breakdown cannot be defined. The following list provides some examples:

- criminal activity or substance abuse by the parents, or
- severe neglect, where adequate food, clothing, shelter, hygiene, medical attention and supervision is not being provided, or
- extreme and abnormal demands placed on the young person.

## Chapter 42 - Serious Risk

This chapter details the assessment of Independent (UTLAH) status on the basis of serious risk to the student or Australian Apprentice.

### 42.1 What is Serious Risk?

Independent (UTLAH) status may be approved where the student or [Australian Apprentice](#) cannot live at home because to do so would cause serious risk to the student's or Australian Apprentice's physical or mental wellbeing.

Indicators of serious risk to the student's or Australian Apprentice's physical or mental wellbeing include sexual, physical or psychological abuse.

The claimant need not be the victim of the abuse. It would usually be accepted as unreasonable to expect the claimant to live in a home where other household members have been or are being subject to such abuse.

Where the threat to the person comes from someone outside the family home, such as from a neighbour, serious risk is established after all attempts to avoid the abuse have been made, without success, and the young person has been forced to move.

## Chapter 43 - Parents Unable to Provide a Home

This chapter details the assessment of Independent (UTLAH) status on the basis that the student's or [Australian Apprentice's](#) parents are unable to provide a home.

## 43.1 When Parents Cannot Provide a Home

Independent (UTLAH) status may be approved where [parents](#) are unable to provide a suitable home because they lack stable accommodation themselves.

If the lack of stable accommodation is a temporary situation resulting from choices made by the parent, then this would NOT meet the 'unable to provide a home' provision. Parents are assumed to have some choice about their accommodation, and this includes taking responsibility for ensuring their children can live with them.

**Example:** Inadequate housing, unsuitable locations, moving to another town and travelling are all areas in which parents would have some choice about accommodation.

## Chapter 44 - Assessment of Unreasonable to Live at Home

This chapter outlines the assessment of cases where independent status is sought on the basis that it is unreasonable for the student or [Australian Apprentice](#) to live at home.

### 44.1 Mandatory Procedures in Assessment of UTLAH

All assessments for independent status on the basis that it is unreasonable for the student or [Australian Apprentice](#) to live at home must follow a number of mandatory procedures.

The mandatory procedures are as follows:

- personal contact with customers,
- contact with parents unless:
  - the young person refuses permission, or
  - if contact with the parent presents a severe risk to the young person or others such as siblings, or
  - it has been verified that there has been no parental concern for at least the past 2 years,
- independent third party verification of the circumstances claimed (e.g. grandparents, school counsellors, religious leaders), AND
- privacy provisions governing the release of information about homeless customers where this is in the public interest.

There are additional mandatory procedures for students or Australian Apprentices under 18 years of age:

- referral under the Youth Protocol as set out in the Commonwealth/State/Territory Youth Protocol requirements, and
- referral to a Reconnect Service where available and appropriate, and
- intensive follow up of all UTLAH customers identified through the social work assessment as being at high risk.

### 44.2 Assessment for Under-18 Year Olds

All assessments of eligibility for independent status based on UTLAH provisions for students or [Australian Apprentices](#) aged less than 18 years will always be conducted by a Centrelink social worker. This assessment must include the following:

- referral for appropriate support, including to relevant government and community facilities,
- assessment of whether the young person can be regarded as independent under ABSTUDY Policy, AND
- ongoing social worker contact with severely disadvantaged or vulnerable people, especially those aged under 16 years.

### 44.3 Assessment for Over-18 Year Olds

Assessment of independent status based on UTLAH provisions for students or [Australian Apprentices](#) aged 18 years or older will generally be conducted by a Centrelink social worker.

### 44.4 Release of Information under the Student Assistance Act

The *Student Assistance Act 1973* allows for the release of student or [Australian Apprentice](#) information in certain circumstances. The most relevant of these to assessment of independent (UTLAH) status are that information may be released:

- if authorised by the student or Australian Apprentice (paragraph 355(1)(d), or
- in the public interest and certified by a delegate that the release is in accordance with Ministerial Guidelines (paragraph 355(1)(a), or
- where the Secretary has authorised the release to other Australian Government Departments for their administrative purposes (paragraph 355(1)(b)).

## Chapter 45 - Students or Australian Apprentices in State Care

### 45.1 Student or Australian Apprentice in State Care

A student or [Australian Apprentice](#) is considered to be in State Care if:

- s/he is not living with a [parent](#), and
- s/he is in the guardianship, care or custody of a court, a Minister, or a Department of either the Australian, State or Territory Government, or
- there is a current direction from a court, Minister or Department placing the student or Australian Apprentice in the guardianship, care or custody of someone who is NOT the student's or Australian Apprentice's parent, or
- the student or Australian Apprentice stopped being in one of the above situations only because of their age.

A student or Australian Apprentice under a court, Ministerial or Departmental order or direction is considered to be in state care regardless of their legal guardianship status.

**Note:** In general, States and Territories provide for the upkeep of children in their care until the child is 16 years old. State and Territory Governments retain a welfare responsibility for young people in state care.

#### 45.1.1 Not considered to be in State Care

Where a student or [Australian Apprentice](#) has left the carer's home to live in a government funded or subsidised refuge or residential care facility and the State/Territory Welfare Department has not accepted ongoing responsibility for the student or Australian Apprentice, the student or Australian Apprentice is not considered to be in State Care.

### 45.1.2 Independent rate

The independent (homeless) rate of Living Allowance may be paid if the student, who was formerly in State Care, has reached the minimum school leaving age, has left the carer's home to live in a government funded or subsidised refuge or residential care facility and the State/Territory Welfare Department has not accepted ongoing responsibility for the student or Australian Apprentice.

## 45.2 Allowances and Benefits

A student in State Care is eligible for:

- [Schooling B Award](#) or [Tertiary Award](#) or [Masters and Doctorate Award](#), including ABSTUDY [Living Allowance](#), if either:
  - s/he has reached the minimum school leaving age, or
  - s/he is under the minimum school leaving age but meets the criteria for Away from Home entitlements, or
- [Schooling A Award](#), including School Term Allowance and School Fees Allowance, if s/he is under the minimum school leaving age.

An [Australian Apprentice](#) in State Care is eligible for ABSTUDY Tertiary Award, if either:

- s/he has reached the minimum school leaving age, or
- s/he is under the minimum school leaving age but meets the criteria for Away from Home entitlements.

### 45.2.1 Exemption from Parental Means Test

Where a student or [Australian Apprentice](#) is in State Care, s/he is exempt from the ABSTUDY [Parental Means Test](#).

## 45.3 Rate of Living Allowance

Where a student or [Australian Apprentice](#) in State Care is entitled to receive Living Allowance, it is paid at the following rates:

- if the carer receives a regular foster care allowance for the student's or Australian Apprentice's upkeep, the standard rate of Living Allowance is payable, or
- if the carer does not receive a regular foster care allowance, the Away from Home rate of Living Allowance is payable.

The above applies even where a student or Australian Apprentice meets the criteria for Away from Home entitlements set out in [Chapter 25](#).

### 45.3.1 Does the carer receive a regular foster care allowance?

The carer will be considered to be receiving a regular foster care allowance where they receive either:

- a regular foster care allowance, or
- an allowance which is intended directly for the student's or Australian Apprentice's upkeep or personal use (eg, regular Adolescent Community Placement or Placement Provider Reimbursement payments made directly or indirectly by the Victorian Government).

However, where the authority pays the carer directly to compensate for extra costs involved in caring for the student or [Australian Apprentice](#), eg, setting up a bedroom or repairing damage done

by the student or Australian Apprentice, the carer is not considered to be receiving a regular foster care allowance.

### 45.3.2 Fifteen-year-old students or Australian Apprentices

Where a fifteen-year-old student or [Australian Apprentice](#) in State Care is entitled to Living Allowance, s/he is paid at the aged 16-17 year old rate of Living Allowance. [See the Guide to Australian Government Payments for details.](#)

## 45.4 Payees

In general, students or [Australian Apprentices](#) who qualify for ABSTUDY under this provision receive their allowances direct, or where a student attends a boarding school, some or all of the payments are made to the institution. The carer does not receive payments on the student's or Australian Apprentice's behalf.

However, the authority may request that payment be made direct to the care giver or a person nominated by the student or Australian Apprentice, if:

- the relevant government authority or an organisation approved by that authority believes that payment of allowances direct to younger students or Australian Apprentices could jeopardise the student-carer or Australian Apprentice-carer relationship, or
- it is determined that the student or Australian Apprentice is unable to manage his/her own finances, eg, a student in a special school.

## **Part VI Study Requirement**

### **Chapter 46 - Introduction to Study Requirements**

This chapter provides an outline of the study requirements for ABSTUDY entitlements.

#### **46.1 General Study Requirements for ABSTUDY Assistance**

To be eligible for ABSTUDY assistance, a student or [Australian Apprentice](#) must be either:

- enrolled in an [approved course](#) at an [approved education institution](#); or
- undertaking an approved Testing and Assessment activity to determine their suitability to undertake an [approved course](#); or
- undertaking a full-time apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeships Scheme.

For students to be eligible for the full range of ABSTUDY Awards, the course must also be approved as a [full-time course](#). Where a course can only be approved as a [part-time course](#), the [Part-time Award](#) is payable.

Australian Apprentices must have a current [Commonwealth registration number](#) in relation to their [full-time apprenticeship](#), traineeship or trainee apprenticeship.

The policy regarding approved education institutions, approved courses, full-time courses, and the determination of whether a course is secondary or tertiary is addressed in [Chapter 11](#) Approved Courses of Study.

The provisions where a student or New Apprentice may be entitled to ABSTUDY Living Allowance prior to or following a period of enrolment in an approved course or while undertaking their apprenticeship, traineeship or trainee apprenticeship, i.e. during vacation periods, are set out in [Chapter 73 Living Allowance Entitlement Periods](#).

#### **46.2 Specific Study Requirements for ABSTUDY Awards**

There are further specific study requirements depending on, firstly, the ABSTUDY Award for which the customer is applying, and secondly, the level of study being undertaken.

##### **46.2.1 Schooling A and Schooling B Awards**

The specific study requirements for the Schooling A and Schooling B Awards are dependent upon the level of study being undertaken.

To qualify for the [Schooling A Award](#), a primary or secondary school student must either:

- study a [full-time study-load](#); or
- qualify for a [study-load concession](#).

To qualify for the [Schooling B Award](#), a primary or secondary school student must:

- either:
  - study a full-time study-load; or
  - qualify for a study-load concession; and

- meet the [attendance requirements for secondary school students](#).

To qualify for the [Schooling A](#) or [Schooling B](#) Awards, a secondary non-school student must:

- either:
  - be enrolled in a [full-time study-load](#); or
  - qualify for a [study-load concession](#); and
- be [considered to be undertaking the course by the institution](#); and
- complete the course within a [reasonable time](#).

## 46.2.2 Tertiary and Masters & Doctorate Awards

To qualify for the [Tertiary](#) or [Masters and Doctorate Awards](#), a tertiary student (including those studying at Masters or Doctorate level) must:

- either:
  - be enrolled in a [full-time study-load](#); or
  - qualify for a [study-load concession](#); and
- be [considered to be undertaking the course by the institution](#); and
- complete the course within a [reasonable time](#).

In addition, a student undertaking study at a Bachelor, Masters or Doctorate level, must not have exceeded the limits of assistance for degree courses.

### 46.2.2.1 Australian Apprentices under the Tertiary Award

To qualify for the Tertiary Award [Australian Apprentices](#) must:

- be undertaking a [full-time apprenticeship](#), traineeship or trainee apprenticeship; and
- have a current [Commonwealth Registration Number](#).

### 46.2.3 Part-time Award

In order to qualify for the [Part-time Award](#), a student must be enrolled in and undertaking a part-time study load. There is no minimum study-load requirement for the Part-time Award.

Tertiary and secondary non-school students must also meet the [progress rules](#) to qualify for the Part-time Award.

Australian Apprentices are not eligible to access entitlements under the ABSTUDY Part-time Award where the claim for entitlement relates to their Australian Apprenticeship. Australian Apprentices may only be entitled to assistance under ABSTUDY if they are undertaking their apprenticeship, traineeship or trainee apprenticeship on a [full-time basis](#).

### 46.2.4 Lawful Custody Award

In order to qualify for the [Lawful Custody Award](#), a student can be studying either a full-time or part-time study-load. There is no minimum study-load requirement for the Lawful Custody Award.

Australian Apprentices must be undertaking a [full-time apprenticeship](#), traineeship or trainee apprenticeship to qualify for the Lawful Custody Award.

Tertiary and secondary non-school students must also complete the course within a [reasonable time](#) to qualify for Lawful Custody Award.



## 46.2.5 Testing and Assessment Award

In order to qualify for the [Testing and Assessment Award](#), customers must be undertaking an approved Testing and Assessment activity to determine their suitability to study an approved course.

There are limits on the number of Testing and Assessment programs a customer can be assisted to attend each year. See [94.3](#) for details.

An [Australian Apprentice](#) may be eligible to access ABSTUDY entitlements under the Testing and Assessment Award to undertake an approved [Testing and Assessment](#) activity to determine their suitability to study a course in the future that is not related to their Australian Apprenticeship.

## Chapter 47 - Study-load Requirements

This chapter provides information about the ABSTUDY study-load requirements and the assessment of study-load.

### 47.1 Study-load Requirements

In order to qualify for the [Schooling A](#), [Schooling B](#), [Tertiary](#) or [Masters and Doctorate](#) Awards, a student must either:

- study a full-time study-load or
- qualify for a [study-load concession](#).

The provisions for approving a study-load concession are set out in [Chapter 48 Study-load Concessions](#).

The definition of what it means to study a full-time study-load depends on whether the student is undertaking:

- secondary school studies (or Primary school studies for students aged 14 years or over at 1 January of the study year);
- secondary non-school or Tertiary level studies; or
- Masters and Doctorate studies.

### 47.2 Full-time Study-load for a Secondary School Student

Secondary school students are considered to be studying a full-time study-load if they:

- attend school daily;
- do not attend school daily but the school advises that the student is studying a full-time study-load; or
- do not attend school daily but undertake home-based schooling where:
  - the student has been approved by the relevant State/Territory education authority to study course work at home; and
  - the authority confirms that the study is full-time and conforms with, and will be accredited towards, the secondary qualification accredited by that authority; or
- do not attend school daily but study course work at home where:
  - the student is formally registered at a secondary school; and
  - the course work is set by the school; and
  - the student is undertaking a workload deemed to be full-time by the school; and

- the student is supervised regularly by the school; and
- the study mode is approved by the school. This study mode will only be approved because of injury, illness or other circumstances beyond the student's control; or
- do not attend school daily but meet the requirements of their school programme as determined by the secondary school, e.g. modified school programme aimed at high-risk students or students with a disability or health-related condition.

The above study-load requirements also apply to primary school students aged 14 years or over at 1 January of the school year.

#### 47.2.1 Secondary school studies at more than one institution

A secondary school student may study at more than one institution, providing her/his total study-load is full-time.

#### 47.2.2 School students who are also undertaking Vocation and Technical Education (VTE) studies

Secondary school students who attend a Vocation and Technical Education institution for one or more days a week as part of their secondary school requirements, including students participating in a school-based [apprenticeship/traineeship](#), are considered to be undertaking full-time secondary school studies for ABSTUDY purposes.

### 47.3 Full-time Study-load for a secondary non-school students and students studying Vocation and Technical Education courses

The normal study-load for secondary non-school courses and Vocation and Technical Education courses is the normal study programme as set down in course documentation. Students who are enrolled in at least three-quarters (75%) of the normal full-time study-load for any given enrolment period are regarded as full-time students for that enrolment period.

### 47.4 Full-time Study-load for a Tertiary Student at a Higher Education Institution

A higher education student is to be considered to be undertaking a full-time study load over a particular study period if they meet at least one of the following criteria:

1. The student has an aggregated Equivalent Full Time Study Load (EFTSL) of at least 0.375 allocated to a particular half-year period. The half-year periods are 1 January to 30 June and 1 July to 31 December.
  - Where the student is undertaking a subject/unit that begins and ends in the same half-year period, the EFTSL weighting is allocated to that half-year period.
  - Where the person is undertaking a subject/unit that begins and ends in different half-year periods, the EFTSL weighting may be allocated to either half-year period, depending upon which alternative provides the most beneficial outcome for the student.

**OR**

2. The student is undertaking at least  $\frac{3}{4}$  of the normal full-time study load for a shorter period of enrolment (e.g. summer school), where the institution can define a full-time study load for that period.

**OR**

3. The student has an aggregated EFTSL of at least 0.750 over the calendar year where either:
- the institution's normal period of enrolment is a year; or
  - the student is undertaking a year-long subject/unit within their course of study.

Where a student is undertaking a subject/unit that begins and ends in different half-year periods, or different calendar years, or in separate shorter periods of enrolment, the EFTSL weighting may be allocated to whichever half-year period or calendar year or shorter period of enrolment provides the most beneficial outcome for the student.

Provided that the student meets **any one** of these criteria at any given point in time, they should be considered to be a full-time student for the length of the course (and through the period of study break if they meet the criteria for remaining a full-time continuing student). It is possible for an individual student to meet more than one of these definitions of full-time study load at any one point in time.

In all three scenarios, the “particular study period” is taken to start from the earliest commencement of the first subject/unit that is included in the study load and ends at the conclusion of the latest subject/unit that is included in the study load.

The “additional period” for allowable/reasonable time purposes is also taken to start from the earliest commencement of the subject/unit that is included in the study load and ends at the conclusion of the latest subject/unit that is included in the study load.

#### 47.4.1 Withdrawal from study before or after the census date

A student who withdraws from or ceases studying in a unit of study after the census date for that unit of study decreases her/his study-load by that unit of study's EFTSL value from the date of withdrawal or cessation, irrespective of whether the student remains liable for the student contribution amount or HECS-HELP debt associated with that unit of study.

A student who withdraws from a unit of study before the unit of study census date and who undertook, and was enrolled in, the unit of study is considered to be undertaking that unit of study until the date of withdrawal.

**Note:** A student becomes liable to pay student contributions on the census date for each unit of study in which the student is enrolled.

### 47.5 Full-time study-load for Masters and Doctorate level study

Students studying a Masters or Doctorate course are considered to be studying a full-time study-load if they meet the requirements of the university for studying full-time in the particular Masters or Doctorate course being undertaken, or the workload provisions at 47.4 are met.

## 47.6 Enrolment in more than one course at one or more institutions

A student may be eligible for ABSTUDY to study more than one course at one or more institutions in certain circumstances. Where the student is undertaking a full-time or [concessional study-load](#) in at least one of those courses, ABSTUDY is payable under normal study-load provisions.

ABSTUDY is also payable under the normal study-load provisions for students undertaking a single course at different campuses of the same institution.

However, if the study-load in the additional course(s) needs to be considered in order for the student to meet a full-time or concessional study-load, then studies in the other course(s) can be counted for study-load purposes only where:

- the institution(s) and course(s) are approved for ABSTUDY; and
- either:
  - the subjects are recorded as part of the enrolment in the first course; or
  - the student provides evidence that the subjects will be counted towards the approved course on completion (eg a statement from the main institution that the results will be recognised towards the student's main course).

A student cannot add together workloads in subjects that do not form part of an approved course, unless the above dot points apply.

## 47.7 Australian Apprenticeships

### 47.7.1 Full-time study-load for Australian Apprenticeships

Australian Apprenticeships combine practical work with structured training to give a nationally recognised qualification and work experience.

Australian Apprenticeships are covered by formal agreements known as either "Training Agreements" or "Contracts of Training". These agreements set out the training and supervisions an employer must provide for the [Australian Apprentice](#) as well as their obligations as an Australian Apprentice. The agreements are registered with the relevant State/Territory Training Authority.

Training can be delivered on-the-job, off-the-job, or a combination of both. Off-the-job training must be conducted with TAFE colleges, business colleges or other approved training providers.

For Australian Apprentices to qualify for ABSTUDY entitlements they must be undertaking their apprenticeship, traineeship or trainee apprenticeship on a [full-time basis](#) as determined by DEEWR.

### 47.7.2 Full-time study-load for AAAP courses

Australian Apprenticeships Access Programme (AAAP), or generically approved courses, should be considered to have nominal class contact of 20 hours a week. This value should then be used as the benchmark for assessing the study-load for a AAAP participant.

## 47.8 Not counted for study-load purposes

The following are not counted for the purposes of assessing study-load:

- subjects, units or points credited for work done previously;

- subjects in which the student is not currently enrolled; and
- tutorial assistance sessions funded under the DEEWR Indigenous Tutorial Assistance Scheme ([ITAS](#)).

## Chapter 48 - Study-load Concessions

In certain circumstances, a study-load concession can be approved so that student can meet the study-load requirements for ABSTUDY where studying less than a full-time study-load. This chapter discusses these study-load concessions.

### 48.1 Study-load concessions

A primary or secondary school, secondary non-school, tertiary, or Masters and Doctorate level student can be considered a concessional study-load student in the following circumstances.

- [disability \(25%\) concessional study-load](#); and
- [25% concessional study-load for the purposes of ABSTUDY PES](#).

A secondary non-school, tertiary, or Masters and Doctorate level student can be considered a concessional study-load student in the following circumstance:

- [two-thirds \(66%\) concessional study-load](#).

Where a study-load concession has been approved, a student's concessional study-load will be assessed against the normal full-time study-load for their course, as set out in [Chapter 47 Study-load Requirements](#).

#### 48.1.1 Evidence supporting claims for study-load concession

As determined by Centrelink, evidence may be required to support a student's claim for a study-load concession.

### 48.2 Two-thirds (66 per cent) concessional study-load students

A secondary non-school, tertiary or Masters and Doctorate level student may be considered a two-thirds concessional study-load student if:

- s/he is enrolled in at least two-thirds of the normal full-time workload for that course; and
- it is not possible to study 75per cent of the normal study-load because of one of the following:
  - the institution's normal requirements for the course; or
  - a specific direction in writing from the academic registrar or an equivalent officer; or
  - a recommendation in writing from the academic registrar or equivalent officer, for academic or vocational reasons. The institution does not have to specify the reasons on which the recommendation is based.

Study-load requirements cannot be reduced for academic or vocational reasons for more than one semester or half of the academic year.

### 48.3 Disability (25 per cent) concessional study-load students

A student may be considered a disability concessional study-load student if:

- s/he is enrolled in at least 25 per cent of the normal full-time study-load for that course; and
- s/he is unable to study under normal study-load requirements because of substantial physical, psychiatric or intellectual disability.

This concession is intended to be used beneficially in circumstances where a student is incapable of, or would face additional educational barriers or disadvantage through studying under normal ABSTUDY study-load requirements because of substantial physical, psychiatric or intellectual disability.

#### 48.3.2 Disability Support pensioner ceases to receive the pension

Where a recipient of Disability Support Pension ceases to receive this pension, s/he is considered to be eligible for the 25% disability concessional study-load for the remainder of the enrolment period, for the purposes of assessing eligibility for [Living Allowance](#).

### 48.4 25 per cent Concessional study-load students for the purposes of ABSTUDY PES

A student may be considered a concessional study-load student for the purposes of the ABSTUDY [Pensioner Education Supplement](#) (PES) if:

- s/he is enrolled in at least 25% of the normal full-time study-load for that course; and
- s/he is in receipt of one of the following income support payments as detailed below:
- One of the following Centrelink benefits:
  - Parenting Payment (Single);
  - Disability Support Pension;
  - Carer Payment;
  - Special Benefit (as a sole parent, if s/he has a [dependent child](#) under 16 years of age);
  - Widow B Pension (if s/he has a dependent child under 16 years of age);
  - Widow Allowance (if s/he has a dependent child under 16 years of age); or
- One of the following benefits from the Department of Veterans' Affairs:
  - Invalidity Service Pension;
  - Carer Service Pension;
  - Defence Widow/er Pension (if s/he has a [dependent child](#) under 16 years of age);
  - War Widow/er Pension (if s/he has a dependent child under 16 years of age).

A student who is qualified for ABSTUDY [PES](#), but whose circumstances are not listed above, may qualify for a two-thirds concessional study-load or a disability concessional study-load if s/he meets the provisions set out in [48.2](#) or [48.3](#).

#### 48.4.1 Pension ceases during the course of study

An ABSTUDY PES customer who ceases to be in receipt of one of the payments listed in 48.4 during an enrolment period can retain the 25% study-load concession until the end of that enrolment period for the purposes of assessing eligibility for [Living Allowance](#).

An ABSTUDY PES customer who ceases to be in receipt of one of the payments listed in 48.4 outside an enrolment period, that is, during a mid-year or long vacation, will need to meet normal study-load requirements from the start of the next enrolment period for the purposes of assessing eligibility for Living Allowance.

See also 48.3.2 for policy when a Disability Support pensioner ceases to be in receipt of that pension.

## Chapter 49 - Attendance requirements for secondary school students

This chapter discusses the attendance requirements for secondary school students, and the consequences if attendance requirements are not met.

### 49.1 Attendance requirements

In order to qualify for the [Schooling B Award](#), a secondary school student must participate in [full-time study](#).

The student must also meet the requirements of the [Activity Test](#) for secondary school students.

### 49.2 Activity Test

A secondary school student is considered to meet the Activity Test for ABSTUDY if s/he:

- either:
  - attends school on a daily basis; or
  - does not attend school daily but meets the relevant State/Territory education authority's requirements for home-based schooling; or
  - does not attend school daily but meets the school's requirements for study of course work at home; or
  - does not attend school daily but meets the attendance requirements of their school programme as determined by the school e.g. modified school programme for high risk students; and
- does not accumulate a total of more than five unapproved absences in a school term.

#### 49.2.1 Activity Test not applicable

The following secondary school students are not subject to an Activity Test:

- [Schooling A Award](#) students;
- students aged less than 16 years and in receipt of ABSTUDY Living Allowance, and
- students of any age who are approved for [Away from Home entitlements](#) who reside at a boarding school or hostel.

### 49.3 Absences

A secondary school student is considered to have an absence from school where s/he does not attend school on a day where attendance was required. There are two types of absences for secondary school students:

- [approved absence](#); and
- [unapproved absence](#).

#### 49.3.1 Approved absence

An approved absence is a period of absence that results from circumstances beyond the student or applicant's control, and is approved by the school as such.

#### 49.3.1.1 Absence due to transfer between schools

An absence of up to 10 days may be disregarded where it results from a transfer between schools.

#### 49.3.2 Unapproved Absences

Unapproved absences include full days of absence from classes in respect of which:

- either:
  - the Principal or delegate of the approved education institution certifies that the secondary school student has not been in attendance at the school for the day; or
  - the applicant informs Centrelink that the secondary school student has not been in attendance at the school for the day; and
- the secondary school student's absence was not approved by the education institution.

#### 49.3.2.1 Retrospective approval of absence

Where retrospective approval of an absence has been granted by the school, the secondary school student will be considered to have had an approved absence.

### 49.4 Extended Period of Absence

#### 49.4.1 Extended period of unapproved absence

If an education institution advises that a secondary school student has continuously failed to meet compulsory attendance requirements for a period in excess of two weeks without an acceptable reason, the secondary school student will be deemed to have discontinued full-time study. Refer to [73.3](#) to determine the date from which payments should be cancelled.

#### 49.4.2 Extended period of approved absence

Full-time secondary school students will retain their entitlement to ABSTUDY during extended periods of approved absence, unless they discontinue study.

#### 49.4.3 Subsequent resumption of study

If a secondary school student subsequently resumes after an extended period of unapproved absence, the provisions in [Chapter 73 Living Allowance entitlement periods](#) will apply unless the education institution retrospectively approves the period of absence.

#### 49.4.4 Retrospective approval of extended absence

Where retrospective approval for an absence has been granted the secondary school student will not be considered to have discontinued full-time study.

### 49.5 Absence due to Suspension or Expulsion

A secondary school student has no entitlement to [Living Allowance](#), [Rent Assistance](#), [Remote Area Allowance](#) or [Pharmaceutical Allowance](#) for a period during which s/he is expelled, suspended or excluded from school.

#### 49.5.1 Boarding school or hostel entitlement where student suspended or expelled

Where payments have been made to a boarding school or hostel on a term-in-advance basis, and the student is subsequently suspended or expelled, refer to [73.3.2](#) Discontinued boarding at a boarding school and [73.3.3](#) Discontinued boarding at a hostel to determine the effect of the suspension or expulsion upon the term-in-advance payment.



## 49.6 Penalties for Failure to Meet the Activity Test Requirements

### 49.6.1 Breaches

Where a student fails to meet the requirements of the Activity Test, a breach may be applied.

#### 49.6.1.1 First breach in a year

The first breach of the Activity Test occurs where a student has accumulated a total of more than five days of unapproved absences in a school term. Where this has occurred, the secondary school student **will be required** to enter into an ABSTUDY [Activity Agreement](#) in order to remain eligible for ABSTUDY.

#### 49.6.1.2 Second breach in a year

The second breach of the Activity Test occurs where a student has not complied with the terms of the Activity Agreement. Where a second breach has occurred, a penalty of 18% reduction of Maximum basic rate (Living Allowance) is applied for a period of 26 weeks.

#### 49.6.1.3 Third breach in a year

The third breach of the Activity Test occurs where a student has again not complied with the terms of the Activity Agreement. Where a third breach has occurred, a penalty of 24% reduction of Maximum basic rate (Living Allowance) is applied for a period of 26 weeks.

#### 49.6.1.4 Fourth and subsequent breaches in a year

The fourth breach of the Activity Test occurs where a student has still not complied with the terms of the Activity Agreement. Where a fourth (or subsequent) breach has occurred, a penalty of 100% reduction of Maximum basic rate ([Living Allowance](#)) plus add-ons (i.e. [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#)) is applied for a period of 8 weeks.

### 49.6.2 Concurrent Breach Penalties

If, at the time of the application of one of the breach penalties detailed in [49.4.1](#), the secondary school student is already subject to one or more pre-existing breach penalties, these penalties are served concurrently, with the greater penalty being applied. That is, subsequent penalties replace pre-existing penalties.

## 49.7 Activity Agreement

Where a secondary school student incurs the [first breach in a year](#) by accumulating unapproved absences totalling more than 5 days in a term, s/he must enter into an ABSTUDY Activity Agreement in order to retain eligibility for payments.

An Activity Agreement is a written commitment by the student to undertake agreed activities in order to retain his/her entitlement to ABSTUDY. These activities are formulated as an outcome of negotiations between the secondary school student and Centrelink. The activity agreement is designed to reaffirm the student's commitment to full-time study, and as such will take into account the student's individual circumstances and will be based on reasonable and achievable activities that will lead to educational outcomes. This will include a requirement that the student must participate in full-time study, including attendance at school where required.

### 49.7.1 Exemptions from requirement to enter Activity Agreement

A secondary school student may be exempt from the requirement to enter an Activity Agreement where:

- there are circumstances that make it unreasonable for the student to meet normal attendance requirements, for example, major personal crisis, homelessness, caring responsibilities, bereavement or confinement; and
- the school approves the student's exemption from normal attendance requirements.

## Chapter 50 - Requirement to Undertake the Course

### ABSTUDY Study Requirement: Chapter 50 - Requirement to Undertake the Course for Secondary (non-school), Tertiary and Masters and Doctorate students

This chapter discusses the requirement that secondary non-school, tertiary and Masters & Doctorate students undertake the course/s in which they are enrolled, and the circumstances in which payment can continue during periods of extended absence.

#### 50.1 Requirement to be undertaking the course

There are no specific attendance requirements for students under the [Secondary](#) (non-school), [Tertiary](#) and [Masters & Doctorate Awards](#), however, to qualify for these Awards, a secondary non-school, tertiary, and Masters and Doctorate level student must undertake the course in which s/he is enrolled.

A student is considered to be undertaking the course where s/he meets the institution's requirements in relation to attendance and submission of coursework. A student will be considered to be not undertaking the course where the institution advises that the student is not meeting the institution's requirements in relation to attendance and submission of coursework.

##### 50.1.1 Australian Apprentices

An [Australian Apprentice](#) under the tertiary award must be undertaking an apprenticeship, traineeship, trainee apprenticeship on a [full-time basis](#) under the Australian Apprenticeship Scheme. A "Training Agreement" or "Contract of Training" will be registered with the relevant State/Territory Training Authority and based on the information contained in the document, DEEWR will determine whether the Australian Apprentice is full-time. For an Australian Apprentice to be considered to be undertaking an apprenticeship, traineeship or trainee apprenticeship, they must also have a current [Commonwealth Registration Number](#).

#### 50.2 Extended periods of absence

A secondary non-school, tertiary, and Masters and Doctorate level student will continue to be regarded as a full-time (or [concessional study-load](#)) student during an extended period of absence of up to eight weeks provided they:

- remain enrolled by the education institution; and
- provide evidence, such as a medical certificate, that:
  - o states the nature of the condition leading to absence and confirms that the condition prevents the student from studying full-time; and

o confirms that the condition is of a temporary nature and states the date on which the period of incapacity commenced and the date on which the student is expected to be able to resume full-time study.

Students will be considered to have discontinued study at the end of the period as specified in the medical certificate unless they resume study or receive an additional extension as detailed below.

### 50.2.1 Additional extended period of absence

An additional period of extension of entitlement may be granted if:

- the student continues to remain enrolled in the course; and
- a further medical certificate is provided containing the information indicated under extended period above; and
- a statement is received from the institution's Academic Registrar, or equivalent officer, which states that, at the end of the expected period of incapacity, the student will be allowed to resume full-time study in the course.

Students will be considered to have discontinued study on the last day of the period specified in the second medical certificate if they do not resume full-time study on the following day. No further extension to the period of absence may be approved.

### 50.2.2 Australian Apprentice absences

An [Australian Apprentice](#) will continue to be regarded as a [full-time Australian Apprentice](#) during any periods of absence, as long as they are considered to:

- be undertaking an apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeship Scheme; and
- have a current [Commonwealth Registration Number](#) but does not include a person whose registration number is suspended.

As absences will normally be advised or negotiated with employers, Australian Apprentices will be considered to have continuing entitlement to ABSTUDY as long as they continue to meet all other relevant criteria. It is the responsibility of the Australian Apprentice to provide the employer with notification and any evidence regarding absences due to a medical condition or other requirements under their employment conditions. These requirements would normally be contained within the Australian Apprentices Training Agreement.

## Chapter 51 - Progress Rules from 1 July 2007

**Note:** As announced in the 2006-07 Budget, from 1 July 2007 students undertaking Certificate I and II level courses are subject to progress rules.

Students undertaking Certificate I and II level courses will be assessed under the policy outlined at Chapter 52 for the period up to and including 30 June 2007.

From 1 July 2007, all assessments are made in accordance with the policy outlined in this Chapter.

There are limits on the amount of study for which ABSTUDY is payable. This chapter outlines the progress rules that apply to ABSTUDY entitlements.

## 51.1 ABSTUDY Progress Rules

There are two aspects to ABSTUDY progress rules:

- [Reasonable time](#); and
- [Limits on duration of assistance for degree level courses](#).

### 51.1.2 ABSTUDY Awards subject to Progress Rules

Progress rules apply to students studying secondary non-school courses and tertiary level courses. The following ABSTUDY Awards are subject to progress rules:

- [Schooling A Award](#);
- [Schooling B Award](#);
- [Tertiary Award](#);
- [Masters and Doctorate Award](#);
- [Part-time Award](#); and
- [Lawful Custody Award](#)

ABSTUDY progress rules do not apply to Australian Apprenticeships.

## 51.2 Reasonable Time

The ABSTUDY reasonable time rules limit the length of time a student may receive ABSTUDY to study in a particular course. Where a student has reached or exceeded the reasonable time for study in a course, ABSTUDY is no longer payable.

### 51.2.1 Reasonable time for different courses

The table below defines what constitutes a reasonable time for different secondary non-school (including enabling/bridging courses) and tertiary courses (including Certificate courses).

If the course is...	then a reasonable time to complete the course is...
two years' duration or less	twice the normal course duration.
A course of more than two years' duration	the normal course duration plus two years.

### 51.2.2 Calculating reasonable time

The assessment of whether a student has reached or exceeded the reasonable time for study in a particular course involves a comparison of the reasonable time for that course with the length of time the student has studied in that particular course. All time spent in that course is taken into equal account, regardless of the study-load.

### 51.2.3 Study to be disregarded when calculating reasonable time

When calculating reasonable time, the following are disregarded:

- periods of study for which [Living Allowance](#) or [Pensioner Education Supplement](#) (PES) was not paid, regardless of the reason why these were not paid;
- periods of study in courses other than the one for which reasonable time is being calculated are not taken into account, and;
- studies undertaken more than 10 years before the year for which assistance is being claimed.

#### 51.2.4 When is reasonable time measured?

A student's eligibility under reasonable time rules is measured at the start of the academic year for which assistance is being sought, and at that time, the student must have studied less than the maximum time allowed.

Where a student is eligible under reasonable time rules at the start of the academic year, they remain eligible under reasonable time rules until the end of the academic year, even where reasonable time would have been met or exceeded during that year.

#### 51.2.5 Approval of an extension to reasonable time

A student's eligibility under the reasonable time rules may be extended by up to one year beyond the reasonable time duration specified in [51.2.1](#) if:

- the student's progress has been impeded by physical, psychiatric or intellectual disability or other circumstance beyond her/his control, and;
- the education institution recommends in writing that the student continues the course and indicates that the student is expected to complete the course in this year.

### 51.3 Limits of Assistance

The ABSTUDY limits of assistance rules limit the length of time a student may receive ABSTUDY to study Certificate I and II level courses, degree and Masters and Doctorate courses. When a student has met or exceeded the limits, ABSTUDY is no longer payable.

#### 51.3.1 Limits of assistance for courses

ABSTUDY assistance is limited to:

- four years of study for *any combination* of Statement of Attainment, Certificate I or II level courses; and
- one undergraduate Bachelor degree (including Honours, Masters qualifying year/s, combined degrees and/or prerequisite studies); and
- one of the following three options:
  - one degree at Master level and one degree at Doctorate level; or
  - two degrees at Masters level; or
  - two degrees at Doctorate level.

Limits of assistance rules do not apply to studies other than Statement of Attainment, Certificate levels I and II, Bachelor, Masters or Doctorate level courses.

#### 51.3.2 Calculating limits of assistance for Certificate I and II courses

Students undertaking Certificates I and/or II can receive ABSTUDY Living Allowance and/or PES for a maximum of four years in total, for any combination of Certificate I or II courses.

If, at the commencement of the year of claim, the length of time that the student has received ABSTUDY Living Allowance or PES for study at the Certificate I or II level is greater than or equal to four years, then the student is not eligible for further assistance.

#### 51.3.3 Calculating limits of assistance for Bachelor, Masters and Doctorate Courses

The assessment of whether a student has met or exceeded the limits of assistance is to include a comparison of the [reasonable time](#) for the course (plus any extension approved under 51.2.7) with

the length of time for which the student has received ABSTUDY [Living Allowance](#) or [Pensioner Education Supplement](#) for study at that study level.

If, at the commencement of the year of claim, the length of time that the student has received ABSTUDY Living Allowance or PES for study at that level is greater than or equal to the limit of assistance allowed for the second course, then the student is not eligible for further assistance.

#### 51.3.4 Study taken into account when calculating limits of assistance

When calculating the limit of assistance, all time spent in a course of the same study level for which ABSTUDY Living Allowance and/or PES was received must be declared and counted, regardless of the study-load.

## Chapter 52 - Progress Rules pre 1 July 2007

**Note: These progress rules only apply to assessments prior to 1 July 2007. From 1 July 2007 all students are subject to the progress rules at Chapter 51.**

This chapter outlines the progress rules that were previously chapters 51, 52 and 53.

Chapter 52 - This chapter discussed the ABSTUDY reasonable time rules, which limit the length of time a student may receive ABSTUDY to study in a particular course.

Chapter 53 - This chapter discussed the rules regarding assistance for degree courses, which limit the length of time a student may receive ABSTUDY to study at the Bachelor, Masters or Doctorate level.

### 51.1 ABSTUDY Progress Rules pre 1 July 2007

There are two aspects to ABSTUDY progress rules:

- Reasonable time; and
- Limits on duration of assistance for degree level courses.

### 51.2 Reasonable Time

Reasonable time rules limit the length of time a student may receive ABSTUDY to study in a particular course. Reasonable time rules apply only to students studying secondary non-school or tertiary level courses; the following ABSTUDY Awards are subject to these reasonable time rules:

- [Schooling A Award](#);
- [Schooling B Award](#);
- [Tertiary Award](#);
- [Masters and Doctorate Award](#);
- [Part-time Award](#); and
- [Lawful Custody Award](#)

Reasonable Time rules do not apply to [Australian Apprentices](#).

## 51.3 Limits on assistance for degree courses

The rules regarding assistance for degree courses limit the length of time a student may receive ABSTUDY to study at the Bachelor, Masters or Doctorate level. The limits on assistance for degree courses apply only to students studying a Bachelor degree, Masters degree or a Doctorate; the following ABSTUDY Awards are subject to these limits on the assistance available for degree courses:

- [Tertiary Award](#); and
- [Masters and Doctorate Award](#).

## 52.1 Reasonable time

Reasonable time rules limit the length of time that a student may receive ABSTUDY to study in a particular course. Where a student has reached the reasonable time for study in a course, ABSTUDY is no longer payable for that course.

The table below defines what constitutes a reasonable time for different secondary non-school and tertiary courses.

If the course is...	then a reasonable time to complete the course is...
two years' duration or less	twice the normal course duration.
a course of more than two years' duration	the normal course duration plus two years.

### 52.1.1 Reasonable time for NAAP courses

New Apprenticeships Access Programme (NAAP) courses run for a maximum of 26 weeks. Eligible ABSTUDY students can only be paid assistance for the actual duration of their course.

**Note:** Not all NAAP students will be required to study for the full 26 weeks.

## 52.2 Calculation of reasonable time

The assessment of whether a student has reached the reasonable time for study in a particular course involves a comparison of the reasonable time for that course with the length of time the student has studied in that particular course. All time spent in that course for which ABSTUDY was received is taken into equal account, regardless of the study-load, the time elapsed since that study was undertaken, and whether or not Australian Government assistance was received for that study.

### 52.2.1 Study not taken into account when calculating reasonable time

When calculating whether a student has reached the reasonable time for a particular course of study, periods of study in courses other than the one for which reasonable time is being calculated are not taken into account. Further more, study undertaken 10 years ago or more is not taken into account. Nor is study for which ABSTUDY was not paid.

## 52.3 When is reasonable time measured?

A student's eligibility under reasonable time rules should be measured when a student commences study for a year; at that date, the study undertaken by the student in that course must be less than the maximum time limit allowed. Where a student is eligible under reasonable time rules at the start of the academic year, a student is considered to remain eligible under reasonable time rules until the end of the academic year, even where reasonable time would have been reached during that year.

## 52.4 Approval of an extension to reasonable time

A student's eligibility under the reasonable time rules may be extended by up to one year beyond the reasonable time duration specified in 52.1 if:

- the student's progress has been impeded by physical, psychiatric or intellectual disability or other circumstance beyond her/his control; and
- the education institution recommends in writing that the student continues the course and indicates that the student is expected to complete the course in this year.

## 53.1 Limits of assistance

ABSTUDY assistance is normally limited to:

- one undergraduate Bachelor degree (including Honours, Masters qualifying year/s, combined degrees and/or prerequisite studies); and
- one of the following three options:
  - one degree at Master level and one degree at Doctorate level; or
  - two degrees at Masters level; or
  - two degrees at Doctorate level.

Limits of assistance rules do not apply to studies other than Bachelor, Masters or Doctorate level courses.

### 53.1.1 Prerequisite study

Where a previously completed degree course is either:

- a recognised prerequisite for entry to another degree course; or
- accepted as a prerequisite for entry to another degree course on the basis of an arrangement made with the institution that is specific to the student

then the previously completed degree course is disregarded for the purposes of calculating the limits of assistance for degree courses.

### 53.1.2 Professional admission courses

The Barristers or Solicitors Admission Board's course or other similar professional admission courses for graduates may be approved following completion of an undergraduate degree where it is an essential requirement for entry to the profession relevant to the completed undergraduate degree. Such courses may be completed in addition to the number of degree courses permitted under the limits of assistance rules.



### 53.1.3 Masters qualifying course

A Master's qualifying course can be a year of undergraduate study that is an alternative to the completion of an Honours year and enables entry to Masters or Doctorate study. The Masters Qualifying year is undertaken following the completion of an undergraduate pass degree, that is, a degree without Honours, so that a student can receive assistance to complete an Honours year or a Masters Qualifying course, but not both.

### 53.1.4 Limits of assistance for students continuing study in a degree course that commenced prior to 1998

Where a student is continuing study in a second or subsequent degree course that s/he commenced prior to 1998 and has been undertaking on a continuous basis since then, previous degree/s undertaken at that level may be disregarded for the purposes of determining eligibility under the limits of assistance rules. This exception applies until either:

- the student completes the degree course in question; or
- the student discontinues or defers studies.

## 53.2 Calculating limits of assistance

The assessment of whether a student has exceeded the limits of assistance in a degree course is to include a comparison of the reasonable time for the course with the length of time for which the student has received ABSTUDY Living Allowance or Pensioner Education Supplement for study at that study level. Additional reasonable time may need to be considered in accordance with 52.4.

If, at the commencement of the year of claim, the length of time that the student has received ABSTUDY Living Allowance or Pensioner Education Supplement for study at the level of the degree course is greater than or equal to the reasonable time allowed for the second course, then the student is not eligible for further assistance.

### 53.2.1 Study not taken into account when calculating limits of assistance

When calculating previous study time for degree level study, the following are not taken into account:

- periods of study for which Living Allowance or Pensioner Education Supplement was not paid, regardless of the reason why these were not paid;
- periods of study in courses other than degree level courses; and
- studies undertaken more than 10 years before the year for which assistance is being claimed.

Chapter 53 - Deleted

## Chapter 54 - Study through Open Universities Australia

This chapter discusses the assessment of study through Open Universities Australia (OUA) for ABSTUDY purposes.

### 54.1 Study-load of Open Universities Australia (OUA) units

#### 54.1.1 University Level Units through OUA

University level units through OUA are either:

- single units with a credit weighting of 1/8 or 0.125, generally run over one study period of 13 weeks and identified by a 2 number unit code (eg PSY11); or
- double units with a credit weighting of 1/4 or 0.25, generally run over two or more consecutive study periods and identified by a 3 number unit code, (eg FRE112).

**For ABSTUDY purposes, the normal full-time (100%) workload for an OUA student undertaking university level units is 1/4 or 0.25 over a single study period of 13 weeks.**

#### 54.1.2 Vocational and Technical Education (VTE) modules through OUA

For ABSTUDY purposes the normal full time study-load for an OUA student undertaking VTE modules is 214 hours in a single study period. Therefore, students who undertake OUA VTE modules equivalent to 160 hours per study period are considered to be enrolled in 75% of the normal full-time study-load.

For VTE courses, the unit registration of students over two or more study periods is not averaged across the study periods.

### 54.2 Closing date for claims for OUA students

With the exception of the closing dates, the provisions relating to lodgement of ABSTUDY claims set out in [6.3](#) apply to OUA students.

The closing date for lodgement of ABSTUDY claims for OUA students is the last day of the study period for which the student is seeking ABSTUDY.

### 54.3 Break in study rule

For the purposes of determining the start date of Living Allowance entitlement set out in [73.2](#), OUA students who have had a break of more than two study periods are considered to have had a break in full-time or [concessional study-load](#) study of more than one semester.

## Chapter 55 - Overseas Study

Students may be eligible for ABSTUDY allowances when studying overseas if they meet the guidelines outlined in this chapter. This chapter covers these circumstances and criteria in detail.

### 55.1 Secondary school students studying overseas

#### 55.1.1 Eligibility for secondary school student studying overseas

A secondary school student who is studying and residing overseas is eligible for ABSTUDY assistance where:

- the education institution at which the student is studying is equivalent to an approved education institution in Australia, and
- the course the student is studying is at secondary level and meets the [study-load provisions set down for secondary school students](#).

##### 55.1.1.1 Documentation

As determined by Centrelink, evidence may be required to support the claim for assistance for a secondary school student studying overseas.

#### 55.1.2 Period of assistance for secondary school students studying overseas

The table below lists the periods for which overseas ABSTUDY assistance may be approved under certain circumstances.

If the student is...	then assistance is approved for...
participating in an international educational exchange program recognised by the relevant State or Territory education authority	the period of the study at an overseas education institution.
accompanying parent(s)/guardian(s) who are employed by the Australian Government (e.g. members of the Australian Defence Force)	the period of the overseas posting.
studying overseas for any other reason	a period of 12 months from the first date of attendance at the overseas education institution, i.e. where a student does not return to Australia, ABSTUDY assistance ceases from the end of the payment period that includes the anniversary of the first date of attendance.

#### 55.1.3 Attendance

The [attendance provisions](#) applying to secondary school students studying in Australia also apply to secondary school students studying overseas.

## **55.2 Secondary non-school, tertiary, and Masters & Doctorate Level students studying overseas**

### **55.2.1 Eligibility for secondary non-school, tertiary, and Masters & Doctorate Level students studying overseas**

A secondary non-school, tertiary or Masters & Doctorate level student who is studying overseas is eligible for ABSTUDY assistance where:

- the student is enrolled on a full-time or [concessional study-load](#) basis in an approved course at a Australian higher education institution which approves the overseas study and is prepared to credit the results of study at the overseas education institution toward the approved course, and
- the student meets the normal [study-load requirements](#) in respect of the approved Australian course.

The student must also ensure they remain enrolled in an approved course at an Australian higher education institution. Where a student defers their enrolment from the Australian higher education institution and is still enrolled at an overseas institution, they will no longer be eligible for ABSTUDY assistance.

The period of study overseas need not be compulsory for all students.

#### **55.2.1.1 Documentation**

As determined by Centrelink, evidence may be required to support the claim for assistance for a secondary non-school, tertiary or Masters and Doctorate level student studying overseas.

### **55.2.2 Period of assistance for secondary non-school, tertiary, and Masters & Doctorate Level students studying overseas**

There is no limit to the period of assistance for secondary non-school, tertiary or Masters and Doctorate students who are undertaking overseas study, provided other eligibility and reasonable time conditions are met.

## **55.3 Entitlements for students studying overseas**

### **55.3.1 Entitlements**

Subject to the [Living Allowance](#) and [Fares Allowance](#) provisions, students approved to study overseas do not receive any additional entitlements over and above their entitlements if studying at an approved Australian institution.

#### **55.3.1.1 Rate of Living Allowance**

Secondary school students may qualify for [Living Allowance at the Away From Home](#) or independent rate if their circumstances overseas would meet the requirements for these rates were the student in Australia.

A secondary non-school, tertiary, or Masters and Doctorate Level student approved for ABSTUDY while studying overseas is entitled to the Away From Home rate of Living Allowance.

#### **55.3.1.2 Fares allowance**

Students approved to study overseas may receive [Fares Allowance entitlements](#), for travel within the overseas country, if their circumstances overseas would entitle them to Fares Allowance if

these conditions were experienced in Australia, e.g. the student's family is posted to a remote area overseas.

Fares allowance to travel between Australia and the overseas country is not available.

## **Part VII Means Tests**

### **Chapter 56 - Introduction to Means Testing**

Certain ABSTUDY allowances are subject to means tests to determine the level of entitlement payable.

#### **56.1 Allowances subject to means testing**

The following allowances are subject to means tests to determine the level of entitlement payable:

- [Living Allowance](#), including [Rent Assistance](#), [Remote Area Allowance](#), [Pharmaceutical Allowance](#);
- Group 2 [School Fees Allowance](#) greater than the non-income tested amount.

##### 56.1.1 Allowances subject to indirect means testing

The following allowances are not subject to the means tests covered in Part VII, however applicants are required to be in receipt of certain means-tested payments to qualify for these allowances:

- School Term Allowance;
- Group 1 [School Fees Allowance](#); and
- [Pensioner Education Supplement](#).

Refer to the chapters on specific allowances for details.

#### **56.2 Allowances and benefits not subject to means testing**

The following allowances and benefits are not subject to means tests to determine the level of entitlement payable:

- Group 2 [School Fees Allowance](#) (non-income-tested amount)
- [Incidentals Allowance](#)
- [Additional Incidentals Allowance](#)
- [Fares Allowance](#)
- [Lawful Custody Allowance](#)
- [Additional Assistance](#)
- [Away-from-base entitlements](#)
- [Relocation Allowance](#)
- [Thesis Allowance](#)
- [Commonwealth Scholarship](#)
  
- [Relocation Scholarship](#)
- [Student Start-up Scholarship](#)
- [Merit or equity-based scholarship](#) for up to \$6,762 per year (indexed annually)
- Assistance to pay for [compulsory course fees or Commonwealth supported places](#), previously known as the Higher Education Contribution Scheme (HECS).

## 56.3 Means tests for dependent ABSTUDY students

Dependent students applying for Living Allowance (plus Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance) and/or Group 2 School Fees Allowance are subject to one or more of the following tests:

- [Parental Income Test](#);
- [Family Assets Test](#);
- [Family Actual Means Test \(FAMT\)](#); and
- [Personal Income Test](#).

Where all four tests are applied, the test that produces the lowest rate out of the Parental Income Test, FAMT and Personal Income Test is used.

Dependent students aged under 16 years are not subject to the personal income test.

## 56.4 Means tests for independent ABSTUDY students

Independent students applying for [Living Allowance](#) (plus [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#)) are subject to the following tests:

- [Personal Assets Test](#) (if the student is partnered, this test includes the assets of the person's partner);
- [Partner Income Test](#); and
- [Personal Income Test](#) (with the exception of Independent students aged under 16 years, who are exempted from the Personal Income Test).

[Australian Apprentices](#) who are [independent](#) and under 16 years of age will have the Personal Income Test applied to their Living Allowance (plus Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance) as they are considered to be earning an income working full-time as an apprentice, trainee or trainee apprentice.

## 56.5 Means tests for ABSTUDY students in State Care

Students in [State Care](#) who are applying for [Living Allowance](#) are subject to the following test:

- [Personal Income Test](#) (with the exception of students in State Care aged under 16 years, who are exempted from the Personal Income Test).

## Chapter 57 - Calculating ABSTUDY Rates

This chapter describes the calculation of rates of ABSTUDY Living Allowance (plus Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance) and Group 2 School Fees Allowance, and the effect of the Parental, Partner and Personal Income Tests.

### 57.1 Overall Living Allowance rate calculation process

57.1.1 Method of calculating rate of Living Allowance (plus Youth Disability Supplement, Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance)

The fortnightly (and where applicable, [term-in-advance](#)) payments of Living Allowance will also incorporate the recipient's entitlement, if any, to [Rent Assistance](#) and [Pharmaceutical Allowance](#).

The income test/s are applied to the combined total of these allowances. Where a recipient is also entitled to [Remote Area Allowance](#) or Youth Disability Supplement, this also forms part of the fortnightly (and where applicable, term-in-advance) payments.

The rate of allowance is a daily rate. That rate is worked out by dividing the fortnightly rate calculated according to this Rate Calculator by 14.

## 57.1.2 Steps to calculate rate of Living Allowance (plus Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance)

### 57 1.2.1 Determine the individual's maximum fortnightly payment rate

Step	Action
1	Determine the person's maximum basic rate by referring to <a href="#">Chapter 72 Living Allowance</a> and the <a href="#">Guide to Australian Government Payments</a>
2	Determine the fortnightly rate (if any) of Youth Disability Supplement by referring to <a href="#">Chapter 72 Living Allowance</a> and the <a href="#">Guide to Australian Government payments</a> .
3	Determine the fortnightly rate (if any) of Pharmaceutical Allowance by referring to <a href="#">Chapter 80 Pharmaceutical Allowance</a> and the <a href="#">Guide to Australian Government Payments</a> .
4	Determine the applicable fortnightly rate (if any) for Rent Assistance by referring to <a href="#">Chapter 76 Rent Assistance</a> and the <a href="#">Guide to Australian Government Payments</a> .
5	Add up the amounts obtained in <b>Steps 1 to 4</b> : the result is the <i>maximum payment rate</i> .

### 57 1.2.2 Calculate the personal income test reduction amount

Step	Action
1	Refer to <a href="#">Chapter 61 Personal Income Test</a> to determine the person's income reduction.
2	Does the personal income test reduction amount equal or exceed the maximum fortnightly payment rate? <ul style="list-style-type: none"> <li>• If YES, ABSTUDY Living Allowance is not payable.</li> <li>• If NO, and if <ul style="list-style-type: none"> <li>○ the person is not <a href="#">independent</a> , go to 57.1.2.3.</li> <li>○ the person is <a href="#">independent</a> and has a <a href="#">partner</a> , go to 57.1.2.4.</li> </ul> </li> </ul>

### 57.1.2.3 Calculate the parental income test reduction amount and (where relevant) the family actual means test reduction amount

Step	Action
1	If the person is not <a href="#">independent</a> and parental income test applies, refer to <a href="#">Chapter 58 Parental Income Test and Limits</a> to determine the reduction for parental income.
2	If the person is not <a href="#">independent</a> , refer to <a href="#">Chapter 66 Family Actual Means Test</a> to determine whether the family actual means test applies, then refer to



[Chapter 69 Application of the Family Actual Means Test](#) to calculate the reduction for family actual means.

#### 57.1.2.4 Calculate the partner income test reduction amount

Step	Action
1	If the person is <a href="#">independent</a> and has a <a href="#">partner</a> refer to <a href="#">Chapter 60 Partner Income Test and Limits</a> to determine and calculate the reduction for partner income.

#### 57.1.2.5 Calculate the rate of ABSTUDY Living Allowance entitled

Step	Action
1	<p>If the person is not independent and</p> <ol style="list-style-type: none"> <li>a. if Steps 1 and/or 2 in 57.1.2.3 apply, the rate of payment entitled is the maximum payment rate (from Step 5 in 57.1.2.1) minus the greater of               <ol style="list-style-type: none"> <li>1. the personal income test reduction amount (from Step 1 in 57.1.2.2); or</li> <li>2. the parental income test reduction amount (from Step 1 in 57.1.2.3); or</li> <li>3. the family actual means test reduction amount (from Step 2 in 57.1.2.3).</li> </ol> </li> <li>b. if Steps 1 and 2 in 57.1.2.3 do not apply, the rate of payment is the maximum payment rate (from Step 5 in 57.1.2.1).</li> </ol>
2	<p>If the person is independent and</p> <ol style="list-style-type: none"> <li>a. if Step 1 in 57.1.2.4 applies, the rate of payment entitled is the maximum payment rate (from Step 5 in 57.1.2.1) minus the partner income test reduction amount (from Step 1 in 57.1.2.4).</li> <li>b. if Step 1 in 57.1.2.4 does not apply, the rate of payment is the maximum payment rate (from Step 5 in 57.1.2.1).</li> </ol>

#### 57.1.2.6 Calculate the rate of ABSTUDY Living Allowance payable

Step	Action
1	The <i>rate of allowance</i> payable is the amount obtained by: <ol style="list-style-type: none"> <li>(a) subtracting from the fortnightly payment rate any advance payment deduction (see <a href="#">75.4 Repayment of Advance Payments</a>); and</li> <li>(b) adding any amount payable by way of Remote Area Allowance (see <a href="#">Chapter 79 Remote Area Allowance</a>).</li> </ol>

## 57.2 Overall Group 2 School Fees Allowance rate calculation process

Group 2 School Fees Allowance consists of annual income-test-free component and the amount subject to income testing. Refer to [Chapter 85 - School Fees Allowance](#)

### 57.2.1 Method of calculating rate of Group 2 School Fees Allowance

The rate of Group 2 School Fees Allowance is a daily rate. That rate is worked out by dividing the annual rate calculated according to this Rate Calculator by the number of days in the calendar year.

## 57.2.2 Steps to calculate rate of Group 2 School Fees Allowance

Step	Action
<b>1</b>	<p>Determine the reduction to the income-tested component of Group 2 School Fees Allowance:</p> <ol style="list-style-type: none"> <li>Calculate the reduction for parental income using Chapter 58 - <a href="#">Parental Income Test and Limits</a>. Determine the '<a href="#">pooled parental reduction amount</a>' using the amount obtained at <b>Step 7</b> of 58.6</li> <li>Calculate the reduction for family actual means using Chapter 69 - <a href="#">Application of the Family Actual Means Test</a>. Determine the '<a href="#">pooled family means reduction amount</a>' using the amount obtained at <b>Step 4</b> of 69.2</li> <li>Take the annual amount of the 'pooled parental reduction amount' or 'pooled family means reduction amount', whichever is greater, away from the full amount of means-tested component of Group 2 School Fees Allowance.</li> </ol>
<b>2</b>	<p>Add this amount from <b>Step 1c</b> to the annual income-test free component of Group 2 School Fees Allowance. The total is the potentially available Annual <i>Group 2 School Fees Allowance Entitlement</i>.</p>
<b>3</b>	<p>The annual <i>rate of Group 2 School Fees Allowance</i> payable for the student is whichever is the lower of the</p> <ul style="list-style-type: none"> <li>annual tuition fees charged by the school, or</li> <li>potentially available annual <i>Group 2 School Fees Allowance entitlement</i>.</li> </ul> <p>If the annual tuition fees charged by the school are less than the student's potentially available annual <i>Group 2 School Fees Allowance entitlement</i>, go to <b>Step 4</b>.</p>
<b>4</b>	<p>The unused amount from the potential <i>Group 2 School Fees Allowance entitlement</i> may be transferred to meet outstanding boarding fees where the boarding fees charged by the boarding school/hostel exceed the student's combined annual entitlement of Living Allowance, Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance (refer to Chapter 85 - <a href="#">School Fees Allowance</a>).</p> <p>If there are no outstanding boarding fees, the unused amount from the potentially available Group 2 School Fees Allowance entitlement is disregarded.</p>

## Chapter 58 - Parental Income Test and Limits

This chapter describes the Parental Income Test that is applied when determining the level of entitlement payable of certain ABSTUDY allowances.

### 58.1 Exemptions from the Parental Income Test

The Parental Income Test does NOT apply where one or both [parents](#) are:

- in receipt of an [income support payment](#), or
- in receipt of Farm Family Support Scheme or Exceptional Circumstance Relief payments under Part 5 or 6 of the *Farm Household Support Act 1992*, or

- holders of a current Health Care Card (HCC) or Low Income Health Care Card, including a HCC issued on the basis of receipt of maximum rate Family Tax Benefit Part A, or
- in receipt of ABSTUDY [Living Allowance](#), or
- in receipt of a Community Development Employment Projects ([CDEP](#)) wage as a participant, or
- taken to be receiving their [income support payment](#) during an employment income nil rate period.

However, the special assessment concession does not apply:

- for a period after the expiry date on the card, or
- where a **Parent** holds a HCC because they receive a social security Mobility Allowance or Carer Allowance (in respect of a disabled child), or
- if the applicant or the applicant's Partner holds only a Pensioner Concession Card or a Commonwealth Seniors Health Card (CSHC).

### 58.1.1 Exceptional Circumstances Relief Payment ceases

A [parent](#) receiving payment under the Farm Family Support Scheme or Exceptional Circumstances Relief Payment (ECRP) provisions of the *Farm Household Support Act 1992* is not subject to the Parental Income Test from the commencement of the period of receipt of ECRP until 31 December of that year.

## 58.2 Whose income is assessed under the Parental Income Test?

The Parental Income Test is based on the combined income of the student's or [Australian Apprentice's parent/s](#).

Where there is a change in parent, the ABSTUDY is income tested in respect of the most recent parent from the date of change.

## 58.3 Income for the purposes of the Parental Income Test

For the purposes of the Parental Income Test, the components of parental income are:

- [taxable income](#),
- [adjusted employer provided benefits \(commonly known as fringe benefits\) for the relevant tax year](#),
- [reportable superannuation contributions](#),
- [target foreign income based on the relevant Australian tax year](#),
- [total net investment losses or net passive business losses](#), and
- [maintenance](#).

### 58.3.1 Taxable income

Taxable income has the same meaning as in the *Income Tax Assessment Act 1997*.

### 58.3.2 Adjusted employer provided benefits

For the purposes of the ABSTUDY Parental Income Test, an employer provided benefit is a benefit an employer provides to, or on behalf of, an employee for the employee's, or in some cases their family's, private use. An employer provided benefit is commonly known as a fringe benefit.

Employer provided benefits include, but are not limited to:

- cars,
- school fees,
- private health insurance,
- low interest loans,
- housing assistance,
- financial investments, and
- expense benefits.

Expense benefits include, but are not limited to:

- telephone expenses,
- holiday expenses,
- medical or hospital expenses,
- union dues/professional association membership fees,
- fuel and/or power expenses, including electricity, gas, oil or firewood,
- entertainment,
- grocery bills,
- credit card accounts,
- sporting or social club fees, and
- childcare expenses.

Amounts paid to meet or reimburse expenses incurred in connection with the employee's employment are NOT employer provided benefits.

### 58.3.3 Reportable superannuation contributions

For the purposes of ABSTUDY, the reportable superannuation contributions, including amounts of salary voluntarily sacrificed into superannuation, are the parent's total reportable superannuation contributions within the meaning of the *Income Tax Assessment Act 1997* for the appropriate tax year. The reportable superannuation contributions are added to the combined parental income for the purposes of the ABSTUDY Parental Income Test, and are also added to the family's actual means for the purposes of the Family Actual Means Test, along with any reportable superannuation contributions for each family member of the claimant/recipient.

**Note:** *In 2010, 'reportable superannuation contribution' will apply as components of parental income for all current tax year assessments until 2011. From 2011, 'reportable superannuation contributions' will form part of the parental income test for both current and base tax year assessments.*

### 58.3.4 Foreign income

For the purposes of the ABSTUDY Parental Income Test, foreign income includes:

- any taxable or non-taxable income amount earned, derived or received from sources outside Australia,

**AND**

- periodical payments or benefits by the way of gifts or allowances from a source outside Australia.

### 58.3.5 Total net investment losses or net passive business losses

In 2010, 'total net investment losses' will apply as a component of parental income for all current tax year assessments. 'Net passive business losses' will continue to be included as a component of parental income for all base tax year assessments until 2011. From 2011, 'total net investment losses' will form part of the parental income test for both current and base tax year assessments.

#### 58.3.5.1 Total Net Investment Losses

For the purposes of ABSTUDY, total net investment loss means the sum of the total net investment losses of each of the parents of the claimant/recipient in the appropriate tax year. The value of such total net investment losses is added to the combined parental income for the purposes of the ABSTUDY Parental Income Test, and is also added to total household expenditure for the purposes of the [Family Actual Means Test](#).

#### 58.3.5.2 Net passive business losses

For the purposes of ABSTUDY, a net passive business loss is the difference (where the difference results in a loss) between:

- the total deductions that can be claimed in respect of a passive business in the appropriate tax year, AND
- the gross income from that business during the same tax year.

The value of such net passive business losses is added to the combined parental income for the purposes of the ABSTUDY Parental Income Test, and is also added to total household expenditure for the purposes of the [Family Actual Means Test](#).

##### 58.3.5.2.1 Passive business

A passive business is one in which the [parent](#) is engaged for less than 17.5 hours per week on average, and includes the following business types:

- primary production,
- provision of professional services,
- earning income from rent, and
- share market speculation.

A person is NOT considered to be engaged in a passive business if they are merely an employee of the business regardless of whether or not they are paid.

### 58.3.6 Maintenance

Maintenance payments are taken into account when assessing combined parental income for the Parental Income Test. This includes:

- all maintenance received by either [parent](#) for the upkeep of a child in their care, and
- spousal maintenance.

Maintenance includes payments made or received directly, and payments made or received indirectly, such as payments via the Child Support Agency, or payments via a third party e.g. school fees, payment of utility charges.

Maintenance amounts received are included and amounts paid out are deducted.

## 58.4 Income assessed under the Parental Income Test

Income assessed under the Parental Income Test is combined parental income in either:

- the financial year ending on 30 June of the year before the calendar year for which payment is claimed, referred to as the base tax year, or
- the financial year ending on 30 June of the calendar year for which payment is claimed, referred to as the current tax year.

Under the Parental Income Test, it is not possible to consider a financial year other than the [base tax year](#) or the [current tax year](#).

Normally, the parental income test would be applied against the base tax year income unless:

- the [applicant](#) and/or parent/s request the Parental Income Test be applied against the current tax year parental income due to a reduction in this income, or
- the parental income for the tax year following the base tax year exceeds 125 per cent of base tax year parental income and of the student's/apprentice's [parental income free area](#). In this case, from 1 October the Parental Income Test would be applied against the current tax year parental income.

### 58.4.1 Current tax year assessment

Current year assessments can be used when:

- the parental income is substantially less in the [current tax year](#) than in the [base tax year](#); and
- the decrease in parental income is likely to apply for AT LEAST 2 years from the date on which the event that led to the decrease occurred or first became apparent.

A broad interpretation of what constitutes “substantially less income” should be applied. If the parental income has, or will, decrease enough for the student to get ABSTUDY, the decrease may be accepted as substantial.

## 58.5 Parental Income Test

The following table shows the steps involved in applying the Parental Income Test from 1 July 2010 ( for the steps involved in applying the Parental Income Test prior to 1 July 2010, please refer to the archived [2010 version of ABSTUDY Policy Manual](#)).

Step	Action
1	Determine the individual's maximum fortnightly Living Allowance and (where relevant) Group 2 School Fees Allowance (means-tested component) payment rate.
2	Calculate the personal income test reduction amount ( <a href="#">Chapter 61 Personal Income Test</a> ).
3	Does the personal income test reduction amount equal or exceed the maximum fortnightly Living Allowance payment rate? <ul style="list-style-type: none"><li>• If YES, ABSTUDY Living Allowance is not payable.</li><li>• If NO, go to Step 4.</li></ul>
4	Calculate the parental income test reduction amount (from section 58.6) and (where relevant) the family actual means test reduction amount (from <a href="#">Chapter 69 Application of the Family Actual Means Test</a> ).

<b>5</b>	<p>Reduce the maximum fortnightly Living Allowance payment rate (from Step 1) by the greatest of:</p> <ul style="list-style-type: none"> <li>• any personal income test reduction amount (from Step 2);</li> <li>• the parental income test reduction amount (from Step 4); or</li> <li>• the family actual means test reduction amount (from Step 4).</li> </ul> <p>Where relevant, reduce the maximum fortnightly Group 2 School Fees Allowance (means-tested component) payment rate (from Step 1) by the greatest of:</p> <ul style="list-style-type: none"> <li>• the parental income test reduction amount (from Step 4); or</li> <li>• the family actual means test reduction amount (from Step 4).</li> </ul>
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## 58.6 Parental income test reduction amount

The following table shows the steps involved in calculating the parental income test reduction amount.

Step	Action
<b>1</b>	Determine whether the <a href="#">base tax year</a> or <a href="#">current tax year</a> should apply.
<b>2</b>	Determine the combined parental income for that year.
<b>3</b>	Determine the <a href="#">parental income free area</a> .
<b>4</b>	<p>Determine whether the person has parental income in common with any other person. Note that a person can have parental income in common with a dependent person who is receiving:</p> <ul style="list-style-type: none"> <li>• ABSTUDY Living Allowance,</li> <li>• ABSTUDY Group 2 School Fees Allowance (means-tested component),</li> <li>• Additional Boarding Allowance under the Assistance for Isolated Children Scheme,</li> <li>• Youth Allowance.</li> </ul>
<b>5</b>	<p>Add together the maximum fortnightly payment rates of the children identified in Step 4. This comprises:</p> <ul style="list-style-type: none"> <li>• sum of the basic benefit of ABSTUDY Living Allowance or Youth Allowance; and</li> <li>• Youth Disability Supplement if applicable; and</li> <li>• Rent Assistance and/or Pharmaceutical Allowance if applicable; and</li> <li>• full means-test component of ABSTUDY Group 2 School Fees Allowance; and</li> <li>• Assistance for Isolated Children Additional Boarding Allowance up to the actual rate payable prior to any reduction due to income.</li> </ul> <p>This is the pooled maximum fortnightly payment rate.</p>
<b>6</b>	<p>Does the combined parental income exceed the parental income free area?</p> <ul style="list-style-type: none"> <li>• If NO, the test does not affect the person's maximum rate of ABSTUDY Living Allowance or Group 2 School Fees Allowance.</li> <li>• If YES, subtract the parental income free area from the combined parental income (from Step 2) and go to Step 7.</li> </ul>
<b>7</b>	Divide the result from Step 6 by 130 (20 percent of the Step 6 amount, reduced to

	a fortnightly amount). This is the pooled parental reduction amount.
<b>8</b>	Divide the individual's maximum fortnightly payment rate by the pooled maximum payment rate (from Step 5).
<b>9</b>	Multiply the pooled parental reduction amount (from Step 7) by the amount calculated in Step 8. This is the parental income test reduction amount to be used in Step 4 of the previous table in Parental Income Test.

The manner in which the ABSTUDY [Living Allowance](#) (plus [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#)) is affected is set out in [Chapter 57 Calculating ABSTUDY Rates](#).

## 58.7 Parental Income Free Area

The Parental Income Free Area is the amount of income the parent/s can have without affecting the ABSTUDY student/apprentice's rate. If the parental income is above this amount, the ABSTUDY student/apprentice's rate is reduced.

Every \$1 of parental income above the parental income free area reduces the rate of ABSTUDY by \$0.20. Where there is more than one dependent young person eligible for ABSTUDY Living Allowance (or Youth Allowance or Assistance for Isolated Children (AIC) - Additional Boarding Allowance) in the family, the reduction in rate is apportioned between the dependent young people according to their share of the total pool of parentally income tested payments in the family. The relevant parental income tested payments are ABSTUDY Living Allowance, ABSTUDY Group 2 School Fees Allowance (means-tested component), AIC - Additional Boarding Allowance and Youth Allowance.

The Parental Income Free Area for the base tax year and current tax year is set annually on 1 January and linked to CPI. The current Parental Income Free Area amount is consistent with that of Family Tax Benefit Part A (FTBA). The actual amount can be found in "[A Guide to Australian Government Payments](#)".

## Chapter 59 - Assessing Income for Partner and Personal Income Tests

This chapter discusses what income is included for the purposes of the personal and partner income tests.

### 59.1 Personal and Partner Income Tests – Ordinary Income

Ordinary income means income that is not maintenance income or an exempt lump sum. This definition of ordinary income is NOT the same as the ATO definition of income for tax purposes. The definition of ordinary income is far wider than the definition of taxable income. Ordinary income is NOT used for the ABSTUDY parental, partner and personal income tests.

The current ABSTUDY Policy is as follows:



## 59.2 Employment Income

Employment Income, or income from employment, is ordinary income derived from remunerative work undertaken by an employee from an employer/employee relationship.

It includes:

- commissions
- salaries
- wages
- employment-related fringe benefits
- profit sharing arrangements in certain industries.

It includes employment income received or earned in Australia or overseas.

It does not include:

- profits from having ownership or an interest in a business or other business income;
- superannuation pensions,
- personal injury compensation, or
- employment related insurance payouts.

To calculate income, the **gross** rate of earnings is used, before taxation or any personal deductions.

### 59.2.1 Assignment of earnings

If a recipient assigns either all or part of their earnings to another person, the amount assigned is the recipient's income and **IS** treated as income for the purposes of the ABSTUDY Personal and Partner Income Tests.

### 59.2.2 Deductions for agency fees

In some situations recipients may have employment agency fees deducted from their after tax earnings or be required to pay an agency a percentage of their gross income. Agency fees should be treated like any other employment expense and included in the recipient's gross income used for social security purposes.

### 59.2.3 Back pay paid to a person for a period of employment

Arrears of pay can be treated as income **IF** the person had a 'present legal entitlement' to the payment of arrears at the time they were earned (for example, the person was underpaid due to administrative error on the part of the employer). A debt should be raised based on the under declared earnings.

In situations, such as where a workplace agreement backdates a pay increase, 'present legal entitlement' exists from when the person becomes legally entitled to the back pay (i.e. from the date of decision to pay the back pay). A lump sum payment of back pay is remunerative and the amount is held as income for 52 weeks from the date the person first becomes legally entitled to receive payment.

#### 59.2.4 Disputed wages

Where a recipient has performed work but there is a dispute about who is to pay the wages, the recipient may not be paid for the work performed. This means the recipient has no present legal entitlement to be paid for the work and it cannot be said that the recipient has 'earned' the amount. The amount not paid is therefore NOT counted as Ordinary Income for that period.

If an employee had no choice over whether or not their income was deferred, income is NOT assessed until he or she has received it.

#### 59.2.5 Allowances paid by employers

Payment of an allowance from an employer for expenses is NOT included in any income assessment.

#### 59.2.6 Fringe Benefits

A fringe benefit is any benefit received as part of employment conditions that is not a wage or salary. This includes benefits provided by an employer such as private use of a car or financial investments. Fringe benefits and any valuable consideration received by a recipient are treated as employment income.

The value of the non-grossed-up fringe benefits is assessed as employment income.

The 'grossed up' amount of a fringe benefit is the amount that would have been paid in cash salary if it were paid instead of the fringe benefit. The 'grossed up' value is determined by the employer by using a formula supplied by the Australian Taxation Office (ATO) and is calculated using the highest marginal rate of income tax plus the Medicare levy.

The 'non-grossed up' amount of a fringe benefit reflects the actual cost to the employer of the goods or services provided.

#### 59.2.7 Gifts in lieu of money

If a recipient receives a gift IN LIEU of money for work performed, the value of the gift IS treated as income for the purposes of the ABSTUDY Partner and Personal Income tests. Such gifts must be capable of being given a monetary value under the principle of valuable consideration.

#### 59.2.8 Ministers of religion

A minister of religion under a contract for service is neither an employee nor self-employed, but is a "holder of a religious office". The gross income of the minister is counted as income for the purposes of the ABSTUDY Partner and Personal Income Tests; business deductions (such as the depreciation of assets) cannot be claimed. Fringe benefits that are for the minister's own private benefit are valuable consideration and must be included.

#### 59.2.9 Prisoner's employment income paid to dependants

Employment income paid to a prisoner's dependants, such as employment income while on work release that is handed over to the prisoner's family, is regarded as employment income for the purpose of assessment under the ABSTUDY partner income test.

#### 59.2.10 Earnings of professional sportspeople

Remuneration for professional sports games is attributed to the period in which it is earned and assessed as income in each relevant fortnight in which it is earned, even if payment to the player is deferred, paid at the end of the season, or at another set time.

#### 59.2.11 Industry based lump sum payments

An industry based lump sum payment MAY be conditional upon the recipient discontinuing any involvement in that industry. These lump sum amounts ARE treated as income for 52 weeks from the date at which they are entitled to be received.

#### 59.2.12 Profit sharing arrangements

If a recipient receives a lump sum amount from a profit sharing arrangement, then the lump sum is treated as income for 52 weeks from the date the person is entitled to receive that amount.

#### 59.2.13 Salary sacrifice to superannuation – recipient over age pension age

If a recipient has reached age pension age, and their employer makes contributions to a superannuation fund for their benefit, the amount that is paid as part of the employer's Superannuation Guarantee Contribution (SGC) obligations, award, collective workplace agreement or superannuation fund rules will be disregarded as income.

#### 59.2.14 Salary sacrifice into superannuation - employees under age pension age

For employees under age pension age, the reportable superannuation contributions within the meaning of the *Income Tax Assessment Act 1997* for the income year, including amounts of salary voluntarily sacrificed into superannuation are income for the purposes of the ABSTUDY Personal or Partner Income tests.

Employer contributions to superannuation on behalf of an employee under age pension age, made under the superannuation Guarantee, award, collective workplace agreement or superannuation fund rules, are NOT assessed as income.

**Note:** *In 2010, 'reportable superannuation contribution' will apply as components of parental income for all current tax year assessments until 2011. From 2011, 'reportable superannuation contributions' will form part of the parental income test for both current and base tax year assessments.*

#### 59.2.15 Salary sacrifice into fringe benefits

Fringe benefits are valuable consideration. An amount of salary sacrifice into a fringe benefit or set of fringe benefits IS income.

#### 59.2.16 Valuable consideration

Valuable consideration is something received that is not in money form but is capable of being valued in money terms. Valuable consideration received by a recipient **IS** treated as income for the purposes of the ABSTUDY Partner and Personal Income Tests.

- **giving an item:** If an item is given to a recipient, as valuable consideration, the normal cost of purchasing that item **IS** assessed as income for the 12 month period from the date the item is received, or
- **hiring or leasing an item:** If an item is provided for a recipient's use, the lease or hire fee **IS** assessed as income for the duration of the lease or hire agreement.

## 59.3 Income from a Business

Income from a sole trader or partnership business is the net amount:

- AFTER deducting the following allowable expenses for the cost of running a business:
  - losses and deductions that relate to the business and are allowable under section 51 of the *Income Tax Assessment Act 1936* or section 8-1 of the *Income Tax Assessment Act 1997*, and
  - depreciation that relates to the business and is allowable under subsection 54(1) of the *Income Tax Assessment Act 1936* or division 42 of the *Income Tax Assessment Act 1997*, and
  - amounts that relate to the business and are allowable deductions under subsection 82AAC(1) of the *Income Tax Assessment Act 1936*, AND
- BEFORE income tax and other personal deductions.

## 59.4 Other Ordinary Income

Other ordinary income is all ordinary income that is not employment income.

### 59.4.1 Gifts

Gifts are assessed for the purposes of the ABSTUDY Personal and Partner Income Tests in the following ways:

- if the gift is a one-off payment, then it is not treated as income
- if the gift is received regularly from an immediate family member, then the gift is reduced to a fortnightly equivalent and treated as income
- if the gift is received regularly from another source, then it is treated as income.

### 59.4.2 Legacies

Money received by way of a legacy or inheritance is NOT treated as income whether received as a lump sum or by instalments.

### 59.4.3 Private companies & trusts

Dividends and distributions received from private companies and trusts ARE included in the recipient's income. The gross amount of the dividend payment, including any imputation credit, is the amount to be assessed as income.

The assessed income includes the actual amount of any individual payments, AND any franking credits attached to them.

### 59.4.4 Compensation

Certain forms of compensation are treated as income for ABSTUDY purposes. Refer to [Chapter 62 - Compensation](#).

### 59.4.5 Disability pensions paid by Department of Veterans' Affairs

Certain payments made by the Department of Veterans' Affairs, as a group referred to as adjusted disability pensions, are treated as income for the purposes of the ABSTUDY partner and personal income tests. These payments include:

- disability pensions paid under Parts II or IV of the *Veterans' Entitlements Act 1986*
- dependent pension (a small frozen amount paid to dependants of disability pensioners, not granted since 1986)
- temporary incapacity allowance
- permanent impairment payments and special rate disability pension paid under the *Military Rehabilitation and Compensation Act 2004*.

Refer to [Chapter 12](#) for information about recipients whose ABSTUDY Living Allowance has been reduced to nil as a result of assessing the above income under the partner and personal income tests.

## 59.5 Other Ordinary Income – Scholarships

### 59.5.1 What is a Scholarship?

A scholarship is an award made to a student or [Australian Apprentice](#) to assist with the costs associated with education. This may include general living expenses. Scholarships may also be called bursaries, stipends, awards or grants. They are generally provided to:

- assist recipients to complete an academic qualification
- obtain specialised training, or
- complete a special project.

Scholarships may be:

- paid to the scholarship recipient directly (in the form of money, or valuable consideration such as computers or airline flights), or
- indirectly, in the form of a financial obligation paid on behalf of the scholar (such as prepaid fees), that the student is liable to pay in order to enrol.

### 59.5.2 Employees of a Government agency who are awarded a scholarship

Where a student is an employee of a Government agency, and they are awarded a scholarship by that agency, their eligibility for ABSTUDY may be affected. Refer to [Government Financial Assistance - Scholarships](#).

### 59.5.3 Non-discretionary fee-waiver and fee-pay scholarships

Non-discretionary scholarships do not provide any choice to students or [Australian Apprentices](#) over how the scholarship can be used:

- a fee-waiver scholarship is one where an education provider reduces or waives part or all of the course charges or fees
- a fee-pay scholarship is one provided by an external provider (e.g. a business, charity or government department) to pay for tuition fees.

Non-discretionary fee-waiver and fee-pay scholarships are not assessed as income under the ABSTUDY Partner and Personal Income Tests.

59.5.4 Scholarships paid directly to the student or Australian Apprentice Scholarships or similar payments that are paid directly to the student or [Australian Apprentice](#) are assessed as income under the ABSTUDY Personal and Partner Income Tests unless otherwise excluded.

#### 59.5.4.1 Commonwealth Scholarships

Commonwealth Scholarships are NOT income for the purposes of the ABSTUDY Personal and Partner Income Tests.

A Commonwealth Scholarship is an indirectly paid scholarship that has been awarded to a person to undertake an eligible enabling course, undergraduate course or graduate diploma (or equivalent post graduate course of study) in an area of National Priority required for initial registration to practice in the chosen National Priority field.

There are two main types of Commonwealth Scholarship:

- Commonwealth Education Costs Scholarships (CECS) which are generally to assist with education costs
- Commonwealth Accommodation Scholarships (CAS) which are generally to assist with accommodation costs.

These scholarships are indexed each year in accordance with the *Higher Education Support Act 2003* (Division 198 of Part 5-6).

Eligible students may include:

- Indigenous students
- Students awarded a Commonwealth Scholarship prior to 1 January 2010.

The objectives of the Commonwealth Scholarship Program are to facilitate choice in higher education and to increase higher education participation for Indigenous students.

From 1 January 2010, new Commonwealth Scholarships may only be awarded to eligible commencing Indigenous students. All recipients of a Commonwealth Scholarship awarded prior to 1 January 2010 will continue to receive their Commonwealth Scholarship until their scholarship entitlement has been consumed and they remain eligible for the scholarship.

From 1 April 2010, higher education students in receipt of ABSTUDY Living Allowance may be entitled to a Student Start-up Scholarship. In addition, dependent (and certain independent) higher education students who have to move to undertake their study who are in receipt of ABSTUDY may be entitled to a Relocation Scholarship.

#### 59.5.4.2 Relocation Scholarship

The Relocation Scholarship is NOT income for the purposes of the ABSTUDY Personal and Partner Income Tests. It assists students who have to live away from home to study with the cost of establishing new accommodation in order to attend university.

The Relocation Scholarship became available to eligible ABSTUDY Living Allowance recipients from 1 April 2010. It replaced the Commonwealth Accommodation Scholarship (CAS) for new students, while existing CAS recipients are 'grandfathered'.

The Relocation Scholarship is payable as a lump sum payment on commencement of the course and each year thereafter that the student continues to qualify while undertaking the course. The amount of the scholarship is indexed in line with Consumer Price Index (CPI) increases.

#### 59.5.4.3 Student Start-up Scholarship

The Student Start-up Scholarship is NOT income for the purposes of the ABSTUDY Personal and Partner Income Tests. It provides essential assistance to university students for the upfront cost of text books and specialised equipment.

The Student Start-up Scholarship became available to eligible ABSTUDY Living Allowance recipients from 1 April 2010. It replaced the Commonwealth Education Costs Scholarships (CECS). Existing CECS recipients are 'grandfathered'.

The Student Start-up Scholarship is payable in a maximum of two half-year instalments in a calendar year for the duration of the course, while the student continues to qualify. The amount of the scholarship is indexed in line with Consumer Price Index (CPI) increases.

#### 59.5.4.4 Value of board & lodging

If a scholarship provides for either free (or a reduced charge for) board and lodging the value of the free (or a reduced charge for) board and lodging IS NOT counted as income.

Money paid to a student to pay for accommodation, other than through a Commonwealth Accommodation Scholarship, **IS** counted as income.

#### 59.5.4.5 Additional allowance

In addition to the scholarship amount, recipients may be entitled to reimbursement of specified 'out of pocket' expenses such as photocopying, postage, printing and similar expenses. To obtain this allowance, the participant is usually required to present an itemised claim for reimbursement, together with receipts. The reimbursement amount is NOT income.

#### 59.5.4.6 Certain scholarships awarded outside Australia

Scholarships that have been awarded outside Australia and that are not intended to be used wholly or partly to assist recipients to meet living expenses are NOT income.

Examples:

- Rotary Foundation Ambassadorial Scholarship, provided that it does not contain any component for living expenses
- Cambridge Commonwealth Trust Fees Scholarship

- Scholarship awarded by Association of Mouth and Foot Painting Artists, Liechtenstein.

### 59.5.5 Scholarships in the nature of a reward or prize

Scholarships that are paid as one-off sums in the nature of a reward or prize are not treated as income for the purposes of the ABSTUDY Partner and Personal Income Tests. These scholarships are defined by the following characteristics:

- the payment of the lump sum is unlikely to be repeated, and
- the scholarship/reward/prize could not reasonably have been expected to be received or necessarily anticipated, and
- the payment of the lump sum does not represent receipt of money for services rendered directly or indirectly.

### 59.5.6 Commonwealth Trade Learning Scholarships

Commonwealth Trade Learning scholarships are NOT income for the purposes of the ABSTUDY Personal and Partner Income Tests. These scholarships are available to [Australian Apprentices](#) who are undertaking an identified Australian Apprenticeship trade qualification and paid at the successful completion of the first and second years of an Australian Apprenticeship in a skill shortage trade. It is paid by the Department of Education, Employment and Workplace Relations.

### 59.5.7 Australian Government Work Skills Vouchers

Australian Government Work Skills Vouchers are NOT income for the purposes of the ABSTUDY Personal and Partner Income Tests. The vouchers are worth up to \$3,000 and are paid by the Department of Education, Employment and Workplace Relations.

### 59.5.8 Merit or equity-based scholarship

A merit or equity-based scholarship is a scholarship that is awarded to a student to:

- recognise the student's achievement in studying or in undertaking research at an educational institution, OR
- enable the student to study or undertake research at an educational institution

*Note: These do not include Commonwealth Scholarships or Student Start-up Scholarship.*

A scholarship granted to a student for either of these purposes is treated as exempt income from 1 April 2010 for the extent that the payment does not exceed the person's threshold of \$6,762 in a calendar year. The value of this threshold is indexed each year.

## 59.6 Exempt income

### 59.6.1 Income received to cover expenses

Income received to cover out of pocket expenses and payment/ reimbursement of work-related expenses are not assessed as income for the purposes of the ABSTUDY Partner and Personal Income Tests.

### 59.6.2 Income received as special financial assistance

Income received as special financial assistance, emergency relief, or like-assistance is not assessed for the purposes of the ABSTUDY Personal and Partner Income Tests.



Examples include, but are not limited to:

- State Government financial assistance for victims of bushfires
- Bali Emergency Relief
- payment of [Transition to Independent Living Allowance](#) (TILA) up to \$1 000
- drought financial assistance
- flood financial assistance
- Tools for your Trade
- payments from medically acquired HIV trusts.

### 59.6.3 Other exempt income

Other income that is exempt from assessment under the ABSTUDY personal and partner income tests:

- free or discounted accommodation or board and lodging
- private health insurance rebate
- payments made to, or for, dependent children such as Foster Care Allowance, superannuation or compensation
- money passing between partners in a couple, i.e. housekeeping
- legacies or inheritance
- pay and allowances (other than in respect of continuous full-time service) to a member of the Naval Reserve, Army Reserve or Air Force Reserve
- compensation and insurance payouts for damages to property and personal effects
- Child Care Rebate scheme payments
- personal care support scheme payments
- credits from approved exchange trading systems
- bona fide recipient borrowings (loans)
- Apprenticeship Wage Top-Up payments made under the Australian Apprenticeships Incentives Program.

### 59.6.4 DFISA-like payments

Defence Force Income Support Allowance-like (DFISA-like) payments made under the *Veterans' Entitlements Act 1986* are not assessed as income for ABSTUDY purposes.

## 59.7 Exempt Lump Sums

Some lump sums are not treated as income for the purposes of the ABSTUDY partner and personal income tests. An amount received by a person is an exempt lump sum if it is:

- unlikely to be repeated, and
- cannot be reasonably expected to be received or necessarily anticipated, and
- do not represent receipt of money for services rendered directly or indirectly.

They include items like:

- one-off gifts, irrespective of the source of the gifts, if they are not of a periodical nature or representing a form of continuous support
- windfall gains such as lottery winnings, the distribution of capital from a legacy or inheritance, or prizes/awards
- ex-gratia superannuation payments, for example, bona fide redundancy payments or the lump sum payment of a superannuation invalidity benefit
- irregular superannuation amounts such as:
  - lump sum amount from the conversion, or
  - commutation of a superannuation pension, or

- the payment of arrears at the time of commencing a superannuation pension.

**Note:** The initial exemption of a lump sum amount from the income test does NOT mean that any ongoing income generated by the lump sum is exempt, nor does it mean that the asset the lump sum turns into is exempt.

## 59.8 Maintenance

### 59.8.1 Child maintenance

Maintenance received from a former [partner](#) to support a child of the former relationship and paid to a custodial parent or grandparents or other person to whom the court has appointed custody of the child is **NOT** assessed as ordinary income under the ABSTUDY Personal and Partner Income Tests.

### 59.8.2 Spousal maintenance

Spousal maintenance is money (or in kind payment) made to a former [partner](#) following a divorce or separation. It does not include payments for [dependent children](#). For the person who receives spousal maintenance, the maintenance is NOT assessed as ordinary income under the ABSTUDY Partner and Personal Income Tests.

### 59.8.3 Legally enforceable agreements

Where the person's former [partner](#) has a legally enforceable right to the maintenance, the amount paid should not be treated as income of the person paying the maintenance.

### 59.8.4 Property settlement - capital component

Property settlements are NOT assessed as income, if they are received as:

- a one-time only payment, OR
- regular repayments of the capital component of the property settlement.

## 59.9 Determining the Rate of Ordinary Income

The rate of ordinary income is a required input to the rate calculation process under the Partner and Personal Income Tests for ABSTUDY Living Allowance. The rate of ordinary income is the sum of the rates of all components of ordinary income.

### 59.9.1 Income taken into account when it is earned, derived or received

Ordinary income, including employment income, is assessed in the fortnight that it is first earned, derived or received. Employment income that has been earned in an entitlement period is spread evenly across all days in that entitlement period, regardless of which days or the number of days worked.

### 59.9.2 Income received at intervals greater than a fortnight

Income is apportioned over a specific period relating to the source of the income, if:

- it is a payment relating to a period that is greater than a fortnight
- there are a number of ordinary income payments
- the amounts of the payments are predictable
- there is reasonable regularity in the timing of the payments.

### 59.9.3 Apportioning lump sums over 12 months

One-off, irregular or non-periodical lump sum amounts are apportioned as income over a 12 month period in 52 weekly amounts, if they are:

- NOT remuneration, periodic payments, or an exempt lump sum;
  - Examples:
    - family trust distributions,
    - certain 'loan' arrangements i.e. NOT a bona fide loan to recipient,
    - scholarships (where not an exempt lump sum – see 59.5.5), and
    - dividend distributions from a private company, or
- remuneration and received AFTER the date of claim,
  - Examples:
    - commissions,
    - signing on fees or endorsements for professional sports people,
    - an industry related payment such as a dairy cash bonus, or payments to leave the industry, and
    - profit sharing.

The date earned, derived or received is the date the recipient becomes entitled to receive the amount.

### 59.9.4 Casual earnings assessed in fortnight earned

Income from casual earnings is assessed in the actual fortnight it is earned or derived, not in the fortnight it is received.

### 59.9.5 Assessment of deferred income - voluntary

An employee may earn money but choose to defer receipt of the money. As the person has an entitlement to claim the income before it is received, the income is assessed at the time it is earned rather than the time it is received.

### 59.9.6 Assessment of deferred income - involuntary

If an employee had no choice over whether or not their income was deferred, income is NOT assessed until he or she received it.

## Chapter 60 - Partner Income Test and Limits

This chapter describes the Partner Income Test that is applied when determining the level of entitlement payable of ABSTUDY Living Allowance.

### 60.1 Exemptions from the Partner Income Test

The Partner Income Test is not applied where:

- a [dependent](#) ABSTUDY customer (including dependent ABSTUDY customers who have claimed but not yet been paid benefits) is a member of a couple (different or same-sex), and/or
- an ABSTUDY customer is a member of a couple (different or same\_sex) with a dependent Youth Allowance or ABSTUDY customer (including dependent Youth Allowance or ABSTUDY customers who have claimed but not yet been paid benefits).

Exemption from the Partner Income Test will not apply where a customer has applied for Youth Allowance or ABSTUDY as a dependent person and that claim has been rejected.

## 60.2 Partner Income Test

The Partner Income Test applies where an [independent](#) ABSTUDY customer is considered to be [partnered](#) for ABSTUDY purposes.

### 60.2.1 Partner Income Test period

The Partner Income Test is applied for any period where an [independent](#) partnered student or [Australian Apprentice](#) is eligible to receive ABSTUDY assistance. Income is then assessed on a fortnightly basis.

## 60.3 Partner Income Test Limits

A student's or [Australian Apprentice's partner](#) can have income up to defined limits, known as the Partner Income Free Area (PtrIFA), without it affecting the student's or Australian Apprentice's ABSTUDY [Living Allowance](#). Where the partner's income exceeds the PtrIFA, the student's or Australian Apprentice's ABSTUDY will be reduced by a specified amount.

The manner in which the ABSTUDY maximum basic rate (Living Allowance) plus add ons (i.e. [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#)) is affected is set out in [Chapter 57](#), Calculating ABSTUDY Rates.

### 60.3.1 Student or Australian Apprentice is under 21 years, partner is under 21 years and not in receipt of any income support

For an ABSTUDY customer who is aged under 21 years old, where their [partner](#) is:

- aged under 21 years old, and
- not receiving an [income support payment](#),

the PtrIFA (Partner Income Free Area) is the amount of the partner's income that would preclude payment of the maximum basic rate of Youth Allowance (YA) based on the personal income free area for a non-student.

The ABSTUDY is then reduced by an amount equal to  $(\text{Partner's Income} - \text{PtrIFA}) \times 0.6$ .

### 60.3.2 Student or Australian Apprentice is under 21 years, partner is 21 years or over and not in receipt of any income support

For an ABSTUDY customer who is aged under 21 years old, where their [partner](#) is:

- aged 21 years or over, and
- not receiving an [income support payment](#),

the Partner Income Free Area is the amount of the partner's income that would preclude payment of the maximum basic rate of Newstart Allowance (NSA).

The ABSTUDY is then reduced by an amount equal to  $(\text{Partner's Income} - \text{PtrIFA}) \times 0.6$ .

### 60.3.3 Student or Australian Apprentice is under 21 years, partner is any age and not a student or Australian Apprentice and is in receipt of certain income support payments

For an ABSTUDY customer who is aged under 21 years old, where their [partner](#) is:

- any age, and
- receiving one of the following [income support payments](#):
  - Newstart Allowance,
  - Youth Allowance (as a jobseeker),
  - Sickness Allowance,
  - Special Benefit,
  - Parenting Payment (Partnered),
  - Mature Age Allowance, or
  - Mature Age Partner Allowance,

the Partner Income Free Area is the amount of the partner's income that would preclude payment of the maximum basic rate and add-ons (i.e. [Rent Assistance](#), [Remote Area Allowance](#), [Pharmaceutical Allowance](#)) for that benefit.

The ABSTUDY is then reduced by an amount equal to (Partner's Income – PtrIFA) x 0.6.

#### 60.3.4 Student or Australian Apprentice is under 21 years, partner is any age and is a student or Australian Apprentice and is in receipt of Youth Allowance, Austudy or ABSTUDY Living Allowance payments

For an ABSTUDY customer who is aged under 21 years old, where their [partner](#) is:

- any age, and
- receiving one of the following [income support payments](#) as a student or [Australian Apprentice](#):
  - Youth Allowance,
  - Austudy,
  - ABSTUDY [Living Allowance](#),

the Partner Income Free Area is the amount of the partner's income that would preclude payment of the maximum basic rate and add-ons (i.e. [Rent Assistance](#), [Remote Area Allowance](#), [Pharmaceutical Allowance](#)) for that benefit.

The ABSTUDY is then reduced by an amount equal to (Partner's Income – PtrIFA) x 0.6.

#### 60.3.5 Student or Australian Apprentice is 21 years or over, partner is any age and is not a student or Australian Apprentice and is either in receipt of certain income support payments OR is not on an income support payment

For an ABSTUDY customer who is aged 21 years or over, where their [partner](#) is:

- any age, and
- either:
  - receiving one of the following [income support payments](#):
    - Newstart Allowance,
    - Youth Allowance (as a jobseeker),
    - Sickness Allowance,
    - Special Benefit,
    - Parenting Payment (Partnered),
    - Mature Age Allowance, or
    - Mature Age Partner Allowance, OR
  - not in receipt of an income support payment,

there is a set Partner Income Free Area when assessing partner income.

The base Partner Income Free Area is set in [A Guide to Australian Government Payments](#). Adjustments to the PtrIFA are then made for any dependent children.

The ABSTUDY is then reduced by an amount equal to (Partner's Income – PtrIFA) x 0.5.

### 60.3.5.1 Adjustments to Partner Income Free Area for dependants

Additional amounts for other dependent children in the customer/[partner](#)'s care are added to the basic Partner Income Free Area. These are shown in dollars in the following table.

If the dependent child is...	The additional amount is...
the first child under 16,	1,230
the second or a subsequent child under 16,	2,562
<ul style="list-style-type: none"> <li>• either aged 16-24 and in full-time study</li> </ul>	3,792
OR	
<ul style="list-style-type: none"> <li>• aged under 16 years, AND</li> <li>• not independent for the purposes of ABSTUDY or Youth Allowance, AND</li> <li>• qualifies for either:               <ul style="list-style-type: none"> <li>○ Assistance For Isolated Children Boarding Allowance or Second Home Allowance, or</li> <li>○ Where the student has a full-time or <a href="#">concessional study-load</a>, one of the following:                   <ul style="list-style-type: none"> <li>▪ ABSTUDY <a href="#">Schooling B Award</a>,</li> <li>▪ ABSTUDY <a href="#">Tertiary Award</a>,</li> <li>▪ ABSTUDY <a href="#">Masters and Doctorate Award</a>, or</li> <li>▪ School Term Allowance under the ABSTUDY <a href="#">Schooling A Award</a></li> </ul> </li> </ul> </li> </ul>	

### 60.3.5.2 Calculation of Effect of Partner Income test for Student or Australian Apprentice 21 years or over

The following table shows the steps involved in applying the Partner Income test for students or [Australian Apprentices](#) aged 21 years or over.

Step	Action
1	Determine the Partner Income for the fortnight.
2	Determine the annual base Partner Income Free Area (PtrIFA). The base PtrIFA is \$731.34 per fortnight.
3	Determine the adjusted PtrIFA. This is the base PtrIFA plus any amounts for <a href="#">dependent children</a> as per 60.3.5.1.
4	Does the Partner Income for the fortnight exceed the fortnightly adjusted PtrIFA? <ul style="list-style-type: none"> <li>• if NO, the test does not affect the customer's maximum rate of ABSTUDY.</li> <li>• if YES, go to <b>Step 5</b>.</li> </ul>
5	Determine the Partner Income Excess for the fortnight:

	<p>Partner income for the fortnight less the fortnightly adjusted PtrIFA</p> <p>RESULT: Partner Income Excess for the fortnight.</p>
6	<p>Determine the reduction for Partner Income:</p> <p>Partner Income Excess for the fortnight divided by 2</p> <p>RESULT: the Reduction for Partner Income.</p>

### 60.3.6 Student or Australian Apprentice is 21 years or over, partner is any age and is a student or Australian Apprentice and is in receipt of Youth Allowance, Austudy or ABSTUDY Living Allowance payments

For an ABSTUDY customer who is aged 21 years or over, where their [partner](#) is:

- any age, and
- receiving one of the following [income support payments](#) as a student or [Australian Apprentice](#):
  - Youth Allowance,
  - Austudy,
  - ABSTUDY [Living Allowance](#),

there is a set Partner Income Free Area when assessing partner income.

The base Partner Income Free Area is currently \$731.34 per fortnight. Adjustments are then made for any dependent children, and for the partner's [Student Income Bank balance](#) (if applicable).

The ABSTUDY is then reduced by an amount equal to (Partner's Income – PtrIFA) x 0.5.

#### 60.3.6.1 Adjustments to Partner Income Free Area for dependants

Additional amounts for other [dependent children](#) in the customer/[partner](#)'s care are added to the basic Partner Income Free Area. Refer to the amounts in the table in 60.3.5.1.

#### 60.3.6.2 Calculation of Effect of Partner Income test for Student or Australian Apprentice 21 years or over

To calculate the effect of the Partner Income Test, refer to the table in 60.3.5.2, adding the partner's Income Bank Balance to the base Partner Income Free Area at **Step 2**.

### 60.3.7 Student or Australian Apprentice is any age, partner is any age and is in receipt of a FaHCSIA or DVA Pension

For an ABSTUDY customer of any age, where their [partner](#) is:

- any age, and
- receiving one of the following Family and Community Services (FaHCSIA) pensions:
  - Age Pension,
  - Disability Support Pension,
  - Wife Pension,
  - Carer Payment,
  - Parenting Payment (Single),
  - Bereavement Allowance,
  - Widow B pension, OR
- Receiving one of the following Department of Veterans' Affairs (DVA) service pensions:
  - an age service pension under part III of the *Veterans' Entitlements Act* (VEA), or

- an invalidity service pension under Part III of the VEA, or
- a partner service pension under Part III of the VEA, or
- a carer service pension under Part III of the VEA,

there is no Partner Income Free Area.

Instead, the total combined income of the ABSTUDY student or Australian Apprentice and pensioner partner is halved. The ABSTUDY student's or Australian Apprentice's half is then assessed under the ABSTUDY [Personal Income Test](#), taking into account any Income Bank Balance.

## Chapter 61 - Personal Income Test, Limits, Income Bank

### ABSTUDY Means Tests: Chapter 61 - Personal Income Test, Limits and Student or Australian Apprentice Income Bank

This chapter describes the Personal Income Test that is applied when determining the level of entitlement payable of ABSTUDY Living Allowance.

#### 61.1 Personal Income Test

The Personal Income Test is applied for any period where the ABSTUDY customer is 16 years of age or over and eligible to receive [Living Allowance](#). Income is assessed on a fortnightly basis.

[Australian Apprentices](#) who are aged under 16 years of age and meet the independent status criteria will have the personal income test applied and assessed on a fortnightly basis.

Australian Apprentices are required to report their income on a fortnightly basis. Where an Australian Apprentice does not report their income their ABSTUDY entitlement [may be stopped](#).

#### 61.2 Personal Income Test limits

An ABSTUDY student or [Australian Apprentice](#) can have income up to the Income Free Area amount of \$236 per fortnight, plus the balance of their Student or Australian Apprentice Income Bank for the fortnight, without affecting Living Allowance entitlement.

##### 61.2.1 Effect of Personal Income

A student's or [Australian Apprentice's](#) income affects their fortnightly entitlement to Living Allowance as follows:

- if the student or Australian Apprentice commences receiving ABSTUDY [Living Allowance](#), balance of Student or Australian Apprentice Income Bank commences at nil,
- in any fortnight where the student's or Australian Apprentice's income is less than the Income Free Area, the difference between the two is credited to the Income Bank,
- the maximum Student Income Bank balance that can be saved is \$6,000,
- the maximum Australian Apprentice Income Bank balance that can be saved is \$1,000,
- the Student or Australian Apprentice Income Bank is not reset unless a student or Australian Apprentice becomes ineligible for ABSTUDY Living Allowance,
- where a student or Australian Apprentice becomes ineligible for ABSTUDY Living Allowance, the Student or Australian Apprentice Income Bank balance is set to nil,
- where a student's or Australian Apprentice's eligibility for Living Allowance is subsequently restored on a continuous basis, the Student Income Bank Balance is reinstated.



## 61.3 Rules of the Student or Australian Apprentice Income Bank

The following rules apply to the Student or [Australian Apprentice](#) Income Bank:

- if the student or Australian Apprentice commences receiving ABSTUDY [Living Allowance](#), balance of Student or Australian Apprentice Income Bank commences at nil,
- in any fortnight where the student's or Australian Apprentice's income is less than the Income Free Area, the difference between the two is credited to the Income Bank,
- the maximum Student Income Bank balance that can be saved is \$6,000,
- the maximum Australian Apprentice Income Bank balance that can be saved is \$1,000,
- the Student or Australian Apprentice Income Bank is not reset unless a student or Australian Apprentice becomes ineligible for ABSTUDY Living Allowance,
- where a student or Australian Apprentice becomes ineligible for ABSTUDY Living Allowance, the Student or Australian Apprentice Income Bank balance is set to nil,
- where a student's or Australian Apprentice's eligibility for Living Allowance is subsequently restored on a continuous basis, the Student Income Bank Balance is reinstated.

## 61.4 Operation of the Student or Australian Apprentice Income Bank

The following table shows how the Student or Australian Apprentice Income Bank operates when a student or Australian Apprentice has ordinary income in a fortnight.

If the income is...	Then...	And...
<b>LESS than the Income Free Area,</b>	subtract the income from the income free area to determine the saved amount,	add the saved amount to the customer's Student or Australian Apprentice Income Bank credits. The Living Allowance payment is not affected.
<b>EQUAL to the Income Free Area,</b>	there is no effect on Living Allowance payment,	there is no effect on the Student or Australian Apprentice Income Bank.
<b>GREATER than the Income Free Area, but less than or equal to the Student Income Bank credit,</b>	subtract the Income Free Area from the income to determine the reduction for income,	subtract the reduction for income from BOTH the Student or Australian Apprentice Income Bank credit AND the ordinary income. The effect is that there is no ordinary income for the fortnight.
<b>greater than BOTH the Income Free Area AND the Student Income Bank credit,</b>	subtract the Student or Australian Apprentice Income Bank credit from the income to determine the Student or Australian Apprentice Income Bank debit,	reduce the Student or Australian Apprentice Income Bank credit to zero. There is no entitlement to Living Allowance.

## 61.5 Carryover of Working Credits to Student or Australian Apprentice Income Bank

Customers transferring from a FaHCSIA payment eligible for Working Credit to ABSTUDY are able to transfer their Working Credit balance to their Student or Australian Apprentice Income Bank.

The maximum Working Credit balance is \$1000.

1 Working credit = \$1 Student or Australian Apprentice Income Bank

The following table list all the possible carryover situations.

Customer Situation	Carryover
A customer transfers from a social security pension or benefit that has access to working credit to ABSTUDY Living Allowance.	Unused working credit becomes new Student or Australian Apprentice Income Bank opening balance.
A customer ceases a social security pension or benefit that has access to working credit and after a break of no more than 12 months commences ABSTUDY Living Allowance.	Unused working credit becomes new Student or Australian Apprentice Income Bank opening balance.

**Note:** there is no provision to carry over Student or Australian Apprentice Income Bank balance credits between Youth Allowance, Austudy and ABSTUDY. Customers transferring from ABSTUDY to a payment attracting Working Credit can carry over a balance of up to \$1000 of Income Bank credits to their Working Credit balance.

## Chapter 62 - Compensation

This chapter discusses the effect of compensation on ABSTUDY

### 62.1 Compensation not affecting ABSTUDY entitlements

The following payments, ordinarily considered to be compensatory in nature, are not assessed as either income or assets for ABSTUDY purposes:

- compensation payments made for criminal injuries, discrimination or workplace harassment;
- compensation for non-economic loss;
- compensation paid on death; and
- compensation for war injuries.

**Note:** Indigenous people who were employed under the former Community Wages Scheme on Queensland settlements and reserves between 1975 and 1986, have been awarded compensation with a one off payment of \$7000. For ABSTUDY purposes this payment is not to be included for any ABSTUDY means tests.

### 62.2 Compensation affecting ABSTUDY entitlements

The following compensation payments affect ABSTUDY entitlements:

- lump sum personal injury compensation for economic loss; and
- periodic personal injury compensation for economic loss.

#### 62.2.1 Treatment of lump sum compensation payments

Taxable lump sum compensation payments are regarded for ABSTUDY purposes as the assets of the person to whom the compensation payment was made.

Non-taxable lump sum compensation payments are not regarded as an asset for ABSTUDY purposes.

## 62.2.2 Treatment of ongoing compensation payments

Taxable compensation payments that are made on an ongoing and regular basis are regarded for ABSTUDY purposes as the income of the person to whom the compensation payments are made:

- ongoing taxable compensation payments made to the [parent](#) are included as a component of parental income under the [Parental Income Test](#).
- ongoing taxable compensation payments made to the student or [partner](#) are included as a component of ordinary income under the [Personal Income Test](#) and [Partner Income Test](#).

**Exception:** Where a student or [Australian Apprentice](#) has a partner who is in receipt of a FaHCSIA payment where the rate of that payment has been calculated on the basis of the student or Australian Apprentice being in receipt of a compensation payment, the compensation payment should not affect the student's or Australian Apprentice's ABSTUDY. Where a student or Australian Apprentice has a partner who is serving a Compensation Preclusion Period and that preclusion period cannot be adjusted to take into account any effect on the student's or Australian Apprentice's ABSTUDY payments, the compensation payment should not affect the student's or Australian Apprentice's ABSTUDY.

Non-taxable compensation payments that are made on an ongoing and regular basis are disregarded for ABSTUDY purposes.

## Chapter 63 - Assets Tests

This chapter describes how to assess assets for the purposes of the Family Assets Test and Personal Assets Test.

### 63.1 Definition of assets

For the purposes of the ABSTUDY [Family Assets Test](#) and Personal Assets Test, a person's assets include the following items.

- Personal effects and household contents such as:
  - clothing,
  - jewellery,
  - hobby collections,
  - furniture,
  - paintings and works of art,
  - soft furnishings; and,
  - electrical appliances other than fixtures such as stoves and built in items,
- Motor vehicles, caravans and boats,
- Real estate including holiday homes,
- Businesses and farms,
- Surrender value of life insurance policies,
- Financial investments including,
  - cash,
  - bank, building society and credit union accounts,
  - term deposits,
  - bonds and debentures,
  - managed investments,
  - listed shares and securities,
  - loans to family trusts, family members or organisations,
  - amounts disposed of without adequate financial return,
  - gifts above \$10,000 in a single financial year, or gifts exceeding \$30,000 over a 5 financial year rolling period (on or after 1 July 2002),

- bullion,
- investments in superannuation funds, approved deposit funds and deferred annuities after age pension age),
- asset tested income stream (short term) products, and
- asset tested income stream (long term) products,
- Accommodation bonds for hostels,
- Entry Contributions to retirement villages IF less than the extra allowable amount at time of entry.
- Personal effects and household contents such as:
  - clothing,
  - jewellery,
  - hobby collections,
  - furniture,
  - paintings and works of art,
  - soft furnishings, and
  - electrical appliances other than fixtures such as stoves and built in items,
- Motor vehicles, caravans and boats,
- Real estate including holiday homes,
- Businesses and farms,
- Surrender value of life insurance policies, and
- Financial investments including,
  - cash,
  - bank, building society and credit union accounts,
  - term deposits,
  - bonds and debentures,
  - managed investments,
  - listed shares and securities,
  - loans to family trusts, family members or organisations,
  - amounts disposed of without adequate financial return,
  - gifts above \$10,000 in a single financial year, or gifts exceeding \$30,000 over a 5 financial year rolling period (on or after 1 July 2002),
  - bullion,
  - investments in superannuation funds, approved deposit funds and deferred annuities after age pension age),
  - asset tested income stream (short term) products, and
  - asset tested income stream (long term) products,
- Accommodation bonds for hostels,
- Entry Contributions to retirement villages **IF** less than the extra allowable amount at time of entry.

All assets other than those specified as exempt at 63.1.1 are assessable.

### 63.1.1 Exempt assets

The following assets are exempt from consideration under both the [Family](#) and Personal Assets Tests:

- certain compensation and insurance payments,
- principal home,
- pre-paid funeral expenses and cemetery plots,
- the value of any purchases or modifications (e.g. to care or home) to accommodate the disability of a member of the ABSTUDY customer's family,
- care provided under the Commonwealth gift car scheme,
- medals and decorations awarded for valour,
- the value of any Native Title right(s) or interests of the person, or of the community of which the customer is a member. This does not include any right or interest in a lease or licence, or in a freehold estate,
- superannuation and/or rollover investment(s) where the person has not yet attained age pension age, and
- payments received under the *Compensation (Japanese Internment) Act 2001*.

### 63.1.1.1 Compensation and insurance payments

Compensation and insurance payments received by a customer for damage to buildings, plant or personal effects are exempt assets for 12 months from the date that the payment was received.

See [Chapter 62 Compensation](#) for more information about the treatment of assets.

## 63.2 Assessing the value of assets

Assets are generally assessed at their net market value. The net market value is the amount you would expect to receive if you sold the asset on the open market, less any valid debts or encumbrances.

### 63.2.1 Co-owned Assets

If the asset is owned with another person, the asset value for a customer is determined using their proportion of their interest in the asset.

### 63.2.2 Customer's estimate of asset value

The customer's estimate of the asset value is accepted as reasonable unless it appears that the value has been understated AND the value is likely to affect the customer's payment.

## 63.3 Assessing compensation and insurance payments

Lump sum compensation payments are assessed as assets in some [circumstances](#).

### 63.3.1 Lump sum compensation for personal injury

A lump sum compensation payment paid to a customer for personal injury is included as an asset under the [Personal Assets Test](#).

### 63.3.2 Lump sum compensation for damage to buildings, plant or personal effects

Compensation and insurance payments received by a customer for damage to buildings, plant or personal effects are exempt assets for 12 months from the date that the payment was received.

#### 63.3.2.1 Extension of exemption from assets test

The 12 months exemption can be extended if the customer can demonstrate:

- that they had a genuine intention to spend the payment within 12 months, BUT
- were unable to for reasons beyond their control.

## 63.4 Principal home

### 63.4.1 Defining the principal home

The principal home is generally the home in which a customer or couple lives for the greatest amount of time each year.

### 63.4.2 Assessing the principal home

The principal home, including adjacent land, is an exempt asset, regardless of its value. Adjacent land is the private land surrounding the principal home that is held under the same title document. The maximum amount of land adjacent to the principal home that can be exempted under the private land use test is 2 hectares.

If the principal home is a dwelling-house, the land adjacent must be:

- held on the same title document; and
- must be used primarily for private or domestic purposes.

If the principal home is a flat or home units – a garage or storeroom, the land adjacent must be used primarily for private or domestic purposes in association with the flat or home unit.

The land is considered private if it is:

- not primarily used for commercial purposes, or
- overgrown, vacant or unused land, or
- land occasionally used for commercial purposes.

#### 63.4.2.1 Customer operates a business from their principal home

If part of the property is used for both business and domestic purposes, then this part of the property is considered part of the principal home and is therefore exempt.

If there are distinct areas of the property used for business purposes, these areas are not part of the principal home and are therefore not exempt.

#### 63.4.2.2 Defining the principal home – self-contained living areas (granny flats)

If a home contains a self-contained living area that is vacant or let to a near relative, then the area is considered part of the customer's principal home. If a home contains a self-contained living area that is let to a person other than a near relative, the area is not considered part of the customer's principal home.

#### 63.4.2.3 Customer owns more than one home

If a customer or their [partner](#) has more than one home, their principal home is the one in which they spend the greatest amount of time, unless they spend the same amount of time in each of them, in which case the most expensive home is defined as the principal home.

The property that is not the principal home is assessed as an asset even when the customer or their partner are living in the property.

If a customer or their partner spends a considerable amount of time in a home they do not own, the home they own is the principal home.

#### 63.4.2.4 Proceeds from selling the principal home

If a customer sells their principal home and is likely to use the proceeds within 12 months to purchase another home, the portion of the proceeds that will be used to acquire another home are exempt from the assets test for up to 12 months from the date of sale. The customer continues to be assessed as a homeowner during this period.

If the proceeds of the sale are used to purchase assets that will be used to construct a home, such as land and building materials, this is exempt from the assets test.

#### 63.4.2.5 Exemption of principal home sale proceeds beyond 12 months

From 1 July 2007, if the recipient has not been able to purchase, build, rebuild, repair, or renovate a new principal home within 12 months, the principal home sale proceeds can be exempt from the assets test for up to 24 months, subject to the ABSTUDY recipient meeting certain criteria.

An ABSTUDY recipient can only gain a principal home sale proceeds exemption for up to 24 months from 1 July 2007. This includes the original 12 months and up to a further 12 months extended exemption.

To gain an extended principal home sale proceeds exemption for up to 24 months the recipient must have a continuing intention to apply the proceeds of the sale to purchase, build, rebuild, repair or renovate a new principal home and must have:

- made reasonable attempts to purchase, build, rebuild, repair or renovate their new principal home, and
- been making those attempts within a reasonable period after selling the principal home, and
- experienced delays beyond their control in purchasing, building, rebuilding, repairing or renovating their new principal home.

The recipient will be required to provide documentary evidence when the extended exemption period is being requested to satisfy they have been making reasonable attempts.

**Exception:** In special circumstances a recipient may be considered to be making reasonable attempts to purchase, build, rebuild, repair, or renovate their new principal home if they have been unable to enter some form of an agreement. These circumstances include where the income support recipient has:

- experienced delays relating to the purchase, construction, rebuilding, repair or renovation of the new principal home such as delays in gaining building approval from the local government authority, or
- been absent from the place they intend to purchase, build, rebuild, repair or renovate their new home due to reasons beyond their control, or
- had changes in health that have had a major bearing on the individual's circumstances, such as being hospitalised for a period of time, or
- been unable to gain a commitment/enter into an agreement with a builder because demands in the building industry are stretched in a particular area.

The recipient will be required to provide documentary evidence for special circumstances to apply. If a recipient has NOT made attempts within a reasonable period, i.e. 6 months from the date of sale, the extended exemption CANNOT apply.

The extended principal home sale proceeds exemption ends when either:

- the ABSTUDY recipient ceases to have an intention to apply the proceeds, or
- a new principal home is purchased, or the building, rebuilding, repair or renovation of the new principal home is complete, or
- the determined extended time period expires, whichever occurs first.

#### 63.4.2.6 Existing recipients whose principal home sale proceeds assets test exemption expired prior to 1 July 2007

ABSTUDY recipients whose 12 month principal home sale proceeds exemption period expired prior to 1 July 2007 CANNOT gain an assets test exemption for the period between when their exemption ceased and the extended exemption came into effect (1 July 2007).

If, on 1 July 2007, the ABSTUDY recipient is still in the process of purchasing, building, repairing, rebuilding or renovating a new principal home they can request an extended assets test exemption. If the recipient meets the criterion the extended exemption can only apply from 1 July 2007 and when the new home is anticipated to be purchased, built, repaired, rebuilt or renovated.

### 63.5 Disposal of an asset

Where an asset has been disposed of, the value of that asset may still be considered under the [Family Assets Test](#) and [Personal Assets Test](#). For this provision to apply, it must be shown that a customer has destroyed or diminished the value of an asset.

A customer is considered to have disposed of an asset when they:

- engage in a course of conduct that destroys, disposes of or diminishes the value of their assets, and
- do not receive adequate financial consideration in exchange for that asset.

This provision does not apply where special or unusual circumstances necessitated the quick sale of an asset.

#### 63.5.1 Allowable disposal free areas for assets

The allowable disposal free areas for assets for both single and [partnered](#) customers are:

- \$10,000 per financial year, and
- \$30,000 over any rolling 5 financial year period.

Only the amounts disposed of in excess of the disposal free areas are assessable under the assets tests.

### 63.6 Assets hardship provisions

For details of assets hardship provisions, see:

- [Family Assets Test](#), and
- [Personal Assets Test](#).

## Chapter 64 - Family Assets Test and Limits

This chapter describes the Family Assets Test that is applied when determining a dependent student's or [Australian Apprentice's](#) entitlement to certain ABSTUDY allowances.

### 64.1 Exemptions from the Family Assets Test

The Family Assets Test does NOT apply where one or both [parents](#) are:



- in receipt of an [income support payment](#), OR
- in receipt of Farm Family Support Scheme or Exceptional Circumstance Relief payments under Part 5 or 6 of the *Farm Household Support Act, 1992*, OR
- holders of a current Health Care Card or Low Income Health Care Card, including a HCC issued on the basis of receipt of maximum rate Family Tax Benefit Part A, OR
- in receipt of ABSTUDY [Living Allowance](#), OR
- in receipt of a Community Development Employment Projects ([CDEP](#)) wage as a participant, OR
- taken to be receiving their income support payment during an employment income nil rate period.

#### 64.1.1 Exceptional Circumstances Relief Payment ceases

A [parent](#) receiving payment under the Farm Family Support Scheme or Exceptional Circumstances Relief Payment (ECRP) provisions of the *Farm Household Support Act 1992* is not subject to the Family Assets Test from the commencement of the period of receipt of ECRP until 31 December of that year.

#### 64.1.2 Assets Hardship Provisions

There are no assets hardship provisions under the Family Assets Test.

### 64.2 What assets are assessed under the Family Assets Test?

The Family Assets Test is based on the assets of the student's or [Australian Apprentice's parent/s](#).

ALL of the family's assets are included, **EXCEPT**:

- the assets of [independent children](#), AND
- the assets of the partner of dependent YA or [dependent](#) ABSTUDY recipients, AND
- farm assets, if a current drought relief exceptional circumstances certificate has been issued or is in receipt of a Farm Family Support Scheme payment.

Where there is a change in parent, the ABSTUDY is assets tested in respect of the most recent parent from the date of change.

### 64.3 The Family Assets Test

ABSTUDY is NOT payable if the value of a family's total assets exceeds a specified limit, set annually. Refer to "[A Guide to Australian Government Payments](#)" for this limit. The principal family home is exempted from the family assets test.

### 64.4 Discount for Business Assets

Seventy-five per cent of a person's interest in the value of a business, including farms, is disregarded if the person owns the business and is wholly or mainly engaged in that business. Wholly or mainly means more than 50 per cent of their work time.

## Chapter 65 - Personal Assets Test and Limits

This chapter describes the Personal Assets Test that is applied when determining an independent student's or [Australian Apprentice's](#) entitlement to certain ABSTUDY allowances

### 65.1 Exemptions from the Personal Assets Test

The personal assets test does NOT apply to:

- [dependent students/apprentices](#), OR
- farm assets if the student/apprentice or their [partner](#) has a current drought relief exceptional circumstances certificate or is in receipt of a Farm Family Support Scheme payment.

### 65.2 The Personal Assets Test

ABSTUDY [Living Allowance](#) is not payable if the combined assets of the student/apprentice and [partner](#), if the student/apprentice is partnered, exceed the personal assets test limits.

Different limits apply depending on whether the student/apprentice is single or [partnered](#), and whether the student/apprentice is a homeowner or non-homeowner.

Refer to "[A Guide to Australian Government Payments](#)" for limits.

#### 65.2.1 Definition of a homeowner

A homeowner is a student/apprentice who has, or whose [partner](#) has:

- a right or interest in the place they occupy, AND
- the right or interest gives them reasonable security of tenure.

A student/apprentice who has sold their principal home is still a homeowner if:

- the principal home was sold in the last 12 months, AND
- the customer intends to use some or all of the proceeds to acquire another principal home within 12 months.

#### 65.2.2 Definition of a non-homeowner

A student/apprentice is a non-homeowner if they cannot be defined as a homeowner.

Students/apprentices who are non-homeowners can have a higher value of assets before considered ineligible for means-tested benefits.

### 65.3 Assets hardship provisions

Assets hardship provisions can apply where the student/apprentice is:

- in severe financial hardship, AND
- unable to sell or borrow against an asset.

In these circumstances, the student/apprentice and [partner's](#) assets can be disregarded for the purposes of the Personal Assets Test.

## Chapter 66 – Family Actual means Test (FAMT)

This section contains information on the purpose of the Family Actual Means Test (FAMT) and the categories of parent that are assessed under the FAMT.

### 66.1 Purpose of Family Actual Means Test

The Family Actual Means Test is used to assess the level of entitlement for means-tested allowances for [dependent students](#) or [Australian Apprentices](#) where their [parent/s](#)' taxable income may not be a good indication of their need for ABSTUDY assistance.

The Family Actual Means Test (FAMT) assesses a family's financial resources by determining their spending and savings for the appropriate tax year. The FAMT is directed towards [designated parents](#) who may receive income from sources other than a wage or salary, or have an assessable income under the [parental income test](#) that may not accurately reflect their capacity to pay the costs of education because of their ability to legitimately minimise their taxable income. The FAMT is ONLY applied to dependent ABSTUDY students/apprentices when either one or both of their parent's meet one or more of the FAMT categories.

### 66.2 Family Actual Means Test - Designated Parents

A [dependent](#) ABSTUDY students/apprentices [parent/s](#) are designated parent/s for the purposes of the FAMT if they:

- in the base tax year had an interest in a trust, private company or unlisted public company; OR
- in the [base tax year](#) were self-employed, except as a sole trader who was mainly or wholly engaged in a primary production owned by the person; OR
- in the base tax year were a partner in a partnership; OR
- in the base tax year derived \$A2,500 of income, or more, that does not consist only of income from a pension or similar payment from a source in Norfolk Island or overseas; OR
- in the base tax year derived income from a salary or wage and has claimed a tax deduction for a business loss (for that year or previous year) that does not consist only of [total net investment losses](#) or a net passive business loss; OR
- have a current interest of \$A2,500 or more in any assets located outside Australia and its external territories; OR
- entered Australia under a permanent visa or entry permit visa in a business skills category in the last 10 years before 1 January in the calendar year in which ABSTUDY payment period ends.

**Exception:** A parent receiving payment under the Farm Family Support Scheme or Exceptional Circumstances Relief Payment (ECRP) provisions is NOT subject to the FAMT for that part of the calendar year in which they receive payment until 31 December in that year.

**Note 1:** The first five categories of designated parent/s relate to the base tax year and parent/s only need to be involved for a day or more in this period in order to be in a FAMT category. It should be noted that the last two FAMT categories in relation to overseas assets and a migrant under a business skills category relate to the current situation and NOT the base tax year.

**Note 2:** The FAMT does NOT apply to [dependent](#) ABSTUDY student/apprentices, or any related siblings, if they are in one of the FAMT categories and their parent/s are not.

**Note 3:** In 2010, 'total net investment losses' will apply as a component of parental income for all current tax year assessments. 'Net passive business losses' will continue to be included as a component of parental income for all base tax year assessments until 2011. From 2011, 'total net investment losses' will form part of the parental income test for both current and base tax year assessments.

### 66.2.1 Interest in a trust

A person holds an interest in a trust if they are the trustee, beneficiary, or unit holder but NOT an agent creditor or employee of a trust. A trust is a vehicle for a person to give property to another person or persons, usually on terms in a trust deed. A trust deed will set out the conditions of the trusts and will also state whether the trust is discretionary or non-discretionary.

All trusts are included in assessing FAMT categories EXCEPT the following:

- a [parent's](#) account held in trust for a child,
- deceased estate trusts,
- assets held in trust by an insolvency administrator,
- a trust in relation to a superannuation fund within the meaning of the *Superannuation Industry (Supervision) Act 1993* that is not an excluded fund within the meaning of that Act (i.e. involvement in a trust created by a resident, complying superannuation fund),
- public unit trusts in which 50 or more people are not family members of the trustee, or they are offered for subscription or purchase by the public (body corporate trusts and most managed investment funds through institutions such as Banker's trust, Citibank, AMP etc),
- charitable trusts, AND
- trusts created by operation of law.

### 66.2.2 Interest in a private company or unlisted public company

The most common type of company is a private or family company, normally identified by 'Proprietary Limited', 'Pty Limited' or 'Pty Ltd' after its name. A private company has shares issued to family members and office holders are usually family members. Whether or not the company does any type of business is irrelevant, as its mere existence will include parent/s in the FAMT. Under corporation law, ALL companies are required to register for the Australian Securities Commission (ASC) whether listed or unlisted, private or public.

An unlisted public company is not listed on the Australian Stock Exchange (ASX).

### 66.2.3 Self-employment

A self-employed person is defined as someone who works with a view to making a profit or for gain or reward other than under a contract of employment or apprenticeship, whether or not the person employs one or more employees.

Indications that parent/s are self-employed are:

- maintaining their own financial accounting records;
- not receiving a group certificate from an employer at the end of the financial year;
- not having compulsory superannuation or Workcover payments paid by an employer on their behalf. Instead, they pay their own superannuation and can claim it as a tax deduction or business expense; or
- paying tax on a monthly basis through the Prescribed Payments System or the Reportable Payments System.

**Exception:** Self-employed primary producers who are wholly or mainly engaged in a primary production business that they own in the base tax year are NOT included in this category. Wholly or mainly means more than 50% of their work time.

#### 66.2.4 Partner in a partnership

A partnership does not need a written agreement to exist. Sharing profits and losses may be enough to indicate a partnership exists. A joint owner of an asset is not necessarily in a partnership for the purposes of the FAMT. This may even be the case where income is being derived from the joint ownership of the asset.

[Parent/s](#) involved in a partnership MUST provide the following information:

- Evidence and supporting documents to show a partnership has been dissolved. However, if the parent/s were involved in the partnership for at least a day or more in the [base tax year](#), then they are subject to the FAMT. If however the dissolution of the partnership causes a decline in the family's actual means there may be a case for a current FAMT assessment, and
- A declaration of income or losses in their individual income tax return.

#### 66.2.5 Overseas income above or at \$A2,500

The \$A2,500 threshold relates to ANY income in the [base tax year](#) that [parent/s](#) receive from overseas which does not consist only of income from a pension or similar such payment. Where a person derived pension type income and other income (such as rent or interest), the pension must be included in determining whether the \$A2,500 threshold is exceeded. Income also from a taxable overseas pension should be shown as overseas income under the ABSTUDY parental income test. Parent/s who also worked overseas and earned \$A2,500 or more in the base tax year are also included in this category.

#### 66.2.6 Salary or wage earner with a business loss

A [parent](#) is a [designated parent](#) for the purposes of FAMT if, in the [base tax year](#), they derived income from a salary or wage and claimed a tax deduction for a business loss (for that year or previous year) that does not consist only of a [total net investment losses](#) or net passive business loss.

Parent/s are a salary or wage earner if they earn income on a regular basis under a contract of employment, whether implied or expressed.

If parent/s have a net passive business loss only, they are NOT subject to this category. A net passive business loss incurred by parent/s may include negative gearing losses and losses associated with a passive business.

**Note:** In 2010, 'total net investment losses' will apply as a component of parental income for all current tax year assessments. 'Net passive business losses' will continue to be included as a component of parental income for all base tax year assessments until 2011. From 2011, 'total net investment losses' will form part of the parental income test for both current and base tax year assessments.

### 66.2.7 Overseas assets above \$A2,500

Parent/s are [designated](#) for the purposes of the FAMT if they currently have an interest (the value of which is \$A2,500 or more) in any assets located outside Australia and its external territories (including Norfolk Island). An asset is an overseas asset if:

- a parent would normally be obliged to declare it under the ABSTUDY Family Assets Test, and
- it is normally located outside Australia. This includes the principal family home if it is located overseas, even though the value of that home is exempt from the Family Assets Test.

A parent may move in and out of this category as the value of their overseas assets changes during the year. ONLY the value of the PARENT/S interest in the asset must be or exceed \$A2,500. If parent/s move out of this category they MUST provide evidence of the disposal of the asset OR the value of their interest reducing below the \$A2,500. The FAMT may cease to apply from the date the parent/s ceased to hold assets overseas worth \$A2,500, if they are not in any other FAMT category.

Documentary evidence must be supplied in these cases (statutory declaration and copy of deed of transfer of sale). It is important to note that a parent may at any time during the calendar year become subject to this FAMT category, as their involvement in assets may increase over or at the \$A2,500 threshold during the year. It is the obligation of the recipient to inform Centrelink of any change in events or circumstances.

An asset is EXEMPT if:

- it is normally held in Australia, but is temporarily overseas, OR
- an Australian resident invests in a company in Australia, independent of their family, AND the company invests the money in overseas investments ([see example](#)).

### 66.2.8 Example - Business migrant

A [parent](#) in the business migrant category is assessed under the FAMT on a full calendar year. This INCLUDES the year they arrived in Australia. A parent is in this category if within 10 years before 1 January in the calendar year in which ABSTUDY is payable the parent first entered Australia under a permanent visa or entry permit. A parent remains in the business migrant category for 10 years from their arrival in Australia. Recipients can check with the Department of Immigration and Multicultural and Indigenous Affairs for the correct date of their entry into Australia. The visa codes for people entering Australia under these conditions include 127, 128, 129, and 130.

## Chapter 67 - Family Actual Means Test - Actual Means

This section contains information on the type of actual means that are assessed under the Family Actual Means Test (FAMT).

### 67.1 What is included as family actual means

The spending and savings of all assessable family members in the [base tax year](#) are taken into account to determine a family's actual means. For the purposes of the FAMT, the assessable family includes:

- the [student](#);
- the [Australian Apprentice](#);
- the [parents](#);
- any siblings of the student or Australian Apprentice who are [dependent children/students](#)/Australian Apprentices.

Where the assessable family changes, for example, a dependent sibling becomes independent, the FAMT is reassessed to take account of the new composition of the assessable family.

Where applicant and/or sibling is a family member and is living away from parental home all their separate spending and savings must be included.

All spending and savings must be reported from ALL sources including related entities, third parties and financial institutions.

## 67.2 Areas of family spending

The following table lists the main areas of family spending and provides examples of each. The spending relates to the [base tax year](#), and should also apply for the current year (base tax year + 1) for [current family actual means test assessment](#).

Area of spending	Examples
Principal home	<ul style="list-style-type: none"> <li>• the purchase of a home and associated costs such as solicitor/accountant fees, land tax, stamp duty etc;</li> <li>• mortgage repayments, rent &amp; insurance;</li> <li>• rates, gas, electricity and water;</li> <li>• repairs and extensions;</li> <li>• furniture and appliances;</li> <li>• repayments of principal and interest on any personal loans from a financial institution to cover any costs associated with the principal home.</li> </ul>
Transport	<ul style="list-style-type: none"> <li>• purchase costs of any motor vehicles, including lease payments;</li> <li>• maintenance, repairs, and running costs;</li> <li>• insurances and registration;</li> <li>• public transport;</li> <li>• repayments of principal and interest on any personal loans from a financial institution to cover any costs associated with transport.</li> </ul>
Education	<ul style="list-style-type: none"> <li>• school, tuition and boarding fees;</li> <li>• books, uniforms and amenities fees;</li> <li>• evening and leisure classes;</li> <li>• up-front HECS;</li> <li>• repayments of principal and interest on any personal loans from a financial institution to cover any costs associated with education.</li> </ul>
General living	<ul style="list-style-type: none"> <li>• food and clothing;</li> <li>• entertainment;</li> <li>• holiday costs;</li> <li>• insurances, medical and pharmaceutical expenses not covered</li> </ul>

	<ul style="list-style-type: none"> <li>by Medicare or private health insurance;</li> <li>• books, newspapers, magazines;</li> <li>• non-refundable child care expenses;</li> <li>• telecommunications costs (phone &amp; fax);</li> <li>• repayments of principal and interest on any personal loans from a financial institution to cover any costs associated with general living.</li> </ul>
Other	<ul style="list-style-type: none"> <li>• other loan costs;</li> <li>• expenditure on investments, such as real estate, shares, art &amp; coin collection;</li> <li>• tax deductible business expenditure not necessary for carrying on the business, such as donations to charities;</li> <li>• the taxable value of any fringe benefits, covering what would have been an expense to the family;</li> <li>• money paid into the business that was not derived from the earnings of the business;</li> <li>• repayments of principal and interest on any personal loans from a financial institution to cover any costs associated with other expenses.</li> </ul>

### 67.3 Areas of family saving

The following table lists the main areas of family savings and examples of each. The savings relate to the [base tax year](#), and should also apply for the current year (base tax year + 1) for [current family actual means test assessment](#).

Area of saving	Examples
Financial institutions	<p>The net increase, including interest, in any bank, building society or credit union account.</p> <p><b>Note:</b> A decrease in the amount owed on a loan or credit card is a repayment under the spending categories. Any repayments on a personal loan or credit card should be reported in the appropriate spending categories for the FAMT.</p>
Retained profits	<p>The value of a family member's share of:</p> <ul style="list-style-type: none"> <li>• any undistributed profits from, and retained earnings in, a private or unlisted public company;</li> <li>• any increase in their partnership capital accounts and/or current accounts;</li> <li>• undistributed trust profits if the family member is a beneficiary or trustee.</li> </ul>
Superannuation	<p>Contributions above:</p> <ul style="list-style-type: none"> <li>• the minimum amount required under the <i>Superannuation Guarantee (Administration) Act 1992</i> for an employee, OR</li> <li>• \$3,000 per family member (these are total voluntary contributions made by each family member who were sole traders or partners in a partnership. In these cases the first \$3,000 of voluntary contributions should not be included).</li> </ul>
Other	Loans by a family member to a related entity.



## Chapter 68 - Amounts not included in Family Actual Means Test

This topic explains the financial resources that are not included in the Family Actual Means Test.

### 68.1 Amounts not included in Family Actual Means Test

While spending and savings funded from these resources need to be shown in a family's assessment, they will be deducted from the family's actual means. They are:

- [a financial institution's or 'arm's length loan'](#)
- [prior year savings](#)
- [sale of assets](#)
- [non-taxable compensation payments;](#)
- [windfall gains](#)
- [Australian Defence Force Reserve payment](#)
- [government benefits](#)
- [isolated secondary boarders concession](#)
- [dependent children's employment income](#)
- [business spending](#)
- [spending on a disabled family member](#)
- [spending on maintenance payments](#)

#### 68.1.1 A financial institution or arms length loan

To be deducted, a loan MUST be an arm's length loan. No formal contract is needed for the terms of a loan, nor does interest have to be paid. An arm's length loan specifically includes:

- any transaction that gives effect to an advance of money,
- the provision of credit, and
- any payment that is obliged to be repaid.

A financial institution loan made by a person or body to an assessable family member can be deducted when it is part of the lender's usual business to make loans to members of the public.

#### 68.1.2 Prior year savings

Spending that has been funded by the use of prior year savings is not included in family actual means. A net reduction in savings account balances between 1 July and 30 June of the appropriate tax year would substantiate the use of prior year savings.

#### 68.1.3 Sale of assets

For spending or savings sourced from sale of assets to be deducted from the FAMT, the assets must have been held before the commencement of the base tax year.

#### 68.1.4 Non-taxable compensation payments

A non-taxable compensation payment is the amount of compensation payment that is not required to be included in taxable income under the *Income Tax Assessment Act 1997*. This is usually because the payment does not represent lost income. The deduction may relate to some or all of a compensation payment.

#### 68.1.5 Windfall gains

Windfall gains are inheritances and lottery wins, but NOT gifts.

### 68.1.6 Defence force reserve payments

Up to a maximum of \$6,000 for each family member receiving non-taxable Defence Force Reserve payments and allowances.

### 68.1.7 Government benefits

Certain government income assistance received by family members can count as a deduction:

- Payments for students or [Australian Apprentices](#):
  - Youth Allowance for students or Australian Apprentices
  - Austudy
  - ABSTUDY
  - Assistance For Isolated Children
  - Pensioner Education Supplement
- Certain non-taxable Centrelink payments:
  - Family Tax Benefits
  - Rent Assistance
  - Multiple birth and Guardian Allowance
  - Non-taxable component of Parenting Payment
  - Youth Disability Supplement
  - Maternity Allowance
  - Disability Support Pension
  - Carer Allowance
  - Carer Payment
  - Wife pension for wives of disability support pensioners
  - Double Orphan Pension
  - Rehabilitation allowance
  - Mobility Allowance
  - Pharmaceutical Allowance
  - Telephone Allowance
  - Remote Area Allowance
  - Employment Entry Payment
  - [Commonwealth Scholarships](#)
  - [Relocation Scholarship](#)
  - [Student Start-up Scholarship](#)
  - [Merit or equity-based Scholarships](#) from 1 April 2010 for up to a threshold of \$6,762, indexed each year thereafter
- Certain non taxable payments from the Department of Veterans' Affairs:
  - Veterans' Children Education Scheme
- State or Territory education allowances (e.g. for isolation).

### 68.1.8 Isolated or secondary boarders

Spending on Assistance for Isolated Children (AIC) or secondary boarders is able to be deducted if it was for boarding students, (including the ABSTUDY recipient if they are a dependent secondary student) who qualified for:

- a boarding allowance under the AIC scheme (this includes AIC second home allowance),  
or
- a dependent secondary student who was required to live away from home for study.

The exempt amount is \$5,274 for each eligible family member.

### 68.1.9 Dependent children's employment income (maximum of \$6,000)

Families are able to exclude up to a maximum of \$6,000 of spending and savings derived from income earned by each [dependent child](#) aged 16-20 years and not in full-time study, or any

dependent children in full-time study and aged 16-23 years from 1 April 2010, 16-22 years from 1 January 2011 and 16-21 years from 1 January 2012.

Dependent children's Employment income includes income derived from bona fide employment in the family business, farm etc (maximum of \$6,000).

The following table shows the treatment of a young person's income in the [base tax year](#).

Here are some examples of income for the purposes of the FAMT:

If a young person...	The exempt income is...
is earning an income,	the amount of spending and savings derived from the earnings (only a maximum of \$6,000 will apply).
stops being a family member,	if the young person stops being a family member who would be assessed for the purposes of the FAMT and is therefore no longer considered dependent, they are no longer part of the family for the purposes of FAMT - and their income should NOT be included.
receives income from a family business,	employment income includes income derived from bona fide employment in the family business, farm etc (maximum of \$6,000).

#### 68.1.10 Business spending

Spending on the business that was necessary for carrying on a business and claimed as such under the *Income Tax Assessment Act 1997*.

All tax deductible business expenditure necessarily incurred in carrying on the business is exempt from the FAMT, EXCEPT:

- superannuation contributions that are above the minimum required under the *Superannuation Guarantee (Administration) Act 1992*, if a person is employed by the business,  
OR
- the lesser of \$3,000 and the total voluntary contributions made by each family member who were sole traders or partners in a partnership,  
AND
- donations to charity.

#### 68.1.11 Spending on a disabled family member

Spending to acquire or modify property necessary to assist a family member with a disability.

#### 68.1.12 Spending on maintenance payments

Spending on maintenance payments for a former partner or child not in the day-to-day care of the assessable family member.

## Chapter 69 - Application of the Family Actual Means Test

This topic contains information on applying the Family Actual Means Test.

### 69.1 Family Actual Means Test

The following table shows the steps involved in applying the FAMT from 1 July 2010 (for the steps involved in applying the FAMT prior to 1 July 2010, please refer to the [2010 \(to 30 June\) version of ABSTUDY Policy Manual](#))

Step	Action
1	Determine the individual's maximum payment rate.
2	Determine whether the person has a <a href="#">designated parent</a> .
3	Determine the <a href="#">appropriate tax year</a> . The <a href="#">base tax year</a> should be used for a FAMT assessment and the current tax year in the calendar year that the person claims should be used for the current FAMT. A base tax year FAMT assessment MUST be completed before a current FAMT is applied.
4	Determine the family that will be assessed for the base tax year. It is important to note that the current family situation at the time of the claim should be taken into consideration for the FAMT. For example if a sibling was 22 years of age in the base tax year and in receipt of ABSTUDY ( <a href="#">dependent full-time student</a> or <a href="#">Australian Apprentice</a> ), BUT is currently in full-time employment and not in receipt of ABSTUDY, the sibling would not be included as a family member for the FAMT. Therefore spending and savings for the sibling would not be mentioned in the FAMT for the base tax year.
5	Determine the actual means of the young person's family.
6	Determine whether the family have any deductions or exemptions from the FAMT.
7	Determine the person's family actual means free area.
8	Calculate the person's family actual means test reduction amount (from section 69.2).
9	<a href="#">Calculate the personal income test reduction amount</a> and the <a href="#">parental income test reduction amount</a>
10	Reduce the maximum payment rate (from Step 1) by the greatest of: <ul style="list-style-type: none"><li>• the personal income test reduction amount (from Step 9),</li><li>• the parental income test reduction amount (from Step 9), or</li></ul> the family actual means test reduction amount (from Step 8).

### 69.2 Family actual means test reduction amount

The following table shows the steps involved in calculating the family actual means test reduction amount from 1 July 2010.

Step	Action
1	<p>Determine whether the person has parental income in common with any other person. Note that a person who is subject to the parental income test and FAMT can have parental income in common with a dependent person who is receiving:</p> <ul style="list-style-type: none"> <li>• ABSTUDY Living Allowance</li> <li>• ABSTUDY Group 2 School Fees Allowance (means-tested component)</li> <li>• Youth Allowance</li> <li>• Additional Boarding Allowance under the Assistance for Isolated Children Scheme.</li> </ul>
2	<p>Add together the maximum payment rates of the children identified in Step 1.</p> <ul style="list-style-type: none"> <li>• sum of the basic benefit of ABSTUDY Living Allowance or Youth Allowance, and</li> <li>• Youth Disability Supplement, and</li> <li>• Rent Assistance and/or Pharmaceutical Allowance, and</li> <li>• full means-test component of ABSTUDY Group 2 School Fees Allowance, and</li> <li>• Assistance for Isolated Children Additional Boarding Allowance up to the actual rate payable prior to any reduction due to income.</li> </ul> <p>This is the pooled maximum payment rate.</p>
3	<p>Does the family actual means exceed the family actual means free area?</p> <ul style="list-style-type: none"> <li>• If NO, the test does not affect the person's maximum rate of ABSTUDY Living Allowance or Group 2 School Fees Allowance.</li> <li>• If YES, subtract the family actual means free area from the family actual means and go to step 4.</li> </ul>
4	<p>Divide the result from Step 3 by 130 (20 per cent of the step 3 amount reduced to a fortnightly amount). This is the pooled family actual means reduction amount.</p>
5	<p>Divide the individual's maximum payment rate by the pooled maximum payment rate from Step 2.</p>
6	<p>Multiply the pooled family actual means reduction amount (from Step 4) by the amount calculated in Step 5. This is the family actual means test reduction amount to be used in Step 8 of the previous table in family actual means test.</p>

### 69.3 Family actual means calculation

The formula for determining a family's actual means is as follows. The below equation works by taking the family's actual means (spending + savings - deductions) and halving, and then applying the marginal tax rate and Medicare levy to this amount, which is then doubled. Total Net Investment Loss (TNIL) or Net passive business loss (NPBL) is added. This gives the family an equivalent family income that will be used for assessment purposes. The formula for determining a family's actual means is as follows:

2[(GAM/2) + TNITML] + TNIL or NPBL	
when:	
GAM	Gross actual means is the actual means for all family members that year.
TNITML	Total notional income tax/Medicare levy is the sum of the amount of Medicare levy and income tax that is notionally payable by the parents.
NPBL	The total net investment loss (if any) of each parent or net passive business loss (if any) of each parent.

**Note:** In 2010, 'total net investment losses will apply as a component of parental income for all current tax year assessments. 'Net passive business losses' will continue to be included as a component of parental income for all base tax year assessments until 2011. From 2011, 'total net investment losses' will form part of the parental income test for both current and base tax year assessments

## 69.4 Family actual means free area

The family actual means free area specifies the amount ABOVE WHICH a [dependent ABSTUDY applicant's](#) rate is reduced by family actual means. The family actual means free area is the same as the parental income free area.

## 69.5 Reduction for family actual means

From 1 July 2010, every \$1 of family actual means above the family actual means free area reduces the rate of ABSTUDY Living Allowance by \$0.20. Where there is more than one dependent young person receiving ABSTUDY Living Allowance (or Youth Allowance or Assistance for Isolated Children - Additional Boarding Allowance) in the family, the reduction in rate is apportioned between the dependent young people according to their share of the total pool of parentally income tested payments in the family. For Assistance for Isolated Children, which does not have a family actual means test, this apportionment is notional.

## Chapter 70 - Current Family Actual Means Test

### Current Family Actual Means Test Assessment

When a family has a reduction in family actual means from the base tax year, they can request that their actual means be assessed on the current year, i.e. the tax year immediately following the base tax year. This topic explains the conditions involved in current Family Actual Means Test (FAMT) assessments.

### 70.1 Appropriate tax year for a current FAMT assessment

The [appropriate tax year](#) for a current FAMT assessment is the tax year ending in the calendar year in which the customer claims ABSTUDY (base tax year + 1). Therefore all spending, savings and appropriate deductions for the current FAMT will be for the current tax year instead of the [base tax year](#). Where a customer applies for a current FAMT assessment, the base tax year details are required in order to assess the drop in the family's actual means.

## 70.2 Conditions for using a current FAMT assessment

The conditions for using a current FAMT assessment are that a reduction of actual means will last for 2 years, with the additional requirement that the decrease in actual means must be attributed to one or more of the following:

- a circumstance or circumstances beyond the control of an family member; OR
- there is no longer a designated parent for the FAMT; OR
- a family member has taken up full-time study.

These conditions provide an objective basis for granting a concession to families whose actual means was too high in the base tax year.

## 70.3 Period of effect of assessment

The following table shows the period of effect of current FAMT assessments according to the date of the event that caused the decrease in actual means.

<b>If...</b>	<b>Then period of effect is...</b>
the event occurred on or before 1 January of the current year,	from 1 January until the end of: <ul style="list-style-type: none"><li>• the calendar year; or</li><li>• the period of ABSTUDY qualification.</li></ul>
the event occurred after 1 January of the current year,	from the date of the event until the earlier of: <ul style="list-style-type: none"><li>• the end of calendar year; or</li><li>• the period of ABSTUDY qualification.</li></ul>
no event can be tied to the decrease in the current year,	from the date after 1 January when the decrease started, until the end of: <ul style="list-style-type: none"><li>• the calendar year; or</li><li>• the period of ABSTUDY qualification.</li></ul>

## 70.4 Expectations of decreased profits

Customers MUST supply financial evidence of decreased actual means before current FAMT assessment is used. It should be noted that a current FAMT should not be approved on the basis of an expectation of reduced actual means. A customer needs to have assessed whether their actual means will indeed be lower and provide documentary evidence. Expectation of a decrease in profits in relation to a family company or business should NOT usually be granted for a current FAMT assessment.

## 70.5 Reasons for a decrease in actual means

For a current FAMT assessment to be used, the reasons for the decrease in actual means MUST be out of the control of a:

- [parent](#);
- [student](#);
- [Australian Apprentice](#); or
- family member.

## **70.6 Family members no longer designated parents**

A current FAMT assessment can be used if, at the time of applying for the assessment, a [parent](#) is no longer a [designated parent](#).

## **70.7 Actual means decreased due to study**

Current FAMT assessment is used if total family actual means decrease because a family gives up substantial employment to take up full-time or [concessional study-load](#) study. Generally, a full-time course of study, and the reduction in actual means, will need to last for at least 2 years. If the customer withdraws from the course, the current FAMT assessment is not usually withdrawn.

Current FAMT assessment is NOT used if a [parent](#) claims the decrease in actual means resulted from education costs.



## **Part VIII Allowances and Benefits**

### **Chapter 71 - Overview of Living Allowance**

This chapter provides an overview of Living Allowance qualification and payments.

#### **71.1 Purpose of Living Allowance**

Living Allowance is for assistance in meeting the day-to-day living costs of the student or [Australian Apprentice](#).

#### **71.2 Qualification for Living Allowance**

Students on the following ABSTUDY Awards may qualify for Living Allowance:

- [Schooling B Award](#),
- [Tertiary Award](#), or
- [Masters and Doctorate Award](#).

[Australian Apprentices](#) may qualify for Living Allowance under the Tertiary Award.

##### 71.2.1 Other income support

A student or [Australian Apprentice](#) cannot receive ABSTUDY Living Allowance and other Australian Government [income support](#) at the same time. See [12.1 Income Support](#).

##### 71.2.2 Away-from-base assistance

Some students eligible for Away-from-base assistance may also qualify for Living Allowance for a short period. Different rules apply to payment of Living Allowance for these students. See [Chapter 92 Away-from-base Living Allowance](#).

#### **71.3 Payment of Living Allowance for students at the secondary non-school, tertiary, or Masters & Doctorate level and Australian Apprentices at the Tertiary Level**

##### 71.3.1 Payment frequency

Payments of Living Allowance in respect of [Australian Apprentices](#) or students who are studying at the secondary non-school, tertiary, or Masters & Doctorate level are calculated on a daily rate, and made fortnightly in arrears. In certain circumstances as set out in [71.6](#), payments may be paid weekly.

###### 71.3.1.1 Advance payments

Advance payments of Living Allowance may be made in accordance with the provisions set out in [Chapter 75](#).

###### 71.3.1.2 Residential Costs Option

Where a student has opted for the [Residential Costs Option](#), the reduced Living Allowance payments are made fortnightly/weekly in arrears.

## **71.4 Payment of Living Allowance for secondary school students who are not approved to live away from home**

### **71.4.1 Payment frequency**

Payments of Living Allowance in respect of secondary school students who are not approved for away from home entitlements are calculated on a daily rate, and made fortnightly in arrears. In certain circumstances as set out in [71.6](#), payments may be paid weekly.

#### **71.4.1.1 Advance payments**

Advance payments of Living Allowance may be made in accordance with the provisions set out in [Chapter 75](#).

## **71.5 Payment of Living Allowance for secondary school students approved to live away from home**

The payment method and frequency for Living Allowance for secondary school students approved to live away from home depends on whether the student is either:

- boarding at a boarding school, or
- boarding at a hostel that is a signatory to the Standard Hostels Agreement, or
- boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement, or
- boarding in a private board arrangement.

ABSTUDY assistance cannot be provided for out-of term accommodation where a student is unable to return home during a term break as it is expected that schools and boarding providers will have contingency plans for such occasions.

### **71.5.1 Secondary school student boarding at a boarding school, or at a hostel that is a signatory to the Standard Hostels Agreement**

The student's entitlement for the whole calendar year is used to help meet the annual amounts charged by the school and/or hostel for board, even though the entitlement may relate to periods prior to or after the school year.

These entitlements are calculated on a daily rate. Payments are made in a combination of term-in-advance and fortnightly in arrears, depending on the student's entitlement and the board amount charged by the school/hostel.

#### **71.5.1.1 Amounts paid term-in-advance**

Payments are made, direct to the school/hostel, four times a year on a term-in-advance basis for the following periods:

- Term 1 01 January – 31 March,
- Term 2 01 April – 30 June,
- Term 3 01 July – 30 September,
- Term 4 01 October – 31 December.

These payments are made on a pro-rata basis for the lower of:

- the student's maximum combined annual entitlement of [Rent Assistance](#), [Remote Area Allowance](#), Living Allowance, and unused Group 2 School Fees Allowance that has been transferred to meet board costs under the provisions set out in [85.8](#), or

- the annual amount of Rent Assistance, Remote Area Allowance, Living Allowance, and unused Group 2 School Fees Allowance that has been transferred to meet board costs under the provisions set out in [85.8](#) determined in that order, that is required to meet the value of the board amount charged by the school/hostel.

#### 71.5.1.2 Amounts paid fortnightly in arrears to student or parent

Payments are made to the payee identified in 71.7.1, fortnightly in arrears, only where the student's maximum combined annual entitlement of [Rent Assistance](#), [Remote Area Allowance](#), Living Allowance exceeds the board costs charged by the boarding school/hostel. In these circumstances, the difference between the maximum combined annual entitlement of Rent Assistance, Remote Area Allowance, Living Allowance and the annual board costs is paid.

In certain circumstances as set out in 71.6, payments may be paid weekly.

#### 71.5.1.3 Disparity in board fees

Fees levied for ABSTUDY students must be at the same level as those set for non-ABSTUDY students at the same boarding school or hostel.

#### 71.5.2 Secondary school student boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement

The student's entitlement for the whole calendar year is used to help meet the annual amounts charged by the hostel for board, even though the entitlement may relate to periods prior to or after the school year.

These entitlements are calculated on a daily rate. Payments are made fortnightly in arrears to the hostel, and in some circumstances also to the payee identified in 71.7.1, depending on the student's entitlement and the board amount charged by the hostel.

##### 71.5.2.1 Amounts paid fortnightly in arrears to hostel

Payments are made direct to the hostel, fortnightly in arrears, on a pro-rata basis for the lower of:

- the student's maximum combined annual entitlement of [Rent Assistance](#), [Remote Area Allowance](#) and Living Allowance, or
- the annual amount of Rent Assistance, Remote Area Allowance and Living Allowance, determined in that order, that is required to meet the value of the board amount charged by the hostel.

##### 71.5.2.2 Amounts paid fortnightly in arrears to the student or payee

Payments are made to the payee identified in 71.7.1, on a fortnightly in arrears basis, only where the student's maximum combined annual entitlement of [Rent Assistance](#), [Remote Area Allowance](#) and Living Allowance exceeds the board costs charged by the hostel. In these circumstances, the difference between the maximum combined annual entitlement of Rent Assistance, Remote Area Allowance and Living Allowance and the annual board costs is paid.

##### 71.5.2.3 Disparity in board fees

Fees levied for ABSTUDY students must be at the same level as those set for non-ABSTUDY students at the same hostel.

### 71.5.3 Secondary school student boarding in a private board arrangement

A student is considered to board in a private board arrangement if a provider other than a boarding school or hostel provides him/her with board and lodgings during the school term.

#### 71.5.3.1 Payment frequency

Payments of Living Allowance in respect of secondary school students who are boarding in a private board arrangement are made fortnightly in arrears.

#### 71.5.3.2 Advance payments

Advance payments of Living Allowance may be made in accordance with the provisions set out in [Chapter 75](#).

## 71.6 Weekly Payments

Where some or all of a student's Living Allowance entitlement is being paid fortnightly in arrears, the student may, in certain circumstances, be able to receive these payments on a weekly basis.

Receiving ABSTUDY Living Allowance on a weekly basis is voluntary. Weekly payments are specifically targeted to those recipients who are financially vulnerable and will only be offered to these people.

Centrelink will work with these people to assess their needs and offer weekly payments in conjunction with a suite of Centrelink support services including Centrepay and referrals to welfare providers, housing authorities, social workers and youth agencies.

### 71.6.1 Assessment of eligibility for weekly payment

Payments may be made weekly where the following conditions are met:

- the student is the payee, and
- special circumstances exist that would make it beneficial for the student to receive weekly payments. These include:
  - a person has considerable difficulty in managing their finances on a fortnightly basis and would benefit from receiving payments on a weekly basis,
  - a person is at risk of homelessness and has issues of vulnerability and significant disadvantage and would benefit from receiving payments on a weekly basis, and/or
  - a person is homeless.

When determining eligibility for weekly payment, all of the circumstances of the individual should be taken into account. To assist in making this determination, the decision maker should also take into account the following indicators which may identify that the person would benefit from receiving their Living Allowance on a weekly basis. Not all indicators need to be present:

- Centrelink Homelessness indicator recorded,
- one of the following DEEWR Vulnerability Indicators recorded:
  - psychiatric problems or mental illness,
  - cognitive or neurological impairment,
  - drug/alcohol dependent, severe enough to impede compliance,
  - homelessness,
  - recent traumatic relationship breakdown, particularly if domestic violence was involved,
- evicted or facing eviction from place of residence including rental arrears,
- recent traumatic relationship breakdown, particularly if domestic and/or family violence was involved,

- the person, the person’s partner, or a dependent child of the person has a diagnosed mental illness, acquired brain injury or acute cognitive impairment,
- the person or the person’s partner has a gambling, substance or alcohol dependence that is severe enough to impede the person from managing their finances on a fortnightly basis,
- ongoing budgeting difficulty with fortnightly payment arrangements,
- sought advance, urgent or crisis payment in the past 6 months,
- unforeseen event that substantially reduces income or requires significant additional expenditure.

Note: Weekly payments are to be offered in conjunction with other services and referrals as appropriate (for example, services such as drug rehabilitation or domestic violence counselling).

### 71.6.2 Other eligibility issues

People who have their payments income managed are ineligible for weekly payments. People receiving weekly payments are ineligible for emergency payments. Rent Assistance is paid as part of the primary payment. As such, if the payment is able to be paid weekly, then the rent assistance component will also be paid weekly.

### 71.6.3 Review of weekly payment

Centrelink will conduct regular reviews of the person receiving weekly payments. The frequency of the review will depend on the person’s circumstances. Twelve months will be the maximum period for a person to receive weekly payments without a review.

## 71.7 Payee for Living Allowance

### 71.7.1 Payee for fortnightly payments of Living Allowance

Where Living Allowance is being paid fortnightly, payments are to be made to the payee designated in the following table:

If...	Then...
<p>the student or <a href="#">Australian Apprentice</a> is in one or more of the following categories:</p> <ul style="list-style-type: none"> <li>• studying at a secondary non-school, tertiary or Masters &amp; Doctorate level, OR</li> <li>• undertaking an Australian Apprenticeship, OR</li> <li>• 18 years old or over, OR</li> <li>• has <a href="#">Independent status</a></li> </ul>	<p>the payee is the student or Australian Apprentice</p>
<p>the student is 16-18 years old AND a secondary school student AND has <a href="#">dependent</a> status...</p>	<p>the payee is:</p> <ul style="list-style-type: none"> <li>• the <a href="#">parent</a>, OR</li> <li>• the private board provider, if requested by the parent, OR</li> <li>• the student, if requested by the parent, OR</li> <li>• the student, if the student is not benefiting from the allowance because the parent uses it for other purposes e.g. gambling, alcohol.</li> </ul>

the student is under 16 years old AND a secondary school student AND has <a href="#">dependent</a> status.	the payee is: <ul style="list-style-type: none"> <li>• is the <a href="#">parent</a>, or</li> <li>• the boarding school, if requested by the parent, or</li> <li>• the private board provider, if requested by the parent, or</li> <li>• the boarding hostel that is a signatory to the Standard Hostels Agreement, if requested by the parent.</li> </ul>
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#### 71.7.1.1 Payee where student boarding at a hostel that is not a signatory to the Standard Hostels Agreement

Where the student is boarding at a hostel that is not a signatory to the [Standard Hostels Agreement](#), payments must be made on a fortnightly in arrears basis direct to the hostel for the amount determined at 71.5.2.1.

#### 71.7.2 Payee for term-in-advance payments of Living Allowance

Where Living Allowance is being paid on a term-in-advance basis under the provisions of 71.5.1, payments must be made direct to the boarding school or hostel for the amount determined at 71.5.1.

#### 71.7.3 Payee for Residential Costs Option

Where a student has opted for the [Residential Costs Option](#), payments of residential costs are to be made direct to the residential college or hostel. For fortnightly Living Allowance payments made under the Residential Costs Option, the provisions in 71.7.1 apply.

### 71.8 Taxation status

For details of the tax status of Living Allowance, refer to [Chapter 5 Taxation](#).

### 71.9 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 72 - ABSTUDY Living Allowance Rates

This chapter discusses the rates of Living Allowance and the circumstances that may affect these basic rates.

### 72.1 Indexation of Living Allowance rates

Living Allowance rates are subject to Consumer Price Index (CPI) changes each year. Maximum rates for students and [Australian Apprentices](#) 21 years and over are indexed by the CPI on 20 March and 20 September. Maximum rates for students and Australian Apprentices under 21 years are indexed at 1 January each year.

For details of Living Allowance rates, see "[A Guide to Australian Government Payments](#)".

## 72.2 Circumstances affecting rate of Living Allowance

There are a number of different rates of ABSTUDY Living Allowance, depending on the following circumstances:

- student's or [Australian Apprentice's](#) age
- [dependent or independent status](#),
- in [State Care](#)(supported or unsupported),
- [living in the parental home](#),
- [partnered or single](#),
- [with or without dependent children](#),
- [qualification for the Masters and Doctorate Award](#),
- [qualification for the Maintained Rate of payment](#),
- [qualification for Youth Disability Supplement](#).

For details of Living Allowance rates, see "[A Guide to Australian Government Payments](#). A Guide To Australian Government Payments gives details of the payment rates and eligibility criteria for all payments made by Centrelink and the Family Assistance Office.

These basic rates may then be affected by the [income, assets and Family Actual Means tests](#).

### 72.2.1 Age of student or Australian Apprentice

Different rates of Living Allowance apply depending upon the student's or [Australian Apprentice's](#) age. For the purposes of determining the rate of Living Allowance on a given day, the student's or Australian Apprentice's age is his/her age on that day.

### 72.2.2 Dependent and Independent status

Different rates of Living Allowance apply depending upon whether the student or [Australian Apprentice](#) is considered Dependent or Independent for ABSTUDY purposes. See [Chapter 24 Introduction to Dependent Status](#) and [Chapter 37 Overview to Independent Status](#).

### 72.2.3 In State Care (supported or unsupported)

Students or [Australian Apprentices](#) in State Care may qualify for Living Allowance at either the maximum standard (at home) rate or the away from home rate, depending on:

- whether the student or Australian Apprentice has reached the minimum school leaving age for their State or Territory,
- whether their carer receives a regular foster care allowance for the student's or Australian Apprentice's upkeep, and
- whether the student or Australian Apprentice meets the conditions for approval of the Away From Home rate of ABSTUDY.

For details, refer to [Chapter 45 Student in State Care](#).

### 72.2.4 Living in the parental home

The rate of Living Allowance payable for both [dependent](#) and [independent](#) students and [Australian Apprentices](#) can be affected by whether or not the student or Australian Apprentice lives in the parental home.

#### 72.2.4.1 Dependent students and Australian Apprentices aged less than 16 years

Dependent students and [Australian Apprentices](#) aged less than 16 years who live away from home and meet the conditions for approval of the Away from Home rate can qualify for Living Allowance under the [Schooling B Award](#) or the [Tertiary Award](#). See [Chapter 25 Eligibility criteria for Away from Home entitlements](#).

For dependent students aged less than 16 years who either live at home, or live away from home but do not meet the conditions for approval of the Away From Home rate, Living Allowance is not payable. See instead the [Schooling A Award](#).

For dependent Australian Apprentices aged less than 16 years who live at home, or live away from home but do not meet the conditions for approval of the Away From Home rate, Living Allowance at the standard (at home rate) is payable under the Tertiary Award.

#### 72.2.4.2 Dependent students and Australian Apprentices aged 16 years or over

The basic rate of Living Allowance for a dependent student and [Australian Apprentice](#) aged 16 years or over is the standard (at home) rate. A higher rate of payment is available to those students and Australian Apprentices who meet the conditions for approval of the Away from Home rate. See [Chapter 25 Eligibility criteria for Away from Home entitlements](#).

#### 72.2.4.3 Independent students or Australian Apprentices living in the parental home

Where an [independent](#) student or [Australian Apprentice](#) lives in the parental home and is considered an “accommodated independent person”, they are entitled to the lower at-home Independent rates of Living Allowance.

A student or Australian Apprentice is considered to be an accommodated independent person where they are:

- independent, and
- living at the home of either or both of his/her parents/guardians, and
- 20 years of age or under, and
- not a person who
  - is or has been married or in a registered relationship, or
  - has or has had a [dependent child](#), or
  - is 16 years of age or older and living in a de facto relationship which is of at least 6 months duration, or
  - currently has the care or custody of another person’s [dependent child](#) or dependent student or Australian Apprentice.

Independent students or Australian Apprentices who are not considered an accommodated independent person qualify for the standard independent rate for their circumstances.

#### 72.2.5 Partnered or single status

Different rates of Living Allowance apply depending upon whether the student or [Australian Apprentice](#) is considered [partnered](#) or single for ABSTUDY purposes.



### 72.2.5.1 Illness separated couple

A [partnered](#) ABSTUDY customer can receive a rate of Living Allowance equivalent to the single rate where s/he is a member of an illness separated couple. A person is a member of an illness separated couple if:

- they are unable to live together in a their home as a result of the illness or infirmity of either or both of them, and
- because of that inability to live together, their living expenses are, or are likely to be, greater than they would otherwise be, and
- that inability is likely to continue indefinitely.

### 72.2.5.2 Respite care couple

A [partnered](#) ABSTUDY customer can receive a rate of Living Allowance equivalent to the single rate where s/he is a member of a respite care couple. A person is a member of a respite care couple if:

- one of the members of the couple has entered respite care, and
- the member who has entered the approved respite care has remained, or is likely to remain, in that care for at least 14 consecutive days.

For ABSTUDY purposes, a person is in **approved respite care** on a particular day if the person is eligible for a respite care supplement in respect of that day under section 44-12 of the *Aged Care Act 1997*.

### 72.2.5.3 Partner in gaol

A [partnered](#) ABSTUDY customer can receive a rate of Living Allowance equivalent to the single rate where s/he has a partner in gaol. A person is considered to have a partner in gaol if the person's partner is:

- in gaol; or
- undergoing psychiatric confinement because the partner has been charged with committing an offence.

### 72.2.6 Dependent children rate

The rates of Living Allowance available to [independent](#) students or [Australian Apprentices](#) (sole parent or partnered) who have [dependent children](#) can be paid to a student or Australian Apprentice who:

- has a dependent child or [dependent student](#)/Australian Apprentice in his/her care, or
- shares custody and financial responsibility of a child, if the child lives with that parent for at least half the week.

### 72.2.7 Masters and Doctorate rate of Living Allowance

Full-time or [concessional study-load](#) students approved for the [Masters and Doctorate Award](#) receive a higher rate of Living Allowance that is based on the rates that apply for the Australian Postgraduate Award (APA) scheme. This rate is not affected by age, or whether the student has a [partner](#) and/or [dependent children](#).

### 72.2.8 Maintained Rates for Continuing Students aged 21 years or more

A student is entitled to receive the 1999 rate of Living Allowance in the following circumstances:

- s/he was aged 21 years or more at 31 December 1999, and
- s/he was in receipt of ABSTUDY Living Allowance in 1999, and
- s/he has received Living Allowance continuously since 1999, and
- the student has studied his/her current course of study continuously, without a break in study since 1999, and
- the 1999 maintained rate of Living Allowance is more beneficial to the student than the rate s/he would otherwise receive.

### 72.2.8.1 Entitlement to maintained rate ceases

Entitlement to the maintained rate ceases when either of the following occur:

- the student completes the current course of study, or
- the student ceases to undertake the current course of study, e.g. changes to a new course that is not considered to be part of the current course of study; or
- the student has a break in study, or
- the 1999 maintained rate of Living Allowance is no longer more beneficial to the student than the rate s/he would otherwise receive.

Once a student ceases to be entitled to the maintained rate of Living Allowance, s/he may not re-qualify for the maintained rate should his/her circumstances change.

### 72.2.8.2 Current Course of Study

For the purposes of determining entitlement to the maintained rates of Living Allowance, a current course of study includes:

- regular undergraduate courses,
- articulated courses, such as those where a series of courses can be linked to count for a higher qualification,
- a continuing course in the same field of study undertaken at different institutions or at a different campus,
- natural progression, such as:
  - a Bachelor of Laws and Letters followed by a Graduate Diploma of Legal Studies, or
  - an access or bridging course undertaken as a prerequisite entry to a tertiary qualification, or
  - a series of certificate level courses in the same field of study, or
  - a Bachelor degree that is a prerequisite for a Graduate degree, or
  - an Honours year or Masters qualifying year followed by a Masters.

### 72.2.8.3 Break in study

For the purposes of determining entitlement to the maintained rates of Living Allowance, a student is considered to have had a break in study if, with the exception of vacation periods, s/he was not enrolled in and undertaking the current course of study at any time since 1999.

A student is considered to not have had a break in study where exceptional circumstances beyond the student's control prevented him/her from enrolling in the current course of study. These exceptional circumstances include:

- medical grounds;
- personal circumstances; or
- academic requirements or course availability.

### 72.2.9 Qualification for Youth Disability Supplement

The Youth Disability Supplement is an income supplement paid to young people with disabilities recognising additional costs associated with their physical, intellectual and psychiatric disabilities.

The Youth Disability Supplement is payable to ABSTUDY customers on an ABSTUDY Living Allowance aged under 21 years and assessed by a [Job Capacity Assessment](#) as having a [partial capacity to work](#).

The rate payable to a person on ABSTUDY who is under 21 years of age cannot exceed the rate payable to an ABSTUDY customer who is aged 21 years or over, therefore the rates payable to single customers living away from home, single customers with children and to partnered customers are limited to the equivalent common benefit rates (NSA rate). For details of Youth Disability Supplement rate see '[A Guide to Australian Government Payments](#)'.

The Youth Disability Supplement is a fortnightly entitlement and is indexed annually in line with CPI increases.

## Chapter 73 - Living Allowance entitlement periods

### ABSTUDY Allowances and Benefits: Chapter 73 - Living Allowance entitlement periods

This chapter describes the period for which ABSTUDY Living Allowance is paid, and the circumstances that may affect this.

#### 73.1 Period of entitlement

Where a student is undertaking approved study, the normal period of Living Allowance entitlement is:

- for secondary school students, from 1 January to 31 December of that year; or
- for tertiary and secondary non-school students, from the first day to the last day of the approved course.
  - for these purposes, the first day of the course is the earlier of the following:
    - the first day of attendance at classes in the course; or
    - for external students, the first day of the enrolment period; or
    - for students attending the first year of a higher education course, the first day of orientation week.
  - for these purposes, the last day of the course will be the later of the following:
    - the last day of the academic year/study period for that course; or
    - for external students, the last day of the enrolment period; or
    - the date of the last examination.

For [Australian Apprentices](#) undertaking an apprenticeship, traineeship or trainee apprenticeship, the normal period of Living Allowance entitlement is from the latter of:

- the date the customer lodges a claim or intention to claim; or
- the start date of the Australian Apprenticeship;

to the last day of the apprenticeship, traineeship or trainee apprenticeship as specified in the training contract.

However, in order for an Australian Apprentice to commence receiving payment, Centrelink must be provided with the Australian Apprentice's [Commonwealth registration number](#) and their start date.

### 73.1.1 Period of entitlement for term-in-advance payments

Where payments of Living Allowance are being made on a term-in-advance basis to a school or hostel under the provisions set out in [71.5.1](#), then the normal periods of Living Allowance entitlement for these term-in-advance payments are:

- Term 1 01 January to 31 March;
- Term 2 01 April to 30 June;
- Term 3 1 July to 30 September;
- Term 4 1 October to 31 December.

### 73.1.2 Circumstances affecting the normal period of entitlement

The following circumstances affect the commencement date and end date of entitlement:

- [late commencement](#);
- [resuming study after a break](#);
- [discontinuing full-time or concessional study-load study](#);
- discontinuing an apprenticeship, traineeship or trainee apprenticeship under the Australian Apprenticeship Scheme;
- suspension or cancellation of an Australian Apprentice's [Commonwealth registration number](#);
- [discontinuing boarding at a boarding school](#);
- [discontinuing boarding at a hostel](#);
- [continuation of entitlement during vacation periods](#); and
- [entitlement during gaps between courses](#).

The following circumstances also apply to [Australian Apprentices](#):

- the date the Australian Apprentice's [Commonwealth Registration Number](#) in respect to the [full-time](#) Australian Apprenticeship commences.

The new claim application for Australian Apprentices may be suspended without rejection while waiting for the Commonwealth Registration number to be provided.

## 73.2 Circumstances affecting commencement of entitlement

### 73.2.1 Late Commencement

A student will be entitled to Living Allowance from the normal entitlement period start date specified in [73.1](#) provided that s/he commences full-time or [concessional study-load](#) study in the approved course by the Friday of the third week of the relevant study period.

Where a student commences study in the course after the Friday of the third week, s/he is entitled to Living Allowance only from the day on which the student actually commences full-time or concessional study-load study in the approved course.

### 73.2.1.1 Late commencement due to circumstances beyond the student's control

If a student's late commencement was due to circumstances beyond the student's control, s/he is entitled to Living Allowance from the from the normal entitlement period start date specified in [73.1](#).

### 73.2.2 Resuming study after a break

A student is entitled to Living Allowance from 1 January if s/he has had a break in full-time or concessional study-load study of no greater than 1 semester and the first day of his or her course is between 1 January and 31 March of that year.

A student is entitled to Living Allowance from 1 July if s/he has had a break in full-time or concessional study-load study of no greater than one semester and the first day of his or her course is between 1 July and 31 July.

### 73.2.2.1 Break in study due to circumstances beyond the student's control

Where the break in full-time or [concessional study-load](#) study was greater than one semester, but the break in study was as a result of circumstances beyond the student's control, the student is entitled to Living Allowance from 1 January or 1 July as appropriate.

### 73.2.2.2 Intention to resume study after a break in study

If the student was paid from 1 January or 1 July on the basis of his/her intention to study a full-time or [concessional study-load](#) in the approved course in the next available study period, and the student subsequently becomes aware s/he will not be commencing the course, s/he is entitled to Living Allowance up to the date s/he became aware s/he would not commence the course.

This provision cannot be extended beyond the third Friday of the study period i.e. term or semester.

## 73.3 Circumstances affecting cessation of entitlement

### 73.3.1 Discontinuing full-time or concessional study-load study

Where a student has discontinued full-time or [concessional study-load](#) study, his/her entitlement to Living Allowance ceases. A student is considered to have discontinued full-time or concessional study-load study if:

- s/he informs Centrelink s/he has ceased full-time or concessional study-load study; or
- s/he cancels his/her enrolment or his/her enrolment is cancelled by the education institution; or
- the education institution advises Centrelink that the student has ceased full-time or concessional study-load study; or

- s/he is a secondary non-school, tertiary or Masters & Doctorate level student who ceases to meet the conditions for payment during a period of extended absence as set out in [50.2](#); or
- s/he is a secondary school student and the education institution advises that s/he has had a continuous period of unapproved absence in excess of two weeks, as set out in [49.4](#).

The date of discontinuation is whichever the earlier is of:

- the date on which the student ceases to study full-time; or
- the date on which the student ceases to meet the conditions for payment during a period of extended absence as set out in [50.2](#); or
- the date on which the student ceases to be enrolled.

### 73.3.2 Discontinued boarding at a boarding school

If Living Allowance has been paid on a term-in-advance basis to a boarding school for a student who has commenced in the term and under the institution's conditions of enrolment it will not be refunded, then the entitlement end date for the term-in-advance payment will remain the normal entitlement end date for that term as set out in [73.1.1](#). This applies even where the reason for the student's discontinuation is suspension or expulsion from the school.

There is no entitlement to the school for a student who does not commence.

#### 73.3.2.1 Change of school affect on term-in-advance Living Allowance payments

Where term-in-advance Living Allowance has been paid for the term and a student subsequently ceases to board at that school, and the boarding school is entitled to retain the term payment under the provisions set out in [73.3.2](#), no further payments for board may be made until the commencement of a new term entitlement period.

### 73.3.3 Discontinued boarding at a hostel

If Living Allowance has been paid on a term-in-advance basis to a hostel that is a signatory to the ABSTUDY Hostels Agreement, and the student either discontinues boarding or ceases studying within 6 weeks of taking up residence, then under the ABSTUDY Hostels Agreement the entitlement end date for the term-in-advance payment will be 6 weeks from the date the student took up residence. This applies even where the reason for the student's discontinuation is suspension or expulsion from the school.

#### 73.3.3.1 Discontinued boarding at a hostel where term-in-advance payments are made

Where term-in-advance Living Allowance has been paid for the term and a student subsequently ceases to board at that hostel, and the hostel is entitled to retain 6 weeks of the term payment under the provisions set out in [73.3.3](#), no further payments for board may be made until the date after this 6 week period ends.

## 73.4 Continuation of entitlement during vacation periods

A student is entitled to Living Allowance during any vacation period where:

- s/he was receiving Living Allowance on the basis of undertaking approved full-time or [concessional study-load](#) study immediately prior to the vacation period; and
- s/he is intending to undertake approved full-time or concessional study-load study in the study period immediately following the vacation period.

There is no entitlement to Living Allowance over the long vacation period where the approved course immediately prior to the vacation period ended earlier than 15 September and/or where the approved course immediately after the vacation period starts after 31 March.

### 73.4.1 Continuing student does not resume study after vacation period

Where such a student does not resume full-time or [concessional study-load](#) study after the vacation by the third Friday of the next study period, s/he is entitled to Living Allowance up to and including the day when s/he became aware that s/he would not be resuming full-time or concessional study-load study.

This provision cannot be extended beyond the third Friday of the relevant term/semester.

### 73.4.2 Payments made to boarding school or hostel

There is no entitlement to either term-in-advance payment to a boarding school or hostel, or fortnightly payments to a hostel, for a term where the student who does not commence in that term. This includes a continuing student who does not resume study after a vacation period.

In this situation, the provisions set out in [73.4.1](#) still apply in respect of fortnightly payments of Living Allowance directed to the payee identified in [71.7.1](#). This means that, although the boarding school or hostel is not entitled to any payments for a student where s/he does not commence in a term, the student is entitled to their normal fortnightly entitlement of Living Allowance up to and including the day s/he became aware that s/he would not be resuming study.

## 73.5 Entitlement during gaps between courses

Where a student discontinues and then subsequently commences full-time or [concessional study-load](#) study, in either the same course or a different course, s/he remains entitled to Living Allowance if the period between is no greater than 28 days.

## Chapter 74 - Residential Costs Option

This chapter describes the circumstances where a student may elect to receive the residential costs option in place of ABSTUDY Living Allowance.

### 74.1 Purpose of the Residential Costs Option (RCO)

The Residential Costs Option allows students who live in a residential college or hostel the option of having his/her residential costs paid directly by ABSTUDY, in addition to receiving a reduced

amount of Living Allowance or nil rate of [Pensioner Education Supplement](#) (PES). For the periods residential fees are not charged, eligible students receive their full Living Allowance or PES entitlement.

[Australian Apprentices](#) are unable to access this entitlement.

## 74.2 Eligibility for Residential Costs Options

To be eligible for the residential costs option students must be:

- eligible for one of the following Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Masters & Doctorate Award](#), and
- either:
  - a tertiary student, or
  - a secondary non-school student undertaking approved studies of at least 30 weeks duration (full year course) at a university, and
- receiving either:
  - an amount of Living Allowance, or
  - [Pensioner Education Supplement](#) (PES), or
  - payments of Defence Force Income Support Allowance-like (DFISA-like) payments under the *Veterans' Entitlements Act 1986*, and
- either:
  - a [dependent student](#) who has been approved for [Away From Home entitlements](#), or
  - an [independent student](#) or a PES recipient who would, if they were not independent or a PES recipient, meet one of the criteria for approval of [Away from Home entitlements](#), and
- be residing at a residential college attached to an Australian education institution, or a hostel.

## 74.3 What is the Residential Costs Option?

Where a student meets the eligibility criteria set out in 74.2, s/he may elect to take up the Residential Costs Option. The Residential Costs Option involves the following:

- residential costs are paid by ABSTUDY directly to the college or hostel, and
- during periods for which residential fees are charged, the student forfeits their normal fortnightly amount of Living Allowance or [Pensioner Education Supplement](#) (PES):
  - Living Allowance recipients receive a reduced fortnightly rate of Living Allowance, and
  - PES recipients forfeit their fortnightly PES payments, and
- during periods for which residential fees are not charged, Living Allowance/PES payments return to the normal fortnightly amounts.

### 74.3.1 Reduced rate of Living Allowance

Eligible Living Allowance recipients who elect to take up the Residential Costs Option will receive a reduced rate of Living Allowance during periods for which residential fees are charged. The amount they will receive each fortnight is the lesser of:

- the prescribed Residential Costs Option fortnightly allowance (for details of this rate, see "[A Guide to Australian Government payments](#)".), or
- the student's normal Living Allowance entitlement.

A student who chooses the RCO is ineligible for [Additional Assistance](#) or Meals Allowance to supplement the reduced rate of Living Allowance.

### 74.3.2 Relocation Scholarship



ABSTUDY Residential Costs Option will not be payable for any period where a person has received (or will receive) Relocation Scholarship or an equivalent scholarship (see [102.2.2 Equivalent scholarship payments](#)), unless an offer of a place in a residential college is received by the person after Relocation Scholarship has been paid.

## 74.4 What are residential costs?

For the purpose of the Residential Costs Option, residential costs include:

- accommodation fees, and
- meals provided, and
- laundry charges, and
- other compulsory fees.

Residential costs do not include bonds or other refundable fees.

### 74.4.1 Reasonable residential costs

There is no set upper limit on the residential costs payable by ABSTUDY for approved students who choose the Residential Costs Option; however, residential charges must be reasonable.

## Chapter 75 - Advance Payment

This chapter describes the rules around the payment of an Advance Payment of ABSTUDY Living Allowance.

### 75.1 Qualification for Advance Payment

To qualify for an advance, a student or [Australian Apprentice](#) must meet the following criteria:

- have a payable ABSTUDY Living Allowance entitlement, and
- request, and be entitled to, between \$250 and \$500 in advance, and
- not have received an advance in the last 12 months, including an advance made under another social security benefit or allowance, and
- not owe any money to the Commonwealth that is being recovered, or may be recovered, by repayments from their social security or ABSTUDY payment, and
- not be currently repaying a previous advance, including an advance made under another social security benefit or allowance (excluding a Family Tax Benefit, Pharmaceutical Allowance or Mobility Allowance advance), and
- not be a secondary school boarding student where payments are being made term-in-advance to a boarding school or hostel,
- be able to repay the advance without suffering financial hardship.

Advance Payments for dependent secondary students aged less than 18 years cannot be made without the permission of the [parent](#).

### 75.2 Formula for calculating Advance Payment

#### 75.2.1 Minimum advance payable

The minimum amount of ABSTUDY Living Allowance payable as an advance payment is \$250.

#### 75.2.2 Maximum advance payable

The maximum amount of ABSTUDY Living Allowance payable as an advance payment is the lowest of the following amounts:

- the amount requested, or
- 7 per cent of the gross amount of the last full fortnightly entitlement (including gross Living Allowance plus [Rent Assistance](#) plus [Pharmaceutical Allowance](#), but not including [Remote Area Allowance](#)) x 26, or
- \$500.

## 75.3 Payment of Advance Payment

Normally, advance payments are made by direct credit of the whole amount as an immediate payment, but customers have the option of payment by instalments.

### 75.3.1 Payment by instalments

The maximum number of instalments is two. There is no minimum instalment amount. The customer must nominate the instalment amounts and the date they require the second instalment to be automatically paid. The second instalment must be paid within 6 months of the first. When a customer elects to have instalments, the recovery rate is still calculated on the full amount to be advanced.

## 75.4 Repayment of Advance Payments

Advances are recovered through repayments from the student's or [Australian Apprentice's](#) fortnightly payments of ABSTUDY. A student or Australian Apprentice can, however, make a cash refund to repay any amount of an outstanding advance at any time.

### 75.4.1 Transfer between payments

Where a customer transfers from ABSTUDY Living Allowance to a social security [income support payment](#), and there is a balance of an outstanding advance, this outstanding balance transfers to the income support payment and continues to be recovered as an advance.

### 75.4.2 No longer entitled to social security benefit, allowance or pension, or ABSTUDY

If a customer is no longer entitled to a social security benefit, allowance or pension, or ABSTUDY Living Allowance, and there is a balance of an outstanding advance, this outstanding balance becomes a debt to the Commonwealth.

### 75.4.3 Rate of repayment of advances

The first repayment of an advance will be made on the first payday after the advance payment is made. The rate of repayment is one-thirteenth of the full amount of the advance, even if the advance is made in instalments.

#### 75.4.3.1 Variation in rate of repayment of advances: changes in circumstance

In some fortnights, the student's ABSTUDY Living Allowance entitlement may be reduced below the repayment rate as a result of the application of income tests. Where this happens, the full amount is deducted to cover the repayment rate. As the full repayment has not been made, the number of fortnights over which the advance is recovered will increase.

### 75.4.3.2 Variation in rate of repayment of advances: customer request

A request by the customer to decrease or temporarily cease the rate of repayment of an advance can be approved if:

- the person has experienced an unexpected change in circumstances that is special and unusual, and
- the person would suffer severe financial hardship if the repayment rate was not reduced.

## Chapter 76 - Overview of Rent Assistance

This chapter provides an overview of Rent Assistance qualification.

### 76.1 Purpose of Rent Assistance

The purpose of Rent Assistance is to assist in meeting the board and lodging expenses of eligible students and [Australian Apprentices](#).

### 76.2 Qualification for Rent Assistance

To qualify for Rent Assistance, the following criteria must be met:

- the student or [Australian Apprentice](#) must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), and
- the student or Australian Apprentice must either:
  - have [dependent status](#) and be approved for [Away from Home entitlements](#), or
  - be a student or Australian Apprentice in [State Care](#) who is approved for the Away from Home rate of Living Allowance, or
  - have [independent status](#) and NOT be considered an [accommodated independent person](#), and
- the student or Australian Apprentice must either:
  - be entitled to receive [Living Allowance](#), or
  - be receiving a Defence Force Income Support Allowance-like (DFISA-like) payment under the *Veterans' Entitlements Act 1986*, and
- the student or Australian Apprentice must pay, or be liable to pay, rent (other than Government rent) above the specified threshold in order to occupy their principal residence, and
- the student's or Australian Apprentice's principal residence is in Australia, and
- the student or Australian Apprentice is not either of the following:
  - an ineligible homeowner, or
  - an aged care resident occupying a Commonwealth funded bed in a nursing home or hostel, and
- the student or Australian Apprentice has a [partner](#), where the partner is neither:
  - receiving Family Tax Benefits (FTB) Part A under the *Family Assistance Act 1999* at greater than the base FTB child rate, or
  - receiving a rent increased pension under the *Social Security Act 1991* or a rent increased service pension under the *Veterans' Entitlements Act 1986*.

#### 76.2.1 Rent Assistance not available under certain Awards

Rent Assistance is not available under the following ABSTUDY Awards:

- [Masters and Doctorate Award](#),
- [Schooling A Award](#),
- [Testing and Assessment Award](#),
- [Part-time Award](#), and
- [Lawful Custody Award](#).

## 76.2.2 Not qualified for Rent Assistance

A student or [Australian Apprentice](#) does not qualify for Rent Assistance where the student or Australian Apprentice:

- pays less than the threshold amount of rent according to their circumstances, or
- pays Government rent, or
- is an ineligible homeowner, or
- continues to be treated as a homeowner during a period of temporary absence, despite renting their temporary accommodation (some exceptions apply), or
- does not qualify because of rules that apply to some students or Australian Apprentices who live in the parental home, or
- is receiving a maintained rate of Living Allowance under the provisions set out in 72.2.8.

## 76.2.3 Evidence supporting claims for Rent Assistance

As determined by Centrelink, evidence may be required to support a student's or [Australian Apprentice's](#) claim for Rent Assistance, or to support the student's or Australian Apprentice's ongoing entitlement for Rent Assistance.

## 76.3 Government Rent

Government rent means rent paid to a State Housing Authority.

A student or [Australian Apprentice](#) who pays Government rent does not qualify for Rent Assistance, even if s/he is paying market rent or has a sub-tenant.

### 76.3.1 Not considered to be Government Rent

For the purposes of assessing eligibility for Rent Assistance, the following are not considered to be government rent:

- any housing co-operative, disability state housing or other organisation that may receive funding and/or properties through housing authorities, even if the student or [Australian Apprentice](#) pays rent directly to the state housing authority, or
- Commonwealth housing, e.g. housing provided by the Defence Housing Authority or the Department of Immigration and Multicultural and Indigenous Affairs.

### 76.3.2 Customer who sub-lets in public (Government) housing

A sub-tenant in public housing cannot qualify for Rent Assistance unless:

- the primary tenant pays market rent as determined by the State Housing Authority, OR
- the primary tenant has advised the State Housing Authority that they have a sub-tenant, and
- the sub-tenant's income has been taken into consideration when calculating the rent payable by the primary tenant.

## 76.4 Ineligible Homeowner

Where a student or [Australian Apprentice](#) is an ineligible homeowner, s/he does not qualify for Rent Assistance. A student or Australian Apprentice is considered to be an ineligible homeowner where:

- the student or Australian Apprentice has a right or interest in his/her principal home, and
- the student's or Australian Apprentice's right or interest in the home gives the student or Australian Apprentice reasonable security of tenure in the home, OR

- the student or Australian Apprentice has a [partner](#) and the student or Australian Apprentice, or the partner, has a right or interest in one residence that is either:
  - the student's or Australian Apprentice's principal home, or
  - the partner's principal home, or
  - the principal home of both of them, and
- the student's or Australian Apprentice's right or interest, or the partner's right or interest, in the home gives the student or Australian Apprentice, or the partner, reasonable security of tenure in the home.

#### 76.4.1 Not considered an ineligible homeowner

A student or [Australian Apprentice](#) in the following circumstances is not considered to be an ineligible homeowner:

- the student or Australian Apprentice, and/or the student's or Australian Apprentice's [partner](#), has sold his/her principal home within the last 12 months and has not yet acquired another residence, but is likely to apply some or all of the proceeds of the sale to that purpose, or
- the student or Australian Apprentice is absent from his/her principal home in order to undertake caring responsibilities for another person for at least 14 consecutive days, but for no longer than 2 years, or
- the student or Australian Apprentice is either:
  - in a care situation but not residing in a retirement village or aged care residence, or
  - paying for the use of a site or structure, including rights to moor a vessel, that is his/her principal home. Example: A caravan or boat.

### 76.5 Temporary Accommodation

Rent Assistance is generally only payable when the accommodation being rented is regarded as the student's or [Australian Apprentice's](#) principal home. However, in some circumstances where the customer is likely to have increased accommodation costs for a temporary period, rent paid for temporary accommodation may qualify for Rent Assistance. These circumstances are:

- the student or Australian Apprentice requires specific medical treatment that is unavailable in the area where his/her principal home is located, or
- the student or Australian Apprentice temporarily moves away from the area where his/her principal home is located in order to live at his/her study location or undertake an apprenticeship, traineeship or trainee apprenticeship, or
- the student or Australian Apprentice has a [dependent child](#) attending school away from the area where their principal home is located because of unavailability of appropriate schools (except where the family receive second Home Allowance under the Assistance for isolated Children (AIC) scheme for this purpose), or
- the student or Australian Apprentice lives in a refuge, or
- the student or Australian Apprentice must leave his/her principal home temporarily because it is uninhabitable.

Where a student or Australian Apprentice pays rent on both his/her principal home and on temporary accommodation, s/he can only receive Rent Assistance on one of the residences.

### 76.6 Student living in parental home

Rent Assistance is not payable in some circumstances where a student or [Australian Apprentice](#) lives in the principal home of a [parent](#). The following students or Australian Apprentices are not eligible for Rent Assistance:

- a student or Australian Apprentice who has [dependent status](#) and is living in the principal home of a parent, and

- a student or Australian Apprentice who has [independent status](#) and is considered to be an accommodated independent person.

### 76.6.1 Principal home of parent

A customer is considered to be living in the principal home of a parent when living in the same home that at least one of their parents is residing in. This does NOT include:

- the parent's investment property,
- a fully self-contained flat attached to or detached from the parent's home,
- a fully self-contained caravan in the backyard of the parent's home, or
- a separate, fully self-contained house on the same block of land as the parent's home.

#### 76.6.1.1 Fully self-contained accommodation

For the purposes of 76.6.1, accommodation is considered to be fully self-contained where it includes a kitchen, bathroom and other facilities that do not require the student to use the parent's home on a regular basis.

## 76.7 Absence from Australia

Rent Assistance is payable during absences overseas where:

- the portability provisions set out in 9.2 are met, and
- the student or [Australian Apprentice](#) continues to pay rent for his/her residential premises in Australia, and
- the his/her remains otherwise eligible for Rent Assistance.

Depending on the reason for the overseas absence, the length of time for which Rent Assistance remains payable varies:

- where the student or Australian Apprentice is overseas and meets the provisions of [Chapter 55 Overseas Study](#), Rent Assistance remains payable for up to 26 weeks,
- where the student or Australian Apprentice is overseas and does not meet the provisions of Chapter 55 Overseas Study, Rent Assistance remains payable for up to 13 weeks,
- where the student or Australian Apprentice is overseas and does not meet the provisions of Chapter 55 Overseas Study, BUT the student or Australian Apprentice receives an extension to his/her limited portability period under the provisions set out in 9.2.2.1, Rent Assistance remains payable for up to 26 weeks.

## Chapter 77 - Assessment of Rent

This chapter discusses the assessment of rent for the purposes of Rent Assistance.

### 77.1 What is Rent?

For the purposes of Rent Assistance, rent means amounts paid or payable on a regular basis by a student or [Australian Apprentice](#), or his/her [partner](#), as a condition of occupying their [principal home](#). This includes amounts paid for:

- lodging;
- accommodation in a care situation, except for Government subsidised Residential Aged Care;
- service or maintenance fee for services provided in a retirement village;
- the use of site for, and/or rental of, a:
  - caravan or other vehicle; or
  - mobile home; or

- transportable home; or
- tent;
- the right to moor a vessel; and
- a service or charge on certain shared equity accommodation such as some schemes provide for people with disabilities or the elderly.

### 77.1.1 Considered to be paid on a regular basis

Where an amount is paid at least quarterly, it is considered to be paid on a regular basis.

Where an amount for the following is paid at least annually, it is considered to be paid on a regular basis:

- site fees paid for a:
  - caravan or other vehicle; or
  - mobile home; or
  - transportable home; or
  - tent; or
- service or maintenance fee for services provided in a retirement village.

### 77.1.2 Child support maintenance payments

Maintenance payments for child support purposes do not reduce a student's or [Australian Apprentice's](#) entitlement to Rent Assistance, even if they are:

- paid specifically to help with rental accommodation costs; OR
- made directly to the landlord or agent.

The amount of rent assessed for the purposes of Rent Assistance is the gross amount of rent paid, as if there were no subsidy.

## 77.2 Payments for Board & Lodging

For the purposes of Rent Assistance, where a student or [Australian Apprentice](#) makes payments for board and lodging, that is, s/he is provided with meals on a regular basis in addition to the lodging, only the amount paid for lodging is considered to be rent.

### 77.2.1 Two-thirds rule

Where a student or [Australian Apprentice](#) pays for board and lodging and the amount paid or payable for lodging cannot be identified, two-thirds of the total amount is considered to be for rent.

### 77.2.2 Free board & lodging

The following table explains the provisions that apply if a student or [Australian Apprentice](#) receives free board and lodging:

If the student or Australian Apprentice...	Then the student or Australian Apprentice...
receives free lodgings, or free board and lodgings, whether in return for services or not,	is NOT regarded as paying rent. <b>Exception:</b> If it is accepted that amounts for lodging, or board and lodging will be paid WHEN Rent Assistance is granted.
is given the right of occupancy of a property (not being a life interest or an equity in the property) in return	MAY be regarded as paying rent IF: - it can be established that they are required to pay regular amounts (usually at least quarterly), AND

for the payment of rates, repairs or similar.	- it is reasonable to regard this student as paying rent.
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### 77.2.3 Student residing at a boarding school, hostel, or residential college

For the purposes of assessing eligibility for Rent Assistance, the board fees for a student who is residing at a boarding school, hostel or residential college are regarded as being paid by the student, even if paid by a third party on behalf of the student.

See [77.3.4](#) for details of special rules for accommodation that is paid for by a scholarship.

## 77.3 Net Rent Rules

Generally, Rent Assistance is payable only on the amount of rent paid by the student or [Australian Apprentice](#), net of any subsidies or payments from tenants. The exceptions to this are:

- [student or Australian Apprentice who sub-lets in community or co-operative housing](#);
- [student or Australian Apprentice who resides in disability program accommodation](#);
- [State & Territory rent relief schemes](#);
- [student or Australian Apprentice scholarships](#);
- [rent in return for work](#).

### 77.3.1 Student or Australian Apprentice who sub-lets in community or co-operative housing

A student or [Australian Apprentice](#) who sub-lets a house that is managed by a co-operative or community housing group is paid Rent Assistance based on the amount of rent paid by the student. This is usually a given percentage of their income.

### 77.3.2 Student or Australian Apprentice who resides in disability program accommodation

Where a student or [Australian Apprentice](#) resides in disability accommodation provided by a government or community agency, Rent Assistance is payable. This includes situations where:

- the accommodation owned by the State Housing Authority (SHA) but managed by the disability service agency; and
- rent is paid directly to the SHA.

Only the amount paid by the student for accommodation is considered to be rent. Amounts paid for maintenance and service fees are not considered to be rent.

### 77.3.3 State & Territory rent relief schemes

Some State and Territory Governments offer rent relief schemes which impact on the eligibility for Rent Assistance. The Government schemes offered and their treatment under Rent Assistance provisions are as follows:



State Government	Scheme Name	Details of Scheme	Rent Assistance based on ...
<b>NSW</b>	Special Assistance Subsidy (SAS)	Subsidy paid to disabled and HIV/AIDS customers on waiting list.	gross rent payable.
<b>South Australia</b>	Rent Relief (closed to new applicants in May 2001)	Subsidy paid to low-income people to maintain private rental.	gross rent payable.
	Student Rent Relief	Subsidy paid to tertiary students who live more than 75km from home.	gross rent payable.
<b>Queensland</b>	Rental Subsidy Scheme	Assistance to people with disability or special need.	Rent Assistance is NOT payable, customers are Government renters.

### 77.3.4 Student or Australian Apprentice scholarships

Where a student or [Australian Apprentice](#) receives a scholarship that pays for some or all of their rental or accommodation costs, the following applies:

- if the scholarship is considered to be income under the [Personal Income Test](#), then the Rent Assistance is based on the gross rent payable by the student and is not affected by the scholarship amount;
- if the scholarship is NOT considered to be income under the [Personal Income Test](#), then the Rent Assistance is based only on the amount of net rent paid by the student discounted by the scholarship amount.

#### 77.3.4.1 Commonwealth Accommodation Scholarship

Where a student receives a Commonwealth Accommodation Scholarship under the Commonwealth Learning Scholarships program, this scholarship is NOT to be taken into account when calculating Rent Assistance. Rent Assistance should be paid on the amount of rent paid by the student, without discounting it for the scholarship amount.

### 77.3.5 Rent in return for work

Where a student or [Australian Apprentice](#) receives rent or board and lodging as payment for services rendered, Rent Assistance is only payable where the customer would otherwise receive income for the services provided. In these circumstances, the board and lodging 2/3 rule may have to be applied to the deducted amount to determine the Rent Assistance entitlement.

## 77.4 Students and Australian Apprentices who share accommodation with others

For the purposes of Rent Assistance, the total combined rent payable by each member of a household cannot exceed the total rent payable for the accommodation.

## Chapter 78 - Entitlement to Rent Assistance

This chapter details how Rent Assistance entitlement is determined and calculated.

### 78.1 Calculation of Rent Assistance

Rent Assistance is paid at a rate of 75 cents in the dollar for every dollar of rent paid over the threshold amount, up to the maximum rate payable.

Where a student or [Australian Apprentice](#) is eligible for Rent Assistance, payment is made for the lower of the following amounts:

- $(\text{Rent Payable} - \text{Rent Threshold for the student's circumstances}) \times 0.75$ ; or
- [Maximum rate of Rent Assistance for the student's circumstances](#)

#### 78.1.1 Rent payable

For the purposes of Rent Assistance, the rent payable is the amount a person pays or is liable to pay as a condition of occupying their principal home. See [Chapter 77](#) for details of the assessment of rent.

#### 78.1.2 Rent threshold

For the purposes of Rent Assistance, the rent threshold is the minimum amount of rent payable before qualification for Rent Assistance commences.

### 78.2 Rent Assistance rates and thresholds

Rent Assistance thresholds and the maximum rates payable vary, depending on the following circumstances:

- whether the student or [Australian Apprentice](#) is [single or partnered](#); and
- whether the student or Australian Apprentice is considered to live in [shared accommodation](#).

For details of Rent Assistance rates and thresholds, see "[A Guide to Australian Government Payments](#)".

#### 78.2.1 Partnered or single status

Different Rent Assistance thresholds and maximum rates apply depending upon whether the student or [Australian Apprentice](#) is considered [partnered](#) or single for ABSTUDY purposes.

##### 78.2.1.1 Illness-separated couple

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Rent Assistance equivalent to the single rate where s/he is a member of an illness-separated couple. A person is a member of an illness separated couple if:

- they are unable to live together in a matrimonial home as a result of the illness or infirmity of either or both of them; and
- because of that inability to live together, their living expenses are, or are likely to be, greater than they would otherwise be; and
- that inability is likely to continue indefinitely.

### 78.2.1.2 Respite care couple

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Rent Assistance equivalent to the single rate where s/he is a member of a respite care couple. A person is a member of a respite care couple if:

- one of the members of the couple has entered respite care; and
- the member who has entered the approved respite care has remained, or is likely to remain, in that care for at least 14 consecutive days.

For ABSTUDY purposes, a person is in approved respite care on a particular day if the person is eligible for a respite care supplement in respect of that day under section 44-12 of the *Aged Care Act 1997*.

### 78.2.1.3 Partner in gaol

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Rent Assistance equivalent to the single rate where s/he has a partner in gaol. A person is considered to have a partner in gaol if the person's partner is:

- in gaol; or
- undergoing psychiatric confinement because the partner has been charged with committing an offence.

## 78.2.2 Indexation of Rent Assistance rates and thresholds

Rent Assistance rates and thresholds are subject to Consumer Price Index (CPI) changes each year. The rent thresholds and maximum rates are indexed by the CPI on 20 March and 20 September each year.

For details of Rent Assistance rates and thresholds, see "[A Guide to Australian Government Payments](#)".

## 78.3 Sharers Provisions

The maximum rate of Rent Assistance for a single person without [dependent child/ren](#) who is considered to live in shared accommodation is set at two-thirds the maximum rate for a single person living alone.

A person is considered to live in shared accommodation if s/he shares a major area of his/her accommodation with others (including non-dependent members of their own family), unless they are specifically exempt.

A person is not considered to live in shared accommodation if:

- s/he has the exclusive right to use a bathroom, a kitchen and a bedroom; and
- s/he has the right, in common with others, to use other major areas of accommodation.

### 78.3.1 Customers who are exempt from sharers provisions

The following groups of customers are exempt from the sharer provisions:

- students or [Australian Apprentices](#) who have a [partner](#);
- single students or Australian Apprentices who have a [dependent child](#);

- [boarders and lodgers](#);
- students or Australian Apprentices in nursing homes or aged care hostels;
- single parents sharing accommodation only with their [recipient children](#);
- singles living in a caravan, boat or a mobile home on their own, even if they are sharing a major area of accommodation in a caravan park or marina; and
- students or Australian Apprentices who live in [exempt accommodation](#).

#### 78.3.1.1 Recipient children

A recipient child is a child of the ABSTUDY customer who receives any of the following, but who does not receive any rent assistance:

- an [income support payment](#); or
- [ABSTUDY Living Allowance](#).

#### 78.3.2 Exempt accommodation

Where a student or [Australian Apprentice](#) lives in the following types of accommodation, they are not considered to live in shared accommodation:

- boarding school;
- hostel;
- boarding house;
- guest house;
- hotel;
- private hotel;
- rooming house;
- lodging house; or
- similar premises.

#### 78.3.3 Boarders and lodgers

A student or [Australian Apprentice](#) who pays board and lodgings will be considered to live in shared accommodation if s/he:

- can separately identify the costs of accommodation from the costs of meals; and
- is sharing a major area of accommodation with others.

#### 78.3.4 Examples of Shared and non-shared accommodation

The following provides examples of shared and non-shared accommodation.

Examples of shared accommodation:

- a single customer who shares one or more major areas of a flat, apartment or house, with one or more other people including wage earners or other Centrelink customers, including other non-dependent family members;
- single customer paying board and lodging in a private home, living in the same situation as described above, and who shares a major area of accommodation with others as a lodger, BUT who does not receive meals on a regular basis as part of their accommodation costs;
- two or more single people (i.e. not [partnered](#) to each other) residing in a self-contained unit in a retirement village/home and sharing a major area of accommodation;
- a single customer who sub-lets a room in a State Housing Authority house, flat or apartment, and who shares at least one major area of accommodation;
- a single customer in a granny flat attached or detached from the house, who also uses a major area of accommodation in the house, or who is living with one or more other people in the granny flat;

- a single customer in a caravan, mobile home or boat, who also uses a major area of accommodation in the house;
- a single customer in a caravan, mobile home or boat, living with one or more other people in the same caravan in a caravan park (or living with one or more people in the same boat/mobile home).

Examples of non-shared accommodation:

- single customer paying board and lodging in a private home, living in a privately owned house and who has the right to receive regular meals as part of their accommodation arrangements as a 'boarder and lodger';
- single customer residing in a refuge/hostel where the refuge/hostel provides regular meals as part of their accommodation arrangements;
- single customer residing in a refuge/hostel where the customer shares a major area of accommodation with others, BUT does not receive meals on a regular basis as part of their accommodation costs.
- a single customer residing in a private hotel/hostel/boarding style accommodation and using communal facilities;
- a single customer residing in a nursing home or aged care hostel, and who uses some communal facilities;
- a single customer residing in a self-contained unit in a retirement village/home who may use communal facilities;
- a single customer in a granny flat attached or detached from the house, AND not using a major area of accommodation in the house;
- a single customer in a caravan, mobile home or boat, AND using the park or marina's communal facilities OR where located in a backyard or similar, NOT using a major area of accommodation in the house.

## **78.4 Payment of Rent Assistance**

### **78.4.1 Payment frequency**

Payments of Rent Assistance are calculated on a daily rate and made fortnightly in arrears.

Where payments of Living Allowance are made to a boarding school/hostel on a term-in-advance basis under the provisions set out in [71.5](#), Rent Assistance must also be paid on a term-in-advance basis under the same provisions.

### **78.4.2 Payee for Rent Assistance**

The payee for Rent Assistance is same as the payee for Living Allowance as set out in [71.7](#).

### **78.4.3 Payment of Rent Assistance for student or Australian Apprentice with a partner**

Rules for payment of Rent Assistance to a student or [Australian Apprentice](#) who has a partner vary depending on the payment type being received by the partner, as outlined in the following table:

If the student or Australian Apprentice...	Then Rent Assistance...
has a <a href="#">partner</a> who receives Family Tax Benefits (FTB) Part A under the <i>Family Assistance Act 1999</i> at greater than the base FTB child rate,	is paid to the <a href="#">partner</a> receiving FTB.
has a <a href="#">partner</a> who receives a pension,	is paid to the pensioner at the combined rate, that is, rent assistance is not payable to the ABSTUDY student or Australian Apprentice.
has a <a href="#">partner</a> who receives an allowance under the Social Security Act 1991.	is split equally between the partners.

#### 78.4.4 Taxation Status

For details of the tax status of Rent Assistance, refer to [Chapter 5 Taxation](#).

### 78.5 Rent Assistance entitlement

#### 78.5.1 Means testing

The means tests that apply to ABSTUDY Living Allowance also apply to Rent Assistance. See [Chapter 56 Introduction to Means Testing](#).

#### 78.5.2 Entitlement Period

Rent Assistance is payable from the date the student or [Australian Apprentice](#) becomes qualified for Rent Assistance, provided s/he is otherwise eligible for [Living Allowance](#).

The entitlement period for Rent Assistance is the same as the entitlement period for Living Allowance as set out in [Chapter 73](#).

#### 78.5.3 Entitlement during vacations for student or Australian living away from home

Where an ABSTUDY student or [Australian Apprentice](#) is living away from home in order to study or undertake a [full-time](#) apprenticeship, traineeship or trainee apprenticeship, e.g. at boarding school or training, and is eligible for Rent Assistance, s/he will retain eligibility for Rent Assistance during vacation period/s provided that s/he continues to pay rent for his/her term address.

#### 78.5.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 79 - Remote Area Allowance (RAA)

This chapter details the qualifications, entitlement and payment of Remote Area Allowance.

### 79.1 Purpose of Remote Area Allowance

The purpose of Remote Area Allowance (RAA) is to assist in meeting additional costs associated with residence in a remote area.

## 79.2 Qualification for Remote Area Allowance

To qualify for Remote Area Allowance (RAA), the following criteria must be met:

- the student or [Australian Apprentice](#) must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), and
- the student or Australian Apprentice must either:
  - qualify for Living Allowance at a rate greater than zero, or
  - be receiving a Defence Force Income Support Allowance-like (DFISA-like) payment under the *Veterans' Entitlements Act 1986*, and
- the student or Australian Apprentice must have a Remote Area Allowance remote area as their usual place of residence.

### 79.2.1 Definition of a Remote Area Allowance (RAA) remote area

For the purposes of Remote Area Allowance, a remote area is an area listed the following parts of I & II of Schedule 2 of the *Income Tax Assessment Act 1936 (ITAA)*:

- Taxation Zone A, including Special Taxation Zone A, and
- Special Taxation Zone B.

For Remote Area Allowance purposes, the following Taxation Zone A areas are not considered to be remote areas:

- Norfolk Island,
- Macquarie Island,
- the Territory of Heard Island,
- the McDonalds Islands, and
- the Australian Antarctic Territory.

#### 79.2.1.1 Commissioner of taxation deems an area to be a remote area

Where the Commissioner of Taxation deems an area to be within an RAA specified area, then the area is considered to be a remote area for RAA purposes. The student/[Australian Apprentice](#)/parent may apply to the Commissioner for this ruling.

### 79.2.2 Not qualified for Remote Area Allowance

Where a student is receiving a maintained rate of Living Allowance under the provisions set out in [72.2.8](#), s/he does not qualify for Remote Area Allowance.

## 79.3 Usual Place of Residence

A student's or [Australian Apprentice's](#) usual place of residence is the area where they normally live, sleep and eat.

To change his/her usual place of residence, a student or Australian Apprentice has to completely abandon the former place of residence.

### 79.3.1 Usual place of residence for students or Australian Apprentices who live away from home to study

Where a student or [Australian Apprentice](#) lives away from home during the term to study, his/her usual place of residence is taken to be their [permanent home](#).

### 79.3.2 Postal address in RAA remote area

If the postcode of a student's or [Australian Apprentice's](#) postal address is in an RAA remote area, s/he is eligible for RAA only where:

- the student's or Australian Apprentice's usual place of residence is also in the postcode area, and
- the student or Australian Apprentice is physically present in that area.

In some circumstances payments can be made during temporary absences.

### 79.3.3 Customer lives on border of a RAA remote area

If a student's or [Australian Apprentice's usual place of residence](#) is in a local government area that is partly in a RAA remote area, the student or Australian Apprentice is taken to be living in a RAA remote area.

This provision does NOT apply to postcodes that are partly a RAA remote area.

## 79.4 Absence from Usual Place of Residence

### 79.4.1 Temporary absence

Remote Area Allowance remains payable for the first 8 weeks of a student's or [Australian Apprentice's](#) temporary absence from their usual place of residence, including overseas absences. To be considered a temporary absence, a student or Australian Apprentice must intend to return to their usual place of residence.

### 79.4.2 Child absent from the RAA remote area

Where a student or [Australian Apprentice](#) is receiving a rate of Remote Area Allowance that takes account of his/her dependent child/ren, this rate remains payable for the first 8 weeks that a dependent child lives outside the RAA remote area if the child's usual place of residence is in the RAA remote area.

### 79.4.3 Student's or Australian Apprentice's partner absent from the RAA remote area

Where a student or [Australian Apprentice](#) is receiving the [partnered rate of Remote Area Allowance](#), this rate remains payable even if the [partner](#) is not physically present in the RAA remote area. There is no time limit for a partner's absence.

## 79.5 Remote Area Allowance rates

Remote Area Allowance rates vary depending on the following circumstances:

- whether the student or [Australian Apprentice](#) is single or partnered, and
- whether the student or Australian Apprentice has dependent child/ren.

For details of Remote Area Allowance rates, refer to "[A Guide to Australian Government Payments](#)".

### 79.5.1 Partnered or single status

Different Remote Area Allowance rates apply depending upon whether the student or [Australian Apprentice](#) is considered [partnered](#) or single for ABSTUDY purposes.



### 79.5.2 Dependent child

The rate of Remote Area Allowance is increased by a prescribed amount for each [dependent child](#) of the student or [Australian Apprentice](#).

### 79.5.3 Indexation of Remote Area Allowance rates

Remote Area Allowance rates are not indexed.

## 79.6 Payment of Remote Area Allowance

### 79.6.1 Payment frequency

Payments of Remote Area Allowance are calculated on a daily rate and made fortnightly in arrears.

Where payments of Living Allowance are being made to a boarding school/hostel on a term-in-advance basis under the provisions set out in [71.5](#), Remote Area Allowance must also be paid on a term-in-advance basis under the same provisions.

### 79.6.2 Payee for Remote Area Allowance

The payee for Remote Area Allowance is the same as the payee for Living Allowance as set out in [71.7](#).

### 79.6.3 Taxation status

For details of the tax status of Remote Area Allowance, refer to [Chapter 5 Taxation](#).

## 79.7 Remote Area Allowance entitlement

### 79.7.1 Means testing

If, after applying the relevant [means tests](#), the student or [Australian Apprentice](#) is entitled to ANY amount of Living Allowance, s/he receives the full rate of Remote Area Allowance.

### 79.7.2 Entitlement Period for Remote Area Allowance

Remote Area Allowance is payable from the date the student or [Australian Apprentice](#) becomes qualified for Remote Area Allowance, provided s/he is otherwise eligible for Living Allowance.

The entitlement period for Remote Area Allowance is the same as the entitlement period for Living Allowance as set out in [Chapter 73](#).

### 79.7.3 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 80 - Pharmaceutical Allowance

This chapter details the qualification, entitlement and payment of Pharmaceutical Allowance.

### 80.1 Purpose of Pharmaceutical Allowance

Pharmaceutical Allowance is paid to assist eligible customers who are temporarily incapacitated for study with the purchase of prescription medicines listed on the Pharmaceutical Benefit Scheme (PBS).

## 80.2 Qualification for Pharmaceutical Allowance

To qualify for Pharmaceutical Allowance, the following criteria must be met:

- the student or [Australian Apprentice](#) must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), and
- the student or Australian Apprentice must either:
  - be entitled to receive [Living Allowance](#), or
  - be receiving a Defence Force Income Support Allowance-like (DFISA-like) payment under the *Veterans' Entitlements Act 1986*, and
- the student or Australian Apprentice must be either:
  - temporarily incapacitated for study or their apprenticeship, traineeship or trainee apprenticeship, or
  - aged over 60 years.

### 80.2.1 Not qualified for Pharmaceutical Allowance

A student or [Australian Apprentice](#) does not qualify for Pharmaceutical Allowance where the student or Australian Apprentice:

- is being paid Pharmaceutical Allowance by the Department of Veterans' Affairs (DVA), or
- has a [partner](#) who is in receipt of the partnered rate of Pharmaceutical Allowance from DVA, or
- is receiving a maintained rate of Living Allowance under the provisions set out in 72.2.8.

### 80.2.2 Absences from Australia

Pharmaceutical Allowance is payable for absences overseas where:

- the portability provisions set out in [9.2](#) are met, and
- the his/her remains otherwise eligible for Pharmaceutical Allowance.

Depending on the reason for the overseas absence, the length of time for which Pharmaceutical Allowance remains payable varies:

- where the student or Australian Apprentice is overseas and meets the provisions of [Chapter 55 Overseas Study](#), Pharmaceutical Allowance remains payable for up to 26 weeks,
- where the student or [Australian Apprentice](#) is overseas and does not meet the provisions of Chapter 55 Overseas Study, Pharmaceutical Allowance remains payable for up to 13 weeks,
- where the student or Australian Apprentice is overseas and does not meet the provisions of [Chapter 55 Overseas Study](#), BUT the student or Australian Apprentice receives an extension to his/her limited portability period under the provisions set out in 9.2.2.1, Pharmaceutical Allowance remains payable for up to 26 weeks.

## 80.3 Pharmaceutical Allowance rates

Different Pharmaceutical Allowance rates apply depending upon whether the student or [Australian Apprentice](#) is considered [partnered](#) or single for ABSTUDY purposes.

For details of Pharmaceutical Allowance rates, see "[A Guide to Australian Government Payments](#)".

### 80.3.1 Illness-separated couple

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Pharmaceutical Allowance equivalent to the single rate where s/he is a member of an illness-separated couple. A person is a member of an illness separated couple if:

- they are unable to live together in a their home as a result of the illness or infirmity of either or both of them, and
- because of that inability to live together, their living expenses are, or are likely to be, greater than they would otherwise be, and
- that inability is likely to continue indefinitely.

### 80.3.2 Respite care couple

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Pharmaceutical Allowance equivalent to the single rate where s/he is a member of a respite care couple. A person is a member of a respite care couple if:

- one of the members of the couple has entered approved respite care, and
- the member who has entered the approved respite care has remained, or is likely to remain, in that care for at least 14 consecutive days.

For ABSTUDY purposes, a person is in approved respite care on a particular day if the person is eligible for a respite care supplement in respect of that day under section 44-12 of the *Aged Care Act 1997*.

### 80.3.3 Partner in gaol

A [partnered](#) ABSTUDY student or [Australian Apprentice](#) can receive a rate of Pharmaceutical Allowance equivalent to the single rate where s/he has a partner in gaol. A person is considered to have a partner in gaol if the person's partner is:

- in gaol, or
- undergoing psychiatric confinement because the partner has been charged with committing an offence.

### 80.3.4 Indexation of Pharmaceutical Allowance

The rates of Pharmaceutical Allowance are indexed annually to changes in the Consumer Price Index (CPI). The effective date of indexation is 1 January each year.

## 80.4 Payment of Pharmaceutical Allowance

### 80.4.1 Payment frequency

Payments of Pharmaceutical Allowance are calculated on a daily rate and made fortnightly in arrears.

Where payments of Living Allowance are being made to a boarding school/hostel on a term-in-advance basis under the provisions set out in [71.5](#), Pharmaceutical Allowance must also be paid on a term-in-advance basis under the same provisions.

### 80.4.2 Payment of Pharmaceutical Allowance for a student or Australian Apprentice with a partner

Rules for payment of Pharmaceutical Allowance to a student or [Australian Apprentice](#) who has a [partner](#) vary on the payment type being received by the partner, as outlined in the following table:

If the student or Australian Apprentice...	Then Pharmaceutical Allowance...
is a single person,	is paid at the full fortnightly rate to the student or Australian Apprentice.
has a <a href="#">partner</a> who is entitled to PhA,	is paid at half the fortnightly combined rate to both the student or Australian Apprentice and their partner.
has a <a href="#">partner</a> who is NOT entitled to PhA,	is paid at half the fortnightly combined rate to the student or Australian Apprentice.
has a <a href="#">partner</a> who is entitled to PhA and the student or New Apprentice is: <ul style="list-style-type: none"> <li>• a member of an illness-separated couple; or</li> <li>• a member of a respite care couple;</li> </ul> OR the partner is in gaol,	is paid at the full fortnightly rate to both the student or Australian Apprentice and their partner.
has a <a href="#">partner</a> who is receiving one of the following DVA payments: <ul style="list-style-type: none"> <li>• service pension (age or invalidity); or</li> <li>• partner service pension; or</li> <li>• carer service pension.</li> </ul>	is paid at half the fortnightly combined rate to the student or Australian Apprentice.

### 80.4.3 Payee for Pharmaceutical Allowance

The payee for Pharmaceutical Allowance is the same as the payee for Living Allowance as set out in [71.7](#).

### 80.4.4 Taxation status

For details of the tax status of Pharmaceutical Allowance, refer to [Chapter 5 Taxation](#).

## 80.5 Pharmaceutical Allowance Entitlement

### 80.5.1 Means testing

If, after applying the means tests, a student or [Australian Apprentice](#) is entitled to any amount of Pharmaceutical Allowance, s/he receives the full Pharmaceutical Allowance amount. The effect of means testing upon Pharmaceutical Allowance is set out in [Chapter 57 Calculating ABSTUDY Rates](#).

### 80.5.2 Entitlement period for Pharmaceutical Allowance

Pharmaceutical Allowance is payable from the date the student becomes qualified for PhA, provided s/he is otherwise eligible for [Living Allowance](#).

The entitlement period for Pharmaceutical Allowance is the same as the entitlement period for Living Allowance as set out in [Chapter 73](#).

### 80.5.3 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 81 - Pensioner Education Supplement

This chapter provides details of ABSTUDY Pensioner Education Supplement qualification and payments.

### 81.1 Purpose of ABSTUDY Pensioner Education Supplement (PES)

The purpose of the ABSTUDY Pensioner Education Supplement is to provide help and so encourage certain disadvantaged Indigenous pensioner groups, such as sole parents and people with disabilities to take up study by providing a supplement to the pension to assist with ongoing expenses associated with full-time or part-time study.

### 81.2 Qualification for ABSTUDY Pensioner Education Supplement (PES)

To qualify for the ABSTUDY Pensioner Education Supplement, the following criteria must be met:

- the student must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Masters and Doctorate Award](#), and
- the student must be one of the following:
  - in receipt of one of the following payments made under the *Social Security Act 1991*, or taken to be in receipt of the payment during an [employment income nil rate period](#):
    - Carer Payment, or
    - Disability Support Pension, or
    - Parenting Payment (Single), or
    - Widow B Pension, or
    - Widow Allowance, or
    - Wife Pension, if the [partner](#) receives a Disability Support Pension, or
    - Special Benefit, if the student is a sole parent, or
    - Newstart Allowance and Youth Allowance as a job seeker (in certain circumstances – see [section 81.2A](#).), or
  - in receipt of one of the following payments made under the *Veterans' Entitlements Act 1986*:
    - invalidity service pension, or
    - carer service pension, or
    - income support supplement, or
    - partner service pension, if the [partner](#) receives invalidity service pension, or
    - war widow/ers pension under Part II of the *Veterans' Entitlements Act*, if the widow/er has a [dependent child](#); or
    - defence widow/er's pension under Part IV of the *Veterans' Entitlements Act* if the widow/er has a [dependent child](#), or
  - in receipt of compensation under the *Military Rehabilitation and Compensation Act*, where the student has a dependent child.

## 81.2A Recipient of Newstart and Youth Allowance (job seeker) for the purposes of PES qualification.

A person is eligible for the ABSTUDY Pensioner Education Supplement while in receipt of Newstart or Youth Allowance, as a job seeker, in the following circumstances:

1. The person receiving Newstart or Youth Allowance (job seeker):
  - a. has a partial capacity to work, and
  - b. on the day (being a day occurring on or after 1 July 2006) immediately before the person last qualified for Youth Allowance or Newstart, was a [transitional DSP applicant](#) and was receiving a disability support pension, and
  - c. on that day ceased to be qualified for that disability support pension because he or she no longer had a continuing inability to work within the meaning of [Section 94](#) of the *Social Security Act 1991* (Qualification for disability support pension-continuing inability to work), and
  - d. on that day was qualified for a Pensioner Education Supplement in relation to a particular course of education or study; or
2. The person receiving Newstart or Youth Allowance (job seeker):
  - a. is the principal carer of at least one child and is not a member of a couple, and
  - b. on the day (being a day occurring on or after 1 July 2006) immediately before the person last qualified for Youth Allowance or Newstart, was receiving a pension single, and
  - c. on that day ceased to be qualified for a Parenting Payment because he or she no longer had a Parenting Payment child for the reason that his or her youngest dependent child had turned 8, and
  - d. on that day was qualified for a pensioner education supplement in relation to a particular course of education or study,

and the person has:

1. at all times since that day, been qualified both for:
  - a. a Youth Allowance or Newstart, and
  - b. a Pensioner Education Supplement in relation to that particular course of education or study, and
2. at no time since that day, either undertaken fulltime study or been an Australian Apprentice under a Youth Allowance student or ABSTUDY Living Allowance.

### 81.2.1 Not qualified for ABSTUDY Pensioner Education Supplement

A student does not qualify for ABSTUDY Pensioner Education Supplement where the student:

- receives a Language, Literacy and Numeracy Supplement (LLNS) under a Language, Literacy and Numeracy Programme (LLNP), or
- receives Pensioner Education Supplement under the *Social Security Act 1991*.

[Australian Apprentices](#) do not qualify for Pensioner Education Supplement.

## 81.3 ABSTUDY Pensioner Education Supplement (PES) rates

There are different rates of ABSTUDY Pensioner Education Supplement (PES) depending upon the student's circumstances:

- full rate of ABSTUDY PES, and
- half rate of ABSTUDY PES.

### 81.3.1 Full rate of ABSTUDY PES

The full rate of ABSTUDY Pensioner Education Supplement is payable in the following circumstances:

- the student is enrolled in a [full-time study-load](#) or is a [concessional study-load](#) student enrolled in at least 50 per cent of the normal full-time study-load for his/her course, or
- the student is in receipt of either:
  - Disability Support Pension paid under the *Social Security Act 1991*, or
  - an invalidity service pension paid under the *Veterans' Entitlements Act 1986*, or
- the student meets the following conditions:
  - s/he is in receipt of a war widow/er pension under the *Veterans' Entitlements Act 1986*, and
  - s/he is in receipt of an invalidity income support supplement under that Act, and
  - s/he has a dependent child under 16 years of age.

### 81.3.2 Half rate of ABSTUDY PES

The half rate of ABSTUDY Pensioner Education Supplement is payable for a [concessional study-load](#), other than those listed in 81.3.1, who is enrolled in at least 25 per cent of the normal full-time study-load for his/her course.

## 81.4 Payment of ABSTUDY Pensioner Education Supplement (PES)

### 81.4.1 Payment frequency

ABSTUDY Pensioner Education Supplement is calculated on a daily rate and paid fortnightly in arrears.

### 81.4.2 Payee

The payee for ABSTUDY Pensioner Education Supplement is the student.

### 81.4.3 Taxation Status

For details of the tax status of the ABSTUDY Pensioner Education Supplement, [Refer Chapter 5](#).

## 81.5 ABSTUDY Pensioner Education Supplement (PES) Entitlement

### 81.5.1 Means Testing

ABSTUDY Pensioner Education Supplement is not subject to means testing.

### 81.5.2 Entitlement Period for ABSTUDY PES

The entitlement periods for ABSTUDY PES are the same as for Living Allowance, as set out in [Chapter 73 Living Allowance Entitlement Periods](#).

The exception is an ABSTUDY PES student who is enrolled in a course of more than 30 weeks duration and who completes the course any time after 15 September of that year. In this circumstance, the entitlement end date for ABSTUDY PES is 31 December of that year.

### 81.5.3 Overpayments

Where payments in excess of entitlement have occurred to determine what is a recoverable debt and from whom this amount should be recovered. [Refer Chapter 3](#).

## Chapter 82 - Incidentals Allowance

This chapter provides details of Incidentals Allowance qualification and payments.

### 82.1 Purpose of Incidentals Allowance

The purpose of Incidentals Allowance is to assist students and [Australian Apprentices](#) to meet expenses associated with commencement of study in the [approved course](#).

### 82.2 Qualification for Incidentals Allowance

To qualify for Incidentals Allowance, the following criteria must be met:

- the student or [Australian Apprentice](#) must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Masters and Doctorate Award](#), or
  - [Part-time Award](#), and
- if a student, they must be either:
  - enrolled in a tertiary level course, or
  - enrolled in a preparatory course that is delivered by a higher education institution and designed to assist people to gain entry to higher education level courses (also known as a bridging, access or enabling course), or
  - enrolled in a secondary school AND aged 18 years or older at 1 January in the year of study, or
  - enrolled in a secondary non-school level course, AND aged 18 years or older at 1 January in the year of study,
  - the student or [Australian Apprentice](#) must commence in the course or apprenticeship, traineeship or trainee apprenticeship.

#### 82.2.1 Not qualified for Incidentals Allowance

A student or [Australian Apprentice](#) does not qualify for Incidentals Allowance in the following circumstances:

- the student is enrolled in a [Australian Apprenticeship Access Programme course](#), or
- the student or Australian Apprentice does not commence study in an [approved course](#) or apprenticeship, traineeship or trainee apprenticeship.

#### 82.2.2 Concurrent Awards

Where a student or [Australian Apprentice](#) is studying simultaneous courses, apprenticeship, traineeship or trainee apprenticeship and holds more than one Award over the same period, Incidentals Allowance is payable in respect of each Award. See [14.3 Concurrent Awards](#).

### 82.3 Incidentals Allowance rates

Incidentals Allowance rates vary depending upon the period of the student's enrolment in the course during the year of assistance. Different rates apply for the following periods of enrolment:

- less than 12 weeks,
- 12 to 16 weeks,
- 17 to 23 weeks, and
- 24 weeks to 1 year.

[Australian Apprentices](#) will be entitled to Incidentals Allowance for each year they participate in the apprenticeship, traineeship or trainee apprenticeship they are undertaking.



For details of Incidentals Allowance rates, see "[A Guide to Australian Government Payments](#)".

### 82.3.1 Indexation of Incidentals Allowance rates

Incidentals Allowance rates are subject to Consumer Price Index (CPI) changes on an annual basis. Maximum rates are indexed at 1 January each year.

## 82.4 Payment of Incidentals Allowance

### 82.4.1 Payment frequency

Incidentals Allowance is paid in one instalment at the time the entitlement is approved. Where the student is a continuing student, the allowance can be paid up to four weeks before the student commences the next academic period of the course.

Incidentals Allowance cannot be paid while a Australian Apprentice is in receipt of the Living Away from Home Allowance (LAFHA) paid under the Australian Apprenticeship Scheme.

### 82.4.2 Payee for Incidentals Allowance

Incidentals Allowance is paid to the student or [Australian Apprentice](#).

## 82.5 Incidentals Allowance entitlement

### 82.5.1 Means testing

Incidentals Allowance entitlement is not means tested.

### 82.5.2 Discontinuation of study

Early discontinuation of study or apprenticeship, traineeship or trainee apprenticeship does not affect the rate of Incidentals Allowance. Entitlement is established by commencement in the course.

### 82.5.3 Change in course

The student or [Australian Apprentice](#) is not entitled to more than the maximum rates specified in 82.3 where a change of course occurs. This means that, where a student or Australian Apprentice has been paid Incidentals Allowance for a certain period of enrolment or training, subsequently discontinues that course, apprenticeship, traineeship or trainee apprenticeship, and then commences a new course, apprenticeship, traineeship or trainee apprenticeship, Incidentals Allowance is only payable for any period of enrolment in the new course, apprenticeship, traineeship or trainee apprenticeship that does not overlap the period for which the initial Incidentals Allowance payment was made.

### 82.5.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 83 - Additional Incidentals Allowance

This section contains details about Additional Incidentals Allowance qualification and payments.

### 83.1 Purpose of Additional Incidentals Allowance

The purpose of Additional Incidentals Allowance is to assist students to meet [essential course costs](#) associated with study in an approved tertiary course. The Additional Incidentals Allowance is only payable where these costs **must** be incurred by **all** students in the course. This allowance is not intended to cover the full cost of such items.

Additional Incidentals Allowance is not available to [Australian Apprentices](#).

### 83.2 Essential Course Costs

For the purposes of assessing Additional Incidentals Allowance, essential course costs are considered to be those costs that are mandatory to the course but that the education institution would not reasonably be expected to provide. The Head of School/Faculty must certify in writing that the costs incurred by the student are for mandatory items, that is, all students in the course are obliged to incur these costs in order to undertake their course. Such costs may include:

- education institution fees, including union, sports, library, administration, amenities, laboratory fees or levies or the like charged by an approved education institution, and
- textbooks and equipment, including clinical instruments, books, published articles, stationery and other equipment items.

#### 83.2.1 Not included as essential course cost

For the purposes of assessing Additional Incidentals Allowance, the following are not included as essential course costs (even where certified by the Head of School/Faculty as being mandatory):

- tuition or course fees charged by an education institution, including the flying time and associated fees charged by institutions offering pilot (aviation) courses, and
- items that education providers would normally be expected to make available for student use, for example assets such as musical instruments, cameras, videos, sewing machines, typewriters or computers.

### 83.3 Qualification for Additional Incidentals Allowance

To qualify for Additional Incidentals Allowance, the following criteria must be met:

- the student must qualify for one of the following ABSTUDY Awards:
  - [Tertiary Award](#), or
  - [Masters and Doctorate Allowance](#), and
- the student must commence in the course, and
- the student has incurred [essential course costs](#) that exceed the [prescribed amount](#).
- the claim must be verified in writing by the Head of School/Faculty as being an essential requirement for all students undertaking the course.

#### 83.3.1 Not qualified for Additional Incidentals Allowance

A student does not qualify for Additional Incidentals Allowance in the following circumstances:

- the student is enrolled in a secondary level course, or
- the student is enrolled in a [Australian Apprenticeship Access Programme course](#), or

- the student does not commence study in the approved course, or
- the student does not incur [essential course costs](#) that exceed the prescribed amount.

## 83.4 Additional Incidentals Allowance Rates

The Additional Incidentals Allowance entitlement is the amount by which essential course costs exceed the prescribed amount. There is a maximum to the amount of Additional Incidentals Allowance that can be claimed in a year.

For details of the maximum annual Additional Incidentals Allowance payable, see "[A Guide to Australian Government Payments](#)".

### 83.4.1 Prescribed amount

The prescribed amount is the amount of expenditure on essential course costs required before an entitlement to Additional Incidentals Allowance is established. This amount includes the normal Incidental Allowance level plus a student contribution to costs.

The prescribed amounts vary depending upon the period of the student's enrolment in the course during the year of assistance. Different prescribed amounts apply for the following periods of enrolment:

- less than 12 weeks,
- 12 to 16 weeks,
- 17 to 23 weeks, and
- 24 weeks to 1 year.

For details of the prescribed amounts for Additional Incidentals Allowance, see "[A Guide to Australian Government Payments](#)".

### 83.4.2 Indexation of Additional Incidentals Allowance rates

The prescribed amounts for Additional Incidentals Allowance are subject to annual Consumer Price Index (CPI) changes at 1 January each year.

The maximum annual amount of Additional Incidentals Allowance that is payable is not subject to indexation.

## 83.5 Lodgement and Payment of Additional Incidentals Allowance

### 83.5.1 Lodging the Additional Incidentals Allowance Claim

A claim for Additional Incidentals must be submitted with details of the cost of each item of essential course expenditure and account for the full level of the expenditure including the initial Incidentals Allowance amount and student contribution.

The student must provide confirmation in writing by the Head of School/Faculty that the items are essential to all students undertaking the course.

### 83.5.2 Payment of Additional Incidentals Allowance

Payment of Additional Incidentals Allowance can only be made as a reimbursement of actual expenditure by the student up to the maximum value.

### 83.5.3 Payee for Additional Incidentals Allowance

Additional Incidentals Allowance is paid to the student.

### 83.5.4 Payment frequency

Additional Incidentals Allowance is paid in one instalment at the time the entitlement is approved.

### 83.5.5 Means testing

Additional Incidentals Allowance is not means tested.

### 83.5.6 Taxation status

For details of the tax status of Additional Incidentals Allowance, see [Chapter 5 Taxation](#).

## 83.6 Conditions Affecting Additional Incidentals Allowance

### 83.6.1 Discontinuation of study

Early discontinuation of study does not affect the rate of Additional Incidentals Allowance. Entitlement is established by commencement in the course for which the expenses have been incurred.

### 83.6.2 Change in course

The student is not entitled to more than the maximum rate of Additional Incidentals Allowance specified in [83.4](#) where a change of course occurs.

### 83.6.3 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 84 - School Term Allowance

This chapter provides details of School Term Allowance qualification and payment.

### 84.1 Purpose of School Term Allowance

The purpose of School Term Allowance is to assist Indigenous families with expenses associated with the commencement of school for students aged less than 16 years old.

### 84.2 Qualification for School Term Allowance

To qualify for School Term Allowance in respect of the term one payment for each calendar year, the following criteria must all be met on any one day during that school term:

- the student meets the [Schooling A Award](#) criteria, and
- the student is enrolled in and attending study at the secondary school, and
- one of the following apply:
  - one or both of the student's [parent/s](#) are one of the following:
    - in receipt of an [income support payment](#), or
    - in receipt of Farm Family Support Scheme or Exceptional Circumstances Relief payment under Part 5 of the *Farm Help Income Support Act 1992*, or
    - holders of a current Health Care Card (HCC) or a Low Income Card, including a HCC issued on the basis of receipt of maximum rate Family Tax Benefit Part A, or
    - in receipt of ABSTUDY [Living Allowance](#), or

- in receipt of a Community Development Employment Projects (CDEP) wage as a participant, or
- taken to be receiving their [income support payment](#) during an employment income nil rate period, OR
- the student is:
  - in [State Care](#), and
  - under the minimum school leaving age for his/her State or Territory, and
  - does not meet the criteria for Away from Home entitlements set out in [Chapter 25](#), OR
- the student would, except for reasons of age, qualify for Independent status as an [orphan](#), a student whose [parents cannot exercise parental responsibilities](#), or on the basis that it is [Unreasonable to Live at Home](#).

In addition to the above, to qualify for School Term Allowance in respect of the second and subsequent payments, the student must be enrolled in and attending secondary school for at least 85 per cent of each school term, prior to that term for which the allowance is being claimed.

### 84.2.1 Exceptional Circumstances Relief Payment ceases

An [applicant](#), or [partner](#) of an applicant, who receives payment under the Farm Family Support Scheme or Exceptional Circumstances Relief Payment (ECRP) provisions of the *Farm Help Income Support Act 1992* is taken to be qualified for School Term Allowance from the commencement of the period of receipt of ECRP until 31 December of that year.

## 84.3 Attendance Requirements

Qualification of...	Student must...
First School Term Allowance payment	be enrolled and attend school in the term.
Second and subsequent School Term Allowance payment	be enrolled and attending school, or had an approved absence, for at least 85% of the school days in the previous term.

### 84.3.1 Unapproved absence from school

Absences not approved by the school will be deemed an unapproved absence and will contribute to the calculation of the attendance rate.

### 84.3.2 Approved Absences

Schools will determine whether an absence is an approved or unapproved absence, in accordance with their attendance policy, in determining whether the 85 per cent attendance requirement has been met.

### 84.3 3 Evidence of 85 per cent attendance

Evidence that attendance was met will be required from all of the schools the student attended in the previous term to claim their next instalment of School Term Allowance.

## 84.4 School Term Allowance rates

The annual entitlement of School Term Allowance is \$540.80. This is paid in four quarterly amounts. The entitlement periods for School Term Allowance are listed as follows:

Instalment	Entitlement Period	Amount
1	1 January – 31 March	\$187.20
2	1 April – 30 June	\$83.20
3	1 July – 30 September	\$187.20
4	1 October – 31 December	\$83.20

This applies in all States/Territories, even where the school year has four or more terms.

For Tasmania, as there are three school terms, the School Term Allowance of \$540.80 is made in three payments. The entitlement periods for School Term Allowance are as follows:

Instalment	Entitlement Period	Amount
1	1 January – 1 June	\$187.20
2	2 June – 30 September	\$176.80
3	1 October – 31 December	\$176.80

## 84.5 Payment of School Term Allowance

School Term Allowance is paid in four instalments, as set out in 84.4.

Term one payment is paid automatically to eligible, enrolled students who lodge a claim. Subsequent payments in that calendar year can be made after the applicant provides evidence that attendance of 85 per cent has been achieved in the previous school term.

For students that are enrolled in study where there is no requirement to record attendance, such as home schooling, distance education or VET courses, the second and subsequent payments can be made upon evidence from the appropriate authority that, for the previous term, the student met the requirements of their course of study.

### 84.5.1 Payee for School Term Allowance

Payment of School Term Allowance must be made to the [applicant](#). Refer to [6.1 Who can apply for ABSTUDY](#) for details of who should be the applicant.

## 84.6 School Term Allowance Entitlement

The table below lists what occurs when, during a term, a student's circumstances change.

If the...	Then...
student turns 16 during the term	School Term Allowance will be pro-rated based on the number of school days in the term before the student turns 16. The student must have achieved 85% attendance to be eligible for the payment.
student discontinues study during a school term	School Term Allowance is payable for the term where 85% attendance in the previous term was achieved.
student changes school during a school term	not entitled to more than the maximum rates specified in <a href="#">84.4</a> where a change in school occurs.
student leaves private board or hostel during the term	School Term Allowance is payable for the term where 85% attendance in the previous term was achieved.
student leaves a boarding school during the term for which a term's entitlements have been paid	there is no entitlement to School Term Allowance in that term.
student moves to another carer during the term	where School Term Allowance has been paid in the term, the new carer is not entitled to a payment of School Term Allowance in that term.

### 84.6.1 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

### 84.6.2 Indexation of School Term Allowance rates

The rates of School Term Allowance are not indexed.

### 84.6.3 Taxation Status

For details of the tax status of School Term Allowance, see [Chapter 5 Taxation](#).

## Chapter 85 - School Fees Allowance

### ABSTUDY Allowances and Benefits: Chapter 85 - School Fees Allowance

This chapter provides details of School Fees Allowance qualification and payment

#### 85.1 Purpose of School Fees Allowance

The purpose of the School Fees Allowance is to assist Indigenous families to meet the costs of school fees levied by the [approved education institution](#) for the student.

## 85.2 Qualification for School Fees Allowance

There are two categories of School Fees Allowance:

- [Group 1 School Fees Allowance](#); and
- [Group 2 School Fees Allowance](#).

### 85.2.1 Qualification for Group 1 School Fees Allowance

To qualify for Group 1 School Fees Allowance in respect of a school year, the following criteria must all be met on any one day during that school year:

- the student meets the [Schooling A Award](#) criteria; and
- the student is enrolled in and attending studies at the secondary school; and
- one of the following apply:
  - one or both of the student's [parent/s](#) are one of the following:
    - in receipt of an [income support payment](#); or
    - in receipt of Farm Family Support Scheme or Exceptional Circumstances Relief payment under Part 5 or 6 of the *Farm Help Income Support Act, 1992*; or
    - holders of a current Health Care Card (HCC) or a Low Income Card, including a HCC issued on the basis of receipt of maximum rate Family Tax Benefit Part A; or
    - in receipt of [ABSTUDY Living Allowance](#); or
    - in receipt of a Community Development Employment Projects (CDEP) wage as a participant; or
    - taken to be receiving their [income support payment](#) during an [employment income nil rate period](#); OR
  - the student is:
    - in [State Care](#); and
    - under the minimum school leaving age for his/her State or Territory; and
    - does not meet the criteria for Away from Home entitlements set out in [Chapter 25](#); OR
  - the student would, except for reasons of age, qualify for Independent status as an [orphan](#), a student whose [parents cannot exercise parental responsibilities](#), or on the basis that it is [Unreasonable to Live at Home](#).

### 85.2.2 Qualification for Group 2 School Fees Allowance

To qualify for Group 2 School Fees Allowance, the following criteria must be met:

- the student meets the [Schooling B Award](#) criteria; and
- the student is a secondary school student; and
- one of the following apply:
  - the student meets the criteria for [Away from Home entitlements](#); or
  - the student would meet one or more of the criteria for Away from Home entitlements under the specific principles of [Chapter 26 Travel Time and Access](#) or [Chapter 27 Limited Local School Facilities/Programme](#), but instead attends a local non-government school; or
  - the student qualifies for independent status as an [orphan](#), a student whose [parents cannot exercise parental responsibilities](#), or on the basis that it is [Unreasonable to Live at Home](#); or
  - the student qualifies for [Independent status](#) on the basis of criteria other than those listed in the previous dot point AND meets the criteria for [Away from Home entitlements](#); or
  - the student is in [State Care](#) and the following apply:
    - the student is entitled to receive the [Away from Home rate of Living Allowance](#) because the carer does not receive a regular foster care allowance; and
    - the student would meet the criteria for [Away from Home entitlements](#); or
  - the student does not have reasonable access to an appropriate level of education at a government school but lives at home and attends a local non-government school that does provide an appropriate level of education.



## 85.3 School Fees Allowance rates

### 85.3.1 Group 1 School Fees Allowance

There are two different rates of Group 1 School Fees Allowance:

- the lower rate for a student turning 16 years old prior to 1 July in that year; and
- the higher rate for a student who is aged less than 16 years old at 30 June in that year.

For details of these rates, see "[A Guide to Australian Government Payments](#)".

### 85.3.2 Group 2 School Fees Allowance

There are two components of Group 2 School Fees Allowance entitlement:

- An annual amount free from income testing; and
- An additional annual amount that is subject to the Parental Income Test, to determine the amount payable. Refer to [57.2](#) for details of the effect of these tests upon Group 2 School Fees Allowance.

For details of these amounts, see "[A Guide to Australian Government Payments](#)".

### 85.3.3 Indexation of School Fees Allowance rates

The level of School Fees Allowance is indexed as follows:

- Group 1 School Fees Allowance is not indexed; and
- Group 2 School Fees Allowance is subject to annual indexation against the Consumer Price Index (CPI) at 1 January.

## 85.4 Payment of Group 1 School Fees Allowance (SFA)

Group 1 School Fees Allowance is payable as follows:

- Payment, upon approval of the entitlement, in one instalment direct to the school for the maximum amount of School Fees Allowance entitlement specified in [85.3.1](#); or
- Reimbursement/s to the applicant upon presentation of receipt/s from the school that show the school fees amount paid by the applicant. In total, reimbursement will be made for the lesser of:
  - the amount of school fees paid by the applicant; or
  - the maximum amount of School Fees Allowance entitlement specified in [85.3.1](#).

## 85.5 Payment of Group 2 School Fees Allowance (SFA)

Group 2 School Fees Allowance is payable as follows:

- Payment direct to the school for the amount determined by [85.5.1](#); or
- Reimbursement/s to the person who has incurred the expenses, upon presentation of receipt/s from the school that show the school fee amount paid. In total, reimbursement will be made for the lesser of:
  - the amount of [school fees](#) paid; or
  - the maximum amount of School Fees Allowance entitlement specified in [85.3.2](#).

### 85.5.1 Payment of Group 2 SFA to the school

Where Group 2 School Fees Allowance is being paid to the school, the payment frequency and calculation is affected by whether the student is either:

- [boarding at a boarding school](#); or
- [boarding at a hostel that is a signatory to the Standard Hostels Agreement](#); or
- [boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement](#); or
- [boarding in a private board arrangement](#).

#### 85.5.1.1 Student is boarding at a boarding school or a hostel that is a signatory to the Standard Hostels Agreement

Where the student is boarding at a boarding school or a hostel that is a signatory to the Standard Hostels Agreement, Group 2 School Fees Allowance payments are calculated on a daily rate and paid four times a year on a term-in-advance basis for the following periods:

- Term 1 01 January – 31 March;
- Term 2 01 April – 30 June;
- Term 3 01 July – 30 September;
- Term 4 01 October – 31 December.

These payments are made on a pro-rata basis for the lesser of:

- the student's maximum entitlement of Group 2 School Fees Allowance as set out in [85.3.2](#); or
- the annual [school fees](#) amount charged by the school.

#### 85.5.1.2 Student is boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement or in a private board arrangement

Where the student is boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement or in a private board arrangement, Group 2 School Fees Allowance is paid in one instalment for the lesser of:

- the student's maximum entitlement of Group 2 School Fees Allowance as set out in [85.3.2](#); or
- the annual [school fees](#) amount charged by the school.

### 85.5.2 Taxation status

For details of the tax status of Group 1 and 2 School Fees Allowance, see [Chapter 5 Taxation](#).

## 85.6 School Fees

### 85.6.1 School Fees

For the purposes of School Fees Allowance, school fees are those fees charged by a school for all students enrolled in a particular programme. This includes:

- fees associated with school subjects, including charges for consumable materials and charges for sporting activities where sport is taken as a school subject and a subject fee is levied;
- general purpose fees for services and amenities;
- tuition fees; and
- fees for items such as school magazines, locker hire, book hire, and examinations.

## 85.6.2 Not included as school fees

For the purposes of School Fees Allowance, school fees do not include:

- charges for the issue of stationery, or the use or purchase of school clothing including sports clothing or special clothing e.g. aprons for Home Economics or Manual Arts;
- charges to cover incidental expenses incurred by a student during the term e.g. purchases from the school shop;
- charges for laundry/purchase of linen;
- levies on behalf of Parents' and Citizens' Association or similar organisation;
- contributions (whether or not compulsory and/or refundable) to school building funds; or
- charges for insurance cover for school-related activities.

## 85.6.3 Disparity in fees levied by schools

Fees levied for ABSTUDY students must be at the same level as those set for non-ABSTUDY students at the school.

# 85.7 School Fees Allowance Entitlement

## 85.7.1 Means testing

Group 1 School Fees Allowance is not subject to the means tests outlined in [Chapter 56 Introduction to Means Testing](#).

There are two components of Group 2 School Fees Allowance entitlement:

- An amount free from means testing; and
- An additional amount that is subject to the Parental Income Test, Family Assets Test and Family Actual Means Test to determine the amount payable. Refer to [57.2](#) for details of the effect of these tests upon Group 2 SFA.

## 85.7.2 Entitlement

Entitlement to Group 1 School Fees Allowance is established when the student commences study in the school year. The entitlement is not affected if a student subsequently discontinues study.

Entitlement to Group 2 School Fees Allowance is established upon commencement at the school, and is determined on a pro-rata basis, in accordance with the provisions outlined in [Chapter 73 Living Allowance entitlement periods](#).

## 85.7.3 Change in school

The same maximum rates of Group 1 and 2 School Fees Allowance apply where a student changes school during the year; payments of School Fees Allowance in respect of the student for a year may total up to the maximum rate of School Fees Allowance.

## 85.7.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## **85.8 Transfer of unused Group 2 School Fees Allowance to pay boarding costs**

### **85.8.1 Qualification for transfer of unused Group 2 SFA to pay boarding costs**

Unused Group 2 School Fees Allowance may be transferred to meet outstanding board fees in the following circumstances:

- the student qualifies for [Group 2 School Fees Allowance](#); and
- the annual tuition amount charged by the school is less than the student's maximum entitlement of Group 2 SFA as set out in [85.3.2](#);
- the student boards at a boarding school OR a hostel that is a signatory to the Standard Hostels Agreement; and
- the annual amount of boarding fees charged by the boarding school/hostel exceeds the student's combined annual entitlement of [Living Allowance](#), [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#).

#### **85.8.1.1 Not qualified for transfer of unused Group 2 School Fees Allowance to pay boarding costs**

Transfer of Group 2 School Fees Allowance to pay boarding costs may not be approved in the following circumstances:

- no Living Allowance is payable in respect of the student as a result of the application of the means tests; and/or
- the student is boarding at a hostel that is NOT a signatory to the Standard Hostels Agreement or is in a private board arrangement.

### **85.8.2 Payment of transferred Group 2 School Fees Allowance**

Where the transfer of unused Group 2 SFA to pay boarding costs has been approved, these payments are calculated on a daily rate and paid four times a year on a term-in-advance basis for the following periods:

- Term 1 01 January – 31 March;
- Term 2 01 April – 30 June;
- Term 3 01 July – 30 September;
- Term 4 01 October – 31 December.

Payment is made for the lesser of:

- the difference between the student's combined annual entitlement of [Living Allowance](#), [Rent Assistance](#), [Remote Area Allowance](#) and [Pharmaceutical Allowance](#) and the annual amount of boarding fees charged by the boarding school/hostel; or
- the difference between the student's maximum entitlement of Group 2 SFA as set out in [85.3.2](#) and the annual tuition fee amount charged by the school.

### **85.8.3 Entitlement not to be exceeded**

Where unused Group 2 School Fees Allowance has been transferred to meet any outstanding board fees under the provisions of [85.6](#), any residual amount of Group 2 School Fees Allowance cannot be used for other purpose e.g. to pay existing overpayments, or to be directed to the student.

## Chapter 86 - Under 16 Boarding Supplement

This chapter describes eligibility conditions and entitlements for the Under 16 Boarding Supplement.

### 86.1 Purpose of the Under-16 Boarding Supplement

The purpose of the Under 16 Boarding Supplement is to assist boarding schools that have a significant number of Indigenous enrolments with the shortfall in boarding and tuition fees paid to an eligible school for students under 16 years of age who receive a lower rate of ABSTUDY [Living Allowance](#) than those aged between 16 and 20 years. These boarding schools would then receive the same rate of assistance for all their eligible secondary school students who are entitled to Living Allowance and approved for Away from Home entitlements.

### 86.2 When is the Under-16 Boarding Supplement Payable?

For Under-16 Boarding Supplement to be payable in respect of a student, the following criteria must be met:

- the boarding school must meet the qualifications for Under-16 Boarding Supplement, as set out in 86.3, and
- the student must meet the qualifications for Under-16 Boarding Supplement, as set out in 86.4, and
- the student must be enrolled as a boarder and receiving tuition at the boarding school that is claiming the under 16 Boarding Supplement.

### 86.3 Boarding School Qualification

The ABSTUDY Under-16 Boarding Supplement is only available to schools that meet the following criteria:

- the school provides boarding facilities and can demonstrate that these boarding facilities are integrated within the school's infrastructure, as set out in, and
- at least 10 per cent of the total numbers of students enrolled at the school are Indigenous Australians or a minimum of 20 Indigenous students are enrolled.

To establish a boarding school's qualification for Under-16 Boarding Supplement for the following year, DEEWR uses data derived from the Non-government Schools Census which is undertaken in August each year.

DEEWR assess a school's qualification for the Under-16 Boarding Supplement and will contact all eligible schools prior to the new school year. DEEWR will provide Centrelink with a list of eligible schools.

#### 86.3.1 Verification that Boarding Facilities are integrated within the School's Infrastructure

Boarding facilities will be considered to be integrated within the school's infrastructure in the following circumstances:

- the facilities must be owned or leased by the school for the sole purpose of providing boarding facilities, including homework supervision and recreational programs,
- the facilities must meet the standards for occupancy set by the local Council or other relevant approval authorities,
- the staff and house parents must be employees of the school, and
- there must be a full-time staff presence within the facilities to look after, for example, children unable to attend school because of illness.

Should verification of the conditions outlined above be required, DEEWR will contact the education provider. The evidence sought will include documentation about the ownership or leasing arrangements for the boarding facilities, employment conditions for the staff and contractual agreements for house parents.

### 86.3.2 Hostels

Hostels are not eligible for payment of Under-16 Boarding Supplement

### 86.3.3 External students boarding at a boarding School

Students studying external to the boarding school, i.e. are day students at another school but boarding in a boarding school facility are not eligible to be counted in a schools enrolments for the purposes of the Under 16 Boarding Supplement.

## 86.4 Students who are eligible to attract the Under 16 Boarding Supplement

A student is eligible to attract the Under-16 Boarding Supplement for Semester 1 of a year if the following criteria are met on the 3rd Friday in February:

- s/he meets the [Schooling B Award](#) criteria, and
- s/he is under 16 years old, and
- s/he is enrolled and attending school, and
- s/he is enrolled in and boarding at a school that meets the qualifications for Under-16 Boarding Supplement set out in [86.3](#), and
- s/he either:
  - meets the [criteria for Away from Home entitlements](#); or
  - s/he qualifies for Independent status as an [orphan](#), a student whose [parents cannot exercise parental responsibilities](#), or on the basis that it is [Unreasonable To Live at Home](#), or
  - s/he qualifies for independent status on the basis of criteria other than those listed in the previous dot point AND meets the [criteria for Away from Home entitlements](#), or
  - s/he is a student in [State Care](#) and the following apply:
    - the student is entitled to receive the [Away from Home rate of Living Allowance](#) because the carer does not receive a regular foster care allowance, and
    - the student would meet the [criteria for Away from Home entitlements](#), and
- Living Allowance is payable in respect of the student.

A student is eligible to attract the Under-16 Boarding Supplement for Semester 2 of a year if the above criteria are met on the third Friday in August.

The school may receive a per capita payment for each student who meets the criteria.

### 86.4.1 Student Unable to Commence

Where a student has not commenced school by the date specified in 86.4, Under-16 Boarding Supplement is payable in the following circumstances:

- the student was unable to commence school by the specified date due to circumstances beyond his/her control, such as severe weather conditions, and
- the student has not attracted this allowance at another school for the relevant semester.

#### 86.4.2 Delayed assessment and payment

Where a student who is enrolled and attending a boarding school on the census date has not been assessed as eligible for ABSTUDY entitlements at the time of payment of the Boarding Supplement, assessment and payment may be made following confirmation of the student's eligibility.

### 86.5 Payment of Under 16 Boarding Supplement

#### 86.5.1 Rate of Under-16 Boarding Supplement

A set rate of Under-16 Boarding Supplement applies in respect of each eligible student for each semester. For details of this amount, see "[A Guide to Australian Government Payments](#)".

The Under 16 Boarding Supplement can be made on behalf of a student only once for a semester. There are no pro rata payments of Boarding Supplement.

##### 86.5.1.1 Indexation of Under-16 Boarding Supplement rates

Under-16 Boarding Supplement is subject to annual indexation against the Consumer Price Index (CPI) at 1 January.

#### 86.5.2 Payment frequency

The Under-16 Boarding Supplement is paid once for each half of the year, i.e. once per semester. Where eligibility has been established, the full payment is made in one instalment. There are no pro rata payments of Under-16 Boarding Supplement.

#### 86.5.3 Payee for Under-16 Boarding Supplement

The payee for Under-16 Boarding Supplement is the boarding school.

### 86.6 Under-16 Boarding Supplement Entitlement

#### 86.6.1 Means testing

Under-16 Boarding Supplement is not subject to the means-testing outlined in [Chapter 56 Introduction to Means Testing](#).

#### 86.6.2 Discontinuation of study

Provided that the student has met the criteria set out at 86.4, early discontinuation of study or board does not affect entitlement to the Under-16 Boarding Supplement.

#### 86.6.3 Change of School

If a student changes school during a semester, the payment of Under-16 Boarding Supplement is made to the school where the student was boarding on the census date.

If a student leaves the school during that semester, no overpayment is raised.

#### 86.6.4 Overpayment and recovery of allowances

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 87 - Qualification for Fares Allowance

This chapter details the qualifications for Fares Allowance.

### 87.1 Purpose of Fares Allowance

The purpose of Fares Allowance is to cover the cost of specified travel for students who need to live away from home to attend study or to participate in an approved [Away from Base activity](#). This allows the student to participate fully in the approved course while maintaining contact with his/her home community. Persons other than students may also be eligible for fares allowance in [specified circumstances](#).

Fares Allowance is not available to [Australian Apprentices](#).

### 87.2 Qualification for Fares Allowance

There are different types of specified travel for which Fares Allowance may be approved; these are detailed in [Chapter 89 Approved Travel](#).

The qualification criteria for Fares Allowance vary depending upon the type of specified travel being undertaken:

- all types of specified travel, except Away from Base activities travel, and
- Away from Base activities travel.

#### 87.2.1 Qualification for Fares Allowance for all types of specified travel, except Away from Base activities travel

To qualify for Fares Allowance for all types of specified travel, with the exception of Away from Base activities travel, the following criteria must be met:

- the student meets the criteria for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Masters and Doctorate Award](#), and
- the student has a permanent home address that varies from his/her term address, and
- the student was living at the [permanent home](#) address immediately prior to undertaking the travel, and
- the travelling time and/or distance between the permanent home and the term address can be considered to be unreasonable according to the principles set out in [Chapter 26 Travel Time and Access](#), and
- the journey is not precluded under the [interstate travel rules](#), and
- the person undertaking the journey is an [approved traveller](#), and
- the student is eligible for the type of [specified travel](#) being undertaken.

##### 87.2.1.1 Not qualified for Fares Allowance if have received Relocation Allowance

Where a student is undertaking a Masters or Doctorate level degree, and s/he has received [Relocation Allowance](#) in order to relocate to the study location, the study location is considered the



[permanent home](#). This means that Fares Allowance is no longer payable in respect of this approved course.

## 87.2.2 Qualification for Fares Allowance for Away from Base activities travel

To qualify for Fares Allowance for Away from Base activities travel, the following criteria must be met:

- the student meets the criteria for one of the following ABSTUDY Awards:
  - [Schooling A Award](#), or
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Part-time Award](#), or
  - [Testing and Assessment Award](#), or
  - [Masters and Doctorate Award](#), or
  - [Student in Lawful Custody Award](#), and
- the student is required to temporarily live away from the [permanent home](#) in order to attend an Away from Base activity, and
- one of the following apply:
  - for field trips, the travelling time and/or distance between the institution location and the field trip location can be considered to be unreasonable according to the principles set out in [Chapter 26 Travel Time and Access](#), and
  - for residential schools and testing/assessment programs, the travelling time and/or distance between the permanent home and the institution location can be considered to be unreasonable according to the principles set out in [Chapter 26 Travel Time and Access](#), and
  - for placements:
    - where the student is living at his/her permanent home, the travelling time and/or distance between the permanent home and the placement location can be considered to be unreasonable according to the principles set out in [Chapter 26 Travel Time and Access](#), and
    - where the student is living at his/her term address, the travelling time and/or distance between the term address and the placement location can be considered to be unreasonable according to the principles set out in [Chapter 26 Travel Time and Access](#), and
- the journey is not precluded under the interstate travel rules, and
- the person undertaking the journey is an [approved traveller](#), and
- the student is eligible for [Away from Base activities travel](#).

## 87.3 Restrictions on interstate travel

There are restrictions on interstate travel for the following students:

- secondary school students,
- students undertaking certificate and enabling courses,
- students undertaking Statement of Attainment courses, and
- students undertaking an Away from Base field trip or placement.

### 87.3.1 Interstate travel for secondary school students

Fares Allowance cannot be approved for secondary school students who choose to study interstate, except in the following circumstances:

- the student lives near a State/Territory border and will attend a school at a nearby interstate location, or
- interstate travel is more cost effective than intrastate, or
- there are no available boarding places at boarding schools in the student's State/Territory, or

- the student is undertaking an approved specialist secondary course at a government school which meets the criteria at 28.6 and is not available in their home state, or
- the student has been awarded a scholarship to a boarding school at an interstate location that has been approved by the Minister for Education as listed at 35.2, or
- the student has been approved for ABSTUDY away from home entitlements on the basis of being offered an Independent Boarding School Scholarship (refer [35.1](#)), or
- the student has been approved to live away from the permanent family home under the Continuity of Study provisions set out in Chapter 32.

**Note:** When assessing cost effectiveness other factors may need to be considered such as how long the travel will take, the time of day the travel is taken, the number of legs that need to be taken and the availability of appropriate transport.

### 87.3.2 Interstate travel for students undertaking Statement of Attainment, Certificate and Enabling Courses

Fares Allowance cannot be approved for students undertaking Statement of Attainment, certificate and enabling courses who choose to study interstate, except in the following circumstances:

- interstate travel is more cost effective than intrastate, or
- the student is participating in the Indigenous Youth Mobility Program (IYMP) and has been offered a placement at an interstate location, or
- both of the following apply:
  - a similar course in the particular field of study is not available in the student's home state or territory, and
  - the institution has applied to DEEWR for, and has been granted an exemption from this interstate travel rule.

In such cases, the student may be approved to travel to the nearest most cost-effective interstate location; or if the student is participating in the Indigenous Youth Leadership Program (IYLP) or IYMP or has been awarded a scholarship to an independent boarding school in accordance with [35.1](#), to the location where the student has been offered a placement.

#### 87.3.2.1 Exemption from interstate travel rule

The decision whether or not a certificate or enabling course is available in a particular State or Territory is made by DEEWR. It is the responsibility of institutions, not students, to apply for recognition that a course is not available in (some) other States/Territories.

Institutions wishing to apply for such recognition should be advised to make a written request to the:

Branch Manager  
Income Support for Students Branch  
DEEWR  
GPO Box 9880  
CANBERRA ACT 2601

or by fax to 02 6240 8435, for consideration.

DEEWR will advise both the institution and Centrelink of the decision.

### 87.3.3 Interstate travel for field trips and placements

Interstate travel will not be approved for Away from Base field trips and placements except where:

- the travel is between New South Wales and the Australian Capital Territory, or
- the student is attending an educational institution near a State/Territory border, or
- the field trip or placement provides experience or training that is both:
  - essential for successful completion of the minimum requirements of the student's course, and
  - unavailable within the home State or Territory.

## 87.4 Overseas travel

Fares Allowance is not available for travel between Australia and an overseas location.

Fares Allowance may be available for travel within an overseas country under the specific provisions set out in [Chapter 55 Overseas Study](#).

## Chapter 88 - Approved Travellers

This chapter discusses who may be approved to travel under Fares Allowance.

### 88.1 Approved Travellers

A student may be approved for Fares Allowance where:

- the student meets the qualifications for [Fares Allowance](#); and
- the student is eligible for the type of [specified travel being undertaken](#); and
- the person undertaking the journey is an approved traveller.

Where the student is the person undertaking the journey, s/he is an approved traveller.

Person/s other than the student may be an approved traveller in the following circumstances:

- [Dependant travellers](#);
- [Family member travellers](#);
- [Supervisor travellers](#);
- [Travelling companions](#); or
- [Education institution representative travellers](#).

### 88.2 Dependant Travellers

#### 88.2.1 Purpose of approval of dependent travellers

The purpose of approval of Dependant Travellers is to cover travel for a dependant/s of a student who is approved for Fares Allowance. A dependant can be a [partner](#) and/or any [dependent children](#) of the student.

#### 88.2.2 Eligibility for travel as a dependant

Fares Allowance may be approved for a student's [partner](#) and/or any [dependent children](#) in the following circumstances:

- the student meets the qualifications for [Fares Allowance](#); and
- the student is eligible for the type of [specified travel being undertaken](#); and
- the partner and/or dependent children travel to live at the term address; and
- one or more of the following apply:
  - the student is eligible for Parenting Payment (Single) under the Social Security Act 1991; or

- the student's partner is eligible for Parenting Payment Partnered under the Social Security Act 1991; and/or
- the student or student's [partner](#) holds a Health Care Card, Low Income Health Care Card or a Pensioner Concession Card AND has a [dependent child](#).

### 88.2.3 Entitlement for a dependant traveller

The types of specified travel available for a Dependant Traveller are:

- travel at the [commencement and end of study](#); and
- travel on [compassionate grounds](#).

## 88.3 Family Member Travellers

### 88.3.1 Purpose of approval of family member travellers

The purpose of approval of Family Member Travellers is to allow a family member to travel to the student's term address for the purposes of either orientation/special purpose visit travel or compassionate travel.

### 88.3.2 Eligibility for travel as a family member

Fares Allowance may be approved for a [parent](#), [partner](#) or close family member to visit a student at the term address in the following circumstances:

- the student meets the qualifications for [Fares Allowance](#); and
- either of the following apply:
  - both:
    - the student would be eligible for [Compassionate travel](#) due to serious illness or injury; and
    - the circumstances are such that a visit from a close family member would be appropriate; OR
  - both:
    - the student is eligible for [orientation or special purpose visit travel](#); and
    - it is appropriate for the parent to either accompany the student to the term address or to visit the student at the term address.

Where the student is suffering from a terminal illness, both parents may be approved to travel to visit the student under Compassionate Travel.

### 88.3.3 Entitlement for a family member traveller

The types of specified travel available for a family member traveller are:

- [orientation or special purpose visit travel](#); and
- [compassionate travel](#).

Where Fares Allowance has been approved for a family member under compassionate travel or orientation or special purpose visit travel, the family member is entitled to one return journey between the family member's home and the student's term address.

## 88.4 Supervisor Travellers

### 88.4.1 Purpose of approval of supervisor travellers

The purpose of approval of supervisor travellers is to enable the supervision of secondary school students while in transit during an approved journey.

## 88.4.2 Eligibility for travel as a supervisor

Fares Allowance may be approved for a supervisor to accompany a student on a journey in the following circumstances:

- the student meets the qualifications for [Fares Allowance](#); and
- the student is eligible for the [type of specified travel being undertaken](#); and
- the student's circumstances, and the circumstances of the travel, mean that supervision would be appropriate; and
- the supervisor is a [parent](#), community representative or representative of the receiving school or hostel.

Where more than one approved student is travelling, more than one supervisor may be required. The appropriate number of supervisors will depend on the circumstances of the travel; however, a ratio of one supervisor to six students would normally be used.

## 88.4.3 Entitlement for a supervisor traveller

Where Fares Allowance has been approved for a supervisor to accompany a student on a type of specified travel, the supervisor is entitled to one return journey between the supervisor's home and the student's place of study or other location to which the student is travelling.

All types of specified travel are available under the provisions of supervisor travel.

## 88.5 Travelling Companions

### 88.5.1 Purpose of approval of a travelling companion

The purpose of approval of a travelling companion is to allow an ill, injured or disabled student who is undertaking approved travel to be accompanied on the journey.

### 88.5.2 Eligibility for travel as a travelling companion

Fares Allowance may be approved for a travelling companion to accompany a student on a journey in the following circumstances:

- the student meets the qualifications for [Fares Allowance](#); and
- the student is eligible for the [type of specified travel being undertaken](#); and
- the student has an illness, injury or disability that would make it appropriate for a companion to travel with him/her.

### 88.5.3 Entitlement for a travelling companion

All types of specified travel are available under the provisions of travelling companion travel.

Where Fares Allowance has been approved for a travelling companion to accompany a student on a type of specified travel, the travelling companion is entitled to one return journey between the travelling companion's home and the student's place of study or other location to which the student is travelling.

## 88.6 Education Institution Representative Travellers

### 88.6.1 Purpose of approval of education institution representative travellers

The purpose of approval of education institution representative travellers is to allow representatives from an education institution or hostel to travel to a community to undertake an

[Away from Base activity](#) or to participate in an orientation/special purpose visit, where it is more cost effective to do so.

### 88.6.2 Eligibility for travel as an education institution representative

Fares Allowance may be approved for representatives of an education institution or hostel to travel to a student's home community in the following circumstances:

- the student meets the qualifications for [Fares Allowance](#); and
- either of the following apply:
  - the student is eligible for [orientation/special purpose visit travel](#); and
  - the proposed travellers have direct contact with ABSTUDY students at the boarding location; and
  - there are at least six ABSTUDY students at the school/hostel who come from the communities to be visited and there is likely to be a continued boarding connection between the education institution and the community;OR
  - the student is eligible for [Away from Base activities travel](#); and
  - the applicant will be participating in either a [Testing and Assessment programme](#) or a [residential school](#); and
  - the education institution can demonstrate that it is cost-effective for its representatives to travel to a community or communities rather than for students or parents to travel to the education institution.

### 88.6.3 Entitlement

Where Fares Allowance has been approved for a representative from an education institution to travel to a student's home community, the education institution representative is entitled to one return journey between the education institution and the student's home community.

The number of education institution representatives receiving assistance would, in normal circumstances, be limited to two.

## Chapter 89 - Approved Travel

This chapter discusses the types of specified travel that may be undertaken under the provisions of Fares Allowance.

### 89.1 Types of Approved Travel

The following types of specified travel are available under the provisions of Fares Allowance:

- [travel at commencement and end of study period](#);
- [school vacation travel](#);
- [tertiary and secondary non-school travel for study of more than one semester](#);
- [compassionate travel](#);
- [examination travel](#);
- [graduation travel](#);
- [Masters/Doctorate relocation travel](#);
- [orientation or special purpose visit travel](#);
- [Away from Base activities travel](#).

## **89.2 Travel at commencement and end of study period**

### 89.2.1 Purpose of travel at commencement and end of study period

The purpose of travel at the commencement and end of a study period is to enable a student to travel between the permanent home and the term address.

### 89.2.2 Eligibility for travel at commencement and end of study period

To qualify for travel at the commencement and end of the study period, the student must meet the qualifications for Fares Allowance set out in 87.2.1.

### 89.2.3 Travel at commencement and end of study period entitlement

Where a student qualifies for travel at the commencement and end of the study period, the entitlement is for:

- one single journey from the [permanent home](#) to the term address at the commencement of study for the year; and
- one single journey from the term address to the [permanent home](#) at either:
  - the discontinuation of study for a year; or
  - the completion of the study for the year.

### 89.2.4 Forward journey to commence course

Travel prior to the commencement of the course may be approved where a student can demonstrate a reasonable need to do so, e.g. to secure rental accommodation.

### 89.2.5 Return journey at the end of study for the year

Continuing students must return to their [permanent home](#) address at the conclusion of study for the year to continue to qualify for Fares Allowance. If the student does not return to the permanent home, it would normally be assumed that s/he remained at the study location for reasons other than for study and, in these circumstances, has established her/his permanent home at the term address.

This return journey must be undertaken within three months of ceasing studies for the year.

## **89.3 School Vacation Travel**

### 89.3.1 Purpose of school vacation travel

The purpose of school vacation travel is to enable a secondary school student to be reunited with her/his family during school vacations.

### 89.3.2 Eligibility for school vacation travel

To qualify for school vacation travel, the student must:

- meet the qualifications for Fares Allowance set out in 87.2.1; and
- be a secondary school student.

### 89.3.3 School vacation travel entitlement

Where a student qualifies for school vacation travel during the academic year, s/he is entitled to one return journey between the [permanent home](#) and the term address to coincide with each of the term vacations to a maximum of three per academic year. In Tasmania, which has three school terms, this includes the Easter break.

## **89.4 Tertiary and Secondary Non-schooling Travel for Study of more than One Semester**

### 89.4.1 Purpose of tertiary and secondary non-schooling travel

The purpose of tertiary and secondary non-schooling travel for study of more than one semester duration is to enable a tertiary or secondary non-schooling student to be reunited with her/his family during the academic year.

### 89.4.2 Eligibility for tertiary and secondary non-schooling travel

To qualify for tertiary and secondary non-schooling travel, the student must:

- meet the qualifications for Fares Allowance set out in 87.2.1; and
- be undertaking tertiary level or secondary non-schooling study; and
- be living away from the [permanent home](#) for a period greater than one semester; and
- not be precluded under the rule set out in [89.4.2.1](#).

#### 89.4.2.1 Ineligible for tertiary and secondary non-schooling travel

Tertiary and secondary non-schooling travel cannot be approved for a student or his/her dependants where s/he has elected to receive Fares Allowance for dependant(s) to travel to the term address under the [dependant traveller](#) provisions.

### 89.4.3 Tertiary and secondary non-schooling travel entitlement

Where a student qualifies for tertiary and secondary non-schooling travel, s/he is entitled to one return journey between the [permanent home](#) and the term address. This journey may be taken at any time after the date on which the student commences study and before the date on which the student ceases study.

## **89.5 Compassionate Travel**

### 89.5.1 Purpose of compassionate travel

The purpose of compassionate travel is to enable students to return from their term address to their [permanent home](#) for compassionate reasons. In certain circumstances, a close family member may instead visit an ill or injured student at the term address.

### 89.5.2 Eligibility for compassionate travel

To qualify for compassionate travel, a student must:

- meet the qualifications for Fares Allowance set out in 87.2.1; and
- meet one of the circumstances described in grounds for compassionate travel at [89.5.5](#); and
- have not exceeded the [limits of approval of compassionate travel for the year](#); and
- not be precluded under [89.5.2.1](#).

Where a student has received Fares Allowance for a dependant to travel with them to the study location, the dependant is also eligible for compassionate travel where it is necessary for them to return home with the student.

#### 89.5.2.1 Not eligible for compassionate travel

Students attending an Away from Base activity are not eligible for compassionate travel but may use their return trip prior to the end date of the activity.



### 89.5.2.2 Family member travellers

Where a student meets the conditions for approval of compassionate travel, a close family member may, in certain circumstances, be approved to visit the student at the term address. See 88.3 family member travellers.

### 89.5.3 Compassionate travel entitlement

Where a student has been approved for compassionate travel, s/he is entitled to one return journey between the term address and the permanent home.

### 89.5.4 Limits on compassionate travel

A maximum of two return trips per student per year can be approved under compassionate travel entitlements. This maximum includes any instances where a family member has visited the student at the term address under the compassionate travel provisions.

### 89.5.5 Grounds for compassionate travel

Circumstances justifying travel for compassionate reasons include:

- the critical illness or injury of an immediate family member, i.e. [parent](#)/guardian, parent substitute, grandparent, sibling, partner, child, or partner's parent or child; or
- an illness or injury of the student that requires the student to return home; or
- the death or funeral of an extended family member; or
- where the student comes from an Aboriginal or Torres Strait Islander community that observes Aboriginal or Torres Strait Islander law or kinship obligations, a requirement for the student to participate in a community activity under these law or kinship obligations.

## 89.6 Examination Travel

### 89.6.1 Purpose of examination travel

The purpose of examination travel is to enable students to attend examinations for the approved course.

### 89.6.2 Eligibility for examination travel

To qualify for examination travel, a student must:

- meet the qualifications for Fares Allowance set out in 87.2.1; and
- either:
  - be required to take a supplementary or deferred examination; or
  - be required to travel to a location other than the normal place of residence to sit examinations.

A full-time tertiary or secondary non-school student would be expected to remain at the place of study until the end of their participation in the normal examination period and would therefore only qualify for examination travel for unexpected supplementary or deferred examinations.

### 89.6.3 Examination travel entitlement

Where a student has been approved for examination travel, s/he is entitled to one return journey between the permanent home and the examination centre for each approved examination or set of examinations.

## 89.7 Graduation Travel

### 89.7.1 Purpose of graduation travel

The purpose of Graduation Travel is to enable students to attend a graduation ceremony to graduate from a course of study.

### 89.7.2 Eligibility for graduation travel

To qualify for graduation travel, a student must meet the following criteria:

- the student must have either:
  - completed a tertiary course that is equivalent to a course of at least two years full-time duration, for which s/he received ABSTUDY assistance; or
  - completed a postgraduate degree for which s/he received ABSTUDY assistance; and
- one of the following apply:
  - s/he was approved for Fares Allowance under ABSTUDY to undertake his/her course away from his/her [permanent home](#); or
  - s/he was approved for Fares Allowance under ABSTUDY to undertake his/her course through a combination of external studies and face-to-face teaching; or
  - s/he was approved for travel assistance under DEST's Indigenous Education Programs to undertake his/her course through mixed-mode studies.

#### 89.7.2.1 Ineligible for Graduation Travel

If, for the duration of his/her course, a student only received ABSTUDY Fares Allowance entitlements in order to participate in a placement, field trip or testing and assessment program under the provisions of [Away from Base activities travel](#), s/he is not eligible for graduation travel.

### 89.7.3 Graduation Travel Entitlement

Where a student has been approved for graduation travel to graduate from a course of study, s/he is entitled to one return journey within Australia between his/her [permanent home](#) and the location of the graduation ceremony. Travel is paid at no more than the equivalent rate to which the student was entitled to during the course of study.

There are no meals and accommodation allowances payable for graduation travel except where the journey must be broken - see 90.7.3 Overnight Accommodation.

## 89.8 Masters/Doctorate Relocation Travel

### 89.8.1 Purpose of Masters/Doctorate Relocation Travel

The purpose of Masters and Doctorate relocation travel is to assist a Masters/Doctorate student, and his/her [partner](#) and [dependent child/ren](#), to travel to their new [permanent home](#) at the place of study. This entitlement is part of the Relocation Allowance payable to students on an approved Masters and Doctorate Award.

### 89.8.2 Eligibility for Masters/Doctorate Relocation Travel

To qualify for Masters and Doctorate relocation travel, a student must:

- meet the qualifications for Fares Allowance set out in 87.2.1; and
- meet the qualifications for Masters and Doctorate Allowances set out in 97.2; and
- be travelling to the study location in order to establish a new permanent home address.

### 89.8.3 Masters/Doctorate Relocation Travel Entitlement

Where a student has been approved for Masters and Doctorate relocation travel, the student, his/her [partner](#) and [dependent child/ren](#) are entitled to a one-way journey from their existing [permanent home](#) to the study location.

## 89.9 Orientation or Special Purpose Visit Travel

### 89.9.1 Purpose of Orientation or Special Purpose Visit Travel

The purpose of orientation or special purpose visit travel is to assist in the entry, orientation or adjustment of a student to a term location, so that the away from home placement may be effective. It is expected that travel would be required in the student's first term/semester only.

### 89.9.2 Eligibility for Orientation or Special Purpose Visit Travel

To qualify for orientation or special purpose visit travel, the following criteria must be met:

- the student meets the qualifications for Fares Allowance set out in 87.2.1; and
- one of the following apply:
  - a secondary school, or boarding facility, requires prospective students to attend interviews or other selection procedures prior to acceptance; or
  - the secondary school student is intending to board away from home for the first time and is either:
    - from a remote Aboriginal community; or
    - from a town in a remote location AND it is likely that the student would experience [serious problems of adjustment](#); or
  - a secondary school student in a boarding placement is under threat of expulsion because of [serious problems of adjustment](#) or similar circumstances and a visit is expected to stabilise the situation; or
  - the student has completed secondary studies in the previous year and is intending to study in an approved tertiary course of at least one year's duration.

**Note: Secondary school students intending to board away from home for the first time may not have had their enrolment confirmed.**

#### 89.9.2.1 Education Institution Representative Travellers

Where a student would be approved for orientation/special purpose visit travel, a representative from the education institution may, in certain circumstances, be approved to visit the student at the student's permanent home address. See 88.6 Education Institution Representative Travellers.

#### 89.9.2.2 Family Member Travellers

Where a student would be approved for orientation/special purpose visit travel, a family member may be approved to either accompany the student to the term address or visit the student at the term address. See 88.3 Family Member Travellers.

#### 89.9.2.3 Serious problems of adjustment

A student is considered to be experiencing serious problems of adjustment where any or all of the following apply:

- prolonged homesickness;
- poor attendance at classes;
- behavioural problems which affect the student's academic performance; and/or
- behavioural problems that are in serious breach of the school's or boarding education institution's standards of behaviour.

### 89.9.3 Orientation or Special Purpose Visit Travel Entitlement

Where approval has been given for orientation or special purpose visit travel, the student and/or other approved traveller are entitled to one return journey between the home community and term address.

## 89.10 Away from Base activity travel

### 89.10.1 Purpose of Away from Base activity travel

The purpose of Away from Base activity travel is to enable a student to participate in an approved Away from Base activity, such as a selection test or interview programme, residential school, field trip or placement.

### 89.10.2 Eligibility for Away from Base activity travel

To qualify for Away from Base activity travel, the following criteria must be met:

- the student must meet the qualifications for Fares Allowance set out in 87.2.2;
- the student must meet the qualifications for Away from Base assistance set out in 92.3; and
- the student must be participating in an approved [Away from Base activity](#).

#### 89.10.2.1 Education Institution Representative Travel

Where student/s would be approved for Away from Base activity travel in order to participate in a Testing and Assessment programme or residential school, a representative from the education institution may instead be approved to visit the student/s' home community to undertake the Away from Base activities. See 88.5 Education Institution Representative Travel.

### 89.10.3 Away from Base activity travel entitlement

Where a student is approved for Away from Base activity travel, s/he is entitled to:

- for field trips:
  - where the student is living at his/her [permanent home](#), one return journey between the permanent home and the field trip location; or
  - where the student is living at his/her term address, one return journey between the institution location and the field trip location; or
- for residential schools and testing/assessment programs, one return journey between the permanent home and the institution location; or
- for placements:
  - where the student is living at his/her permanent home, one return journey between the permanent home and the placement location; or
  - where the student is living at his/her term address, one return journey between the term address and the placement location.

#### 89.10.3.1 Off-campus residential school travel

Where an education institution conducting a residential school arranges accommodation at an off-campus location, Fares Allowance may cover the cost of transport between the place of accommodation and the education provider provided that:

- there is no suitable and convenient form of public transport; and
- the education institution arranges the transport; and
- the costs of the transport are reasonable and can be justified.

## Chapter 90 - Fares Allowance Entitlement

This chapter details the entitlements that may be payable where Fares Allowance has been approved

### 90.1 Fares Allowance Entitlement

An approved traveller is entitled to undertake an approved journey at the rate specified in 90.3 Rate of Fares Allowance where the following apply:

- the student meets the qualifications for Fares Allowance set out in [87.2](#), and
- the student, or other [approved traveller](#) has been approved for Fares Allowance in relation to a type of [specified travel](#).

Certain additional travel costs may also be payable.

The rate of Fares Allowance will be determined by the provisions of 90.3 Rate of Fares Allowance regardless of the actual mode of travel used by the student.

#### 90.1.1 Means testing

Fares Allowance entitlement is not subject to means testing.

#### 90.1.2 Unused entitlements

A student who does not use all her/his travel entitlements in one year may not carryover the unused entitlements to the next year.

### 90.2 Assessment of a Journey

Where Fares Allowance has been approved, the student, or other approved traveller, must undertake travel between the locations appropriate to the type of [specified travel](#) being undertaken. Fares Allowance is not payable for a student to travel to a destination other than those appropriate to the type of specified travel being undertaken, even where travel to the requested location may be less expensive.

#### 90.2.1 Travel assessed to/from normal travel terminal

In determining entitlements under Fares Allowance, travel is to be assessed to and from the location used as the normal travel terminal, eg a train station, bus stop or airport/airfield, servicing the permanent home or the term address.

#### 90.2.2 Indirect route or broken journey

Additional costs for taking an indirect route or for breaking the journey are not included in Fares Allowance unless a break in the journey cannot be avoided.

#### 90.2.3 Travel to destination other than the permanent home

Where the type of specified travel being undertaken entitles a student, or other [approved traveller](#), to a journey to or from the [permanent home](#), the student/approved traveller may travel from, or return to, a location other than her/his permanent home in the following circumstances:

- the [parent](#) has temporarily moved, and
- the student is undertaking the travel in order to join the family.

Costs must not exceed the level of Fares Allowance entitlement for previously approved travel.

### **90.3 Rate of Fares Allowance**

The rate of Fares Allowance will be determined by the rate of the mode of travel that is:

- the most practicable and cost-effective mode of transport for the journey, and
- reasonable in the circumstances.

It is considered that it is practicable, cost-effective and reasonable for a student, or other approved traveller, to receive Fares Allowance at the rate of the economy class rail or bus fare for a journey, unless one of the following apply:

- the conditions for approval of the cost of a rail fare with a sleeping berth or economy air fare are met are met, or
- the conditions for approval of the cost of Motor Vehicle Allowance (MVA) are met, or
- the conditions for approval of the cost of chartered transport are met.

### **90.4 Approval of the cost of economy air fare or a rail fare with a sleeping berth**

The cost of economy air travel or a rail fare with sleeping berth, whichever is most applicable, may be approved if any of the following circumstances apply:

- no rail or bus service exists for the journey, or
- the total travelling time for the journey, by surface public transport, exceeds:
  - 8 hours by rail or bus, for a secondary school student travelling alone, or
  - 10 hours (including waiting time between connections), by rail or bus for other secondary level students, or
  - 18 hours (including waiting time between connections), by bus for tertiary students and secondary level students at a tertiary institution, or
  - 36 hours (including waiting time between connections), by rail for tertiary students and secondary level students at a tertiary institution, or
- the approved traveller is unable to make the journey by economy class rail or bus due to illness or incapacity, or
- due to travel schedules:
  - an overnight journey by surface transport is unavoidable, or
  - a secondary school student would have to leave the departure point or arrive at the destination unreasonably late at night or early in the morning, eg between 9:00 pm and 7:00 am, or
  - the approved traveller is undertaking Away from Base activity travel and the total travelling time for a one-way journey (including waiting time between connections) would exceed the length of the Away from Base activity for which the travel is being undertaken.

A student will not be entitled to Fares Allowance at the level covering economy air travel or rail fare with sleeping berth simply because s/he cannot secure a booking at the desired time.

### 90.4.1 Sydney Airport noise tax

Where an approved traveller who is travelling by air is required to land at Sydney Airport, an additional “noise tax” will be added on to the cost of the ticket. This cost is payable as part of the student’s Fares Allowance entitlement.

## 90.5 Approval of the cost of Motor Vehicle Allowance (MVA)

The cost of Motor Vehicle Allowance (MVA) may be approved if any of the following circumstances apply in respect of all or part of the journey:

- if no regular public transport services exists, i.e. neither surface nor air services, or
- it is unreasonable or impracticable, eg due to infrequent services or poor connections, to travel by public transport, or
- the student is unable, due to injury, disability or other circumstances beyond her/his control, to travel by public transport, or
- travel by private vehicle is cost-effective.

### 90.5.1 Rate of Motor Vehicle Allowance (MVA)

Where MVA is able to be approved under the provisions of 90.5 for all or part of a journey, the rate payable will be the distance in kilometres by the shortest practicable route between the locations for which MVA is approved, multiplied by the relevant MVA rate for the engine capacity of the vehicle.

Current MVA rates can be viewed at [Section 3.8.9.30 of the Guide to Social Security Law](#).

#### 90.5.1.1 Rate of MVA where third party transports one or more students

Where a third party uses a private vehicle to transport one or more ABSTUDY students as passengers, and these ABSTUDY students are qualified for Fares Allowance for the journey, the rate of Fares Allowance payable to the third party is:

- the rate of economy class rail or bus fare (including concessional rate, if applicable) for that journey, plus
- an additional one-third of this rate for each passenger transported.

#### 90.5.1.2 Rate of MVA where student transports one or more other students

Where an ABSTUDY student uses his/her private vehicle to transport one or more other ABSTUDY students as passengers, and both the driver and passenger/s are qualified for Fares Allowance at the MVA rate for that journey, the rate of Fares Allowance payable to the driver is:

- the MVA entitlement of the student as set out in 90.5.1, PLUS
- an additional 0.63 of one cent per kilometre.

#### 90.5.1.3 Rate of MVA for journey without students

Where either a third party or an ABSTUDY student has transported other ABSTUDY student/s in a private vehicle, and is undertaking the return journey without ABSTUDY students as passengers, the standard rate of MVA set out in 90.5.1 is payable.

### 90.5.2 Assessment where public transport available for part of the journey

Where suitable public transport is available for part of the journey, Fares Allowance entitlement will be the sum of:

- MVA entitlement for that part of the journey where suitable public transport is not available, plus
- the standard rate of Fares Allowance as set out in 90.3 for that part of the journey where suitable public transport is available.

## 90.6 Approval of the cost of chartered transport

The cost of chartered transport, including taxis, hire cares, ferries or helicopters, may be approved in respect of all or part of the journey where either of the following circumstances apply:

- there is no public transport or regular air service available, or
- the use of chartered transport for the student/s is cost-effective.

### 90.6.1 Travel by hire car

Travel by hire car should be approved only in exceptional circumstances. Where it is approved, Fares Allowance entitlement is equivalent to the rate of:

- the contracted hiring fee for the minimum period necessary for the travel, and
- the most suitable vehicle for the journey, and
- any distance levy charged by the hire company for the shortest practicable route, and
- petrol costs.

Hire car contracts are to be entered into by the approved traveller and not by the Australian Government.

## 90.7 Additional Travel Costs

Where a student or other approved traveller has been approved to undertake a journey, the following additional travel costs may also be payable:

- transport terminal transfers,
- excess baggage, and
- overnight accommodation.

### 90.7.1 Transport terminal transfer costs

A student, or other approved traveller, who is required to use a transport service to transfer between an air, coach or train terminal and the board or accommodation location, may incur costs. Fares Allowance for this transport terminal transfer cost is to be assessed at the rate of:

- the fee levied for all students, or a reasonable fee if levied for ABSTUDY students only, where a boarding establishment or accommodation provider provides transport facilities, or
- taxi fare where:
  - public transport is not available, or
  - it is unsafe to use public transport considering the age of the school student and/or the time of day at which the travel occurs, or
  - the student is travelling to the place of study for the first occasion and is unfamiliar with the public transport routes, or
  - there are other compelling and justifiable factors which deem a taxi to be suitable, or
- public transport bus and/or rail fare.



### 90.7.2 Excess baggage

Where the student or other approved traveller has baggage in excess of that carried free of charge by whatever means of public transport is being used, the cost of excess baggage will be payable as part of Fares Allowance up to the following limits:

- where the baggage allowance is given in linear measure, one additional piece of baggage within the linear limits, or
- where the allowance is based on weight, excess baggage up to 18 kilograms.

### 90.7.3 Overnight accommodation

Costs associated with overnight accommodation may be met in the following circumstances:

- the student or other approved traveller is required to stay one or more nights at an in-transit location (except where these costs are the responsibility of the carrier), or
- the approved traveller is undertaking the journey under the provisions of [family member travellers](#), [supervisor travellers](#) or [travelling companion travellers](#) and either:
  - as a result of transport schedules, the approved traveller is unable to avoid staying one or more nights at the destination to which s/he accompanied the student/s before returning to his/her usual place of residence, or
  - for [family member travellers](#) only, the approved traveller is required to stay a reasonable amount of time at/near the student's term address in order to visit the student, or
- the approved traveller is an education institution representative who is undertaking the journey under the education institution representative travel provisions in order to undertake an orientation/special purpose visit and either:
  - as a result of transport schedules, the approved traveller is unable to avoid staying one or more nights at the location of the [orientation/special purpose visit](#), or
  - the approved traveller stays a reasonable amount of time at the location of the orientation/special purpose visit in order to undertake the visit.

#### 90.7.3.1 Costs payable for overnight accommodation

Where the costs associated with overnight accommodation are able to be met under the provisions of 90.7.3, the following expenses are payable:

- the reasonable cost of meals and accommodation for the stopover, where accommodation is arranged by the education institution, Centrelink or community, or
- [travel allowance](#), where accommodation is arranged by the student or approved traveller.

Where the accommodation provider provides reception services as part of an all-inclusive charge, this may also be met.

#### 90.7.3.2 Overnight accommodation also payable for chartered transport drivers/pilots

The costs of overnight accommodation as defined in 90.7.3.1 may also be met for chartered transport drivers/pilots where s/he is unable to avoid staying one or more nights at the destination to which s/he travelled the student/s or other approved travellers.

## Chapter 91 - Fares Allowances Claims, Penalties and Payment

### 91.1 Claim for Fares Allowance

#### 91.1.1 Fares Allowance claimant

The person or institution that incurred the expense for the travel undertaken by the student, or other approved traveller, may submit a claim for Fares Allowance.

#### 91.1.2 Closing dates for Fares Allowance claims

Claims for reimbursement of Fares Allowance must be lodged with Centrelink before 1 April in the year after the relevant year of study.

Claims for [Graduation Travel](#) or [Examination Travel](#) must be submitted within three months of travelling.

##### 91.1.2.1 Late lodgement of Fares Allowance claims

Claims for Fares Allowance can only be considered after this time if circumstances beyond the control of the claimant prevented lodgement within the required period and the claim was lodged as soon as practicable.

### 91.2 Provision of Fares Allowance entitlements

Fares Allowance entitlements may be provided in respect of the approved traveller in the form of:

- pre-booked or pre-authorised travel, subject to the restrictions for approved travellers who miss booked travel as set out in 91.3, or
- reimbursement of travel costs at the rate of entitlement specified in [90.3](#).

### 91.3 Penalties for missing booked travel

#### 91.3.1 Where travel is not undertaken

An approved traveller is considered to have missed booked travel where travel is booked, or a ticket authorised, and the following circumstances apply:

- the approved traveller subsequently:
  - does not travel, and
  - does not advise Centrelink prior to the travel departure that s/he will not be travelling; and
- the reasons for the missed travel were not due to circumstances beyond the approved traveller's control.

#### 91.3.2 Penalties for tertiary and secondary non-school students and non-student travellers

Where an approved tertiary and secondary non-school student traveller or a non-student traveller is considered to have missed booked travel, the approved traveller will not have travel for that journey re-booked or paid for in advance by Centrelink.

#### 91.3.3 Penalties for secondary school students

Where a secondary school student is considered to have missed booked travel for the first time in a calendar year, no penalty will be applied.

Where secondary school student is considered to have missed booked travel for the second time in a calendar year, the secondary school student will not have travel for that journey re-booked or paid for in advance by Centrelink.

#### 91.3.4 Fares Allowance entitlement where booked travel has been missed

Where an approved traveller is subject to the penalties set out in 91.3.2 and 91.3.3, but still wishes to undertake travel for that journey, the approved traveller will be responsible for booking the travel and purchasing his/her own ticket. Approved travellers who purchase his/her own ticket will be reimbursed for the purchase in the following circumstances:

- the travel provider has not charged Centrelink for the ticket of the missed journey;
- and the approved traveller is able to provide the travel ticket as evidence of the purchase.

#### 91.3.5 Amounts charged by travel provider for missed travel

With the exception of secondary school students who have missed booked travel for the first time in a calendar year, if an approved traveller is considered to have missed booked travel, and the travel provider charges an amount as a penalty or ticket cost as a result of the approved traveller missing booked travel, this amount is to be raised as an overpayment against the approved traveller.

### 91.4 Payment of Fares Allowance

#### 91.4.1 Payee for Fares Allowance reimbursement

Where an entitlement to reimbursement of travel costs has been approved, payment of the Fares Allowance should be made to the student, third party or institution that incurred the expense.

#### 91.4.2 Advance payment

Payment of Fares Allowance entitlements may be advanced to:

- an education provider or boarding establishment for arrangement of travel; or
- a travel carrier providing chartered services where advance payment is a condition of the charter.

Advance payment of Fares Allowance entitlements is subject to satisfactory acquittal. The requirements of acquittal are detailed in [Chapter 96 Payment and Acquittal of Away from Base](#).

#### 91.4.3 Taxation Status

For details of the tax status of Fares Allowance, see [Chapter 5 Taxation](#).

#### 91.4.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 92 - Away from Base Assistance

This chapter details the qualifications for Away from Base assistance.

### 92.1 Purpose of Away from Base assistance

The purpose of Away from Base assistance is to assist eligible students to participate in the necessary academic components of an [approved course](#) where that course requires students to travel away from their [permanent home](#) or study location for a short period of time. Away from Base assistance covers the student's travel costs to attend the activity and the reasonable costs of accommodation and meals while away from his/her normal place of residence.

### 92.2 What are Away from Base activities?

Away from Base activities are necessary academic components of an [approved course](#) that require students to travel away from their home or study location for a short period of time. These activities include:

- [testing and assessment programs](#);
- [placements](#);
- [field trips](#);
- [residential schools](#) (also known as block release programs).

#### 92.2.1 Assistance from DEEWR's Indigenous Education Programs (IEP)

Where an education provider receives assistance under DEEWR's Indigenous Education Programme (IEP) Away from Base element to fund travel and accommodation costs of student participation in a course of study, then field trips, placements and residential schools in this course will not be approved for ABSTUDY Away from Base assistance. Students enrolled in these courses would need to apply to the education provider for this assistance.

DEEWR's Indigenous Education Programme (IEP) Away from Base element does not fund the costs of student participation in Testing and Assessment activities. Therefore, even where DEEWR's IEP Away from Base funds the cost of student participation in a particular course, ABSTUDY Away from Base assistance is available to attend a testing and assessment programme in order to gain entry to that course.

Where DEEWR's IEP Away from Base, funds the costs of student participation in a course, a student is still entitled to claim the ABSTUDY non-means-tested Living Allowance and ABSTUDY benefits other than those available under the provisions of Away from Base.

### 92.3 Qualification for Away from Base assistance

To qualify for Away from Base Assistance, the following criteria must be met:

- the applicant meets the criteria for the following ABSTUDY Awards:
  - [Schooling A Award](#); or
  - [Schooling B Award](#); or
  - [Tertiary Award](#); or
  - [Part-time Award](#); or
  - [Testing and Assessment Award](#); or

- [Masters and Doctorate Award](#); or
- [Lawful Custody Award](#); and
- the Away from Base activity in which the student is participating meets the criteria for [approval of Away from Base assistance](#); and
- the student has not exceeded his/her [limits on Away from Base assistance](#); and
- the student is required to travel away from the [permanent home](#) in order to attend the Away from Base activity; and
- one of the following apply:
  - for [field trips](#), the journey between the provider location and the field trip location satisfies the requirements of Chapter 26 Travel Time and Access; and
  - for [residential schools](#) and testing and assessment programs, either of the following apply:
    - on-campus residence during the residential school or testing and assessment programme is compulsory; or
    - the journey between the permanent home and the provider location satisfies the requirements of [Chapter 26 Travel Time and Access](#); and
  - for [placements](#):
    - where the student is living at his/her permanent home, the journey between the permanent home and the placement location satisfies the requirements of [Chapter 26 Travel Time and Access](#); and
    - where the student is living at his/her term address, the journey between the term address and the placement location satisfies the requirements of [Chapter 26 Travel Time and Access](#); and
- if the student is attending a [Testing and Assessment programme](#), either of the following apply:
  - the student's academic ability to undertake the course to which the testing and assessment programme relates is unable to be gauged by his/her previous study; and/or
  - it is essential that a student also undertake a structured interview or audition to ascertain the student's general suitability to undertake the course; or
  - it is essential that a student undertake a preliminary assessment before being admitted into an enabling course at a university, where that enabling course is an alternative entry to a mainstream higher education course; or
  - it is essential that a participant undertake a structured interview with activities to ascertain their general suitability to the Indigenous Youth Mobility Programme (IYMP); and
- if the student is claiming Away from Base assistance under the [Lawful Custody Award](#), the student has permission from the correctional provider to attend the Away from Base activity.

## 92.4 Limits on Away from Base Assistance

### 92.4.1 Limits on assistance for residential schools, field trips and/or placements

There are annual limits on the number of return trips and the number of days for which Away from Base assistance may be approved for each student. The limits apply to any combination of residential schools, field trips and/or placements during the period of enrolment in the course.

Where the course for which the student is seeking assistance is a [full-time course](#), the limits on Away from Base assistance are based on the normal full-time course duration.

Normal full-time course duration	Maximum number of return trips	Maximum number of days for which residential costs may be paid
24 weeks to 1 year	6	40
17 to 23 weeks (i.e. 1 semester)	4	30
12 to 16 weeks	3	20
Less than 12 weeks	2	10 (provided that this does not exceed 50% of the course length)

The above limits are not affected by the student's actual study load.

#### 92.4.1.1 Part-time course

Where the course for which the student is seeking assistance is a [part-time course](#), the limits on Away from Base assistance will be determined by a nominal duration for the course based on an equivalent full-time study-load of 20 contact hours (i.e. enrolled hours) per week.

#### 92.4.1.2 Not included in limits

If, as a result of transport schedules, a student is required to stay one or more nights at an in-transit location or stay additional night/s at the location of the Away from Base activity, these overnight stays are not to be included in the limits on Away from Base assistance specified in [92.4.1](#).

#### 92.4.2 Limits on assistance for Testing and Assessment programs

Where a student undertakes multiple testing and assessment programs, s/he may receive Away from Base assistance for a maximum of two of these testing and assessment programs in a calendar year.

#### 92.4.3 Limits on assistance for Masters or Doctorate students

The Away from Base assistance available to both full-time and part-time Masters or Doctorate students, including Fares Allowance paid under the [Away from Base activities travel provisions](#), is not to exceed \$2,080 in a calendar year.

Where an education provider receives assistance under DEEWR's IEP Away from Base element to fund travel and accommodation costs of students participation in a Masters or Doctorate degree delivered by 'mixed mode' course work, the student is not eligible for assistance under ABSTUDY Away from Base.

Note: Students who received, and were eligible to receive, an amount under ABSTUDY Away from Base prior to this policy change coming into effect are entitled to retain the funding they received.

## Chapter 93 - Away from Base Beneficiaries

This chapter discusses who may be the recipient of Away from Base assistance.

### 93.1 Away from Base beneficiaries

Where a student is qualified for [Away from Base assistance](#) and the course activity is [approved for Away from Base purposes](#), the following parties may be entitled to assistance:

- [the student](#); and
- [education provider representatives](#); and
- [drivers or pilots of chartered transport companies](#).

Away from Base assistance will not cover the costs of parties other than those specified above.

### 93.2 Student entitlements

Where a student has been approved to participate in an Away from Base activity, the following allowances may be payable:

- Fares Allowance, under the provisions of [Away from Base activities travel](#); and
- costs associated with [meals and accommodation](#), either:
  - [residential expenses](#); or
  - [travel allowance](#); and
- non-means-tested [Living Allowance](#), if a regular source of income is lost.

Costs other than those covered by the allowances above are the responsibility of the education provider or the student.

### 93.3 Education provider representatives entitlements

Representative/s for an education provider may be approved for Away from Base assistance in the following circumstances:

- the education provider is conducting either:
  - [a testing and assessment activity that is approved for Away from Base assistance](#); or
  - [a residential school that is approved for Away from Base assistance](#); and
- the student/s participating in the activity are qualified for [Away from Base assistance](#); and
- the education provider can demonstrate that it is cost-effective for its representatives to travel to a student/s' home community rather than for student/s to travel to the education provider.

Where an education provider has been approved to participate in an Away from Base activity, the following allowances may be payable:

- Fares Allowance, under the provisions of [Education Provider Representative Travel](#); and
- costs associated with [meals and accommodation](#), either:
  - [residential expenses](#); or
  - [travel allowance](#).

Costs other than those covered by the allowances above are the responsibility of the education provider or the student.

## 93.4 Drivers or pilots entitlements

Drivers or pilots of chartered transport companies may be approved for Away from Base assistance in the following circumstances:

- the education provider is conducting an [approved Away from Base activity](#); and
- the student/s who are participating in the activity are qualified for [Away from Base assistance](#); and
- [Away from Base activity travel](#) has been approved; and
- the cost of [chartered transport](#) has been approved as a mode of transport for the Away from Base activity; and
- in order to undertake this journey, the driver or pilot is required to be away from his/her normal home for the period of the activity (usually only applicable for a field trip); and
- the costs of the charter did not include meals and accommodation for the driver or pilot.

Where the driver or pilot of a chartered transport company has been approved for Away from Base assistance, the costs of [meals and accommodation](#) may be payable, either as:

- [residential expenses](#); or
- [travel allowance](#).

## Chapter 94 - Approval of Away from Base activities

This chapter discusses the types of activities that may be approved for Away from Base assistance.

### 94.1 Types of approved activities

The following types of course activities may be approved under the provisions of Away from Base assistance:

- testing and assessment programs,
- placements,
- field trips,
- residential schools (also known as block release programs).

### 94.2 General approval requirements

Approval for Away from Base assistance for a course activity may be given where:

- for placements, field trips and residential schools, the costs of student participation in the Away from Base course activity are not approved for assistance under DEEWR's Indigenous Education Programs (IEPs), and
- all participants in the activity incur the same or comparable costs, and any non-Indigenous students would be expected to cover their own costs, and
- any previous advances to the provider for Away from Base activities have been satisfactorily [acquitted](#), and
- the specific approval requirements for the type of activity being undertaken have been met:



- testing and assessment programme,
  - placements,
  - field trips,
  - residential schools.
- the activity is being conducted within Australia.

### 94.2.1 Away from Base assistance only payable in respect of qualified students

Where an activity has been approved for Away from Base assistance, payment of Away from Base allowances may only be made in respect of students who are qualified for Away from Base assistance for the duration of the activity.

## 94.3 Testing and Assessment programs

### 94.3.1 What is a testing and assessment program?

A testing and assessment programme is an activity conducted by a tertiary education provider to interview, test, assess or otherwise determine the academic suitability of a person for a particular tertiary course or range of courses, or in certain circumstances, an enabling course.

### 94.3.2 Approval of a testing and assessment program

A testing and assessment programme may be approved for Away from Base assistance where the following criteria are met:

- the general approval requirements for an Away from Base activity have been met, and
- the course of study to which the testing and assessment programme relates is a [course approved for ABSTUDY purposes](#), and
- the course of study to which the testing and assessment programme relates is either:
  - a tertiary course, or
  - an enabling course at a university, where the enabling course is an alternative entry to a mainstream higher education course and where it is essential that a student undertake a preliminary assessment before being admitted into this enabling course, and
- the length of the programme does not exceed five days, unless approval to do so has been granted by DEEWR,
- the education provider is not repeating a testing and assessment activity for a particular course intake because they were unsuccessful in obtaining sufficient student numbers from the original testing and assessment activity.

#### 94.3.2.1 Approval where testing and assessment activity longer than 5 days

If a proposed testing and assessment activity is longer than five days, the education provider must seek approval in writing from DEEWR National Office at least eight weeks before the proposed commencement date.

The address is:

Group Manager

Strategic Analysis and Evaluation Group

DEEWR

GPO Box 9880

Canberra 2601

Loc: 113

DEEWR will only approve an extension to the normal limit of 5 days for a testing and assessment activity where the education provider can demonstrate that, due to the rigour of the proposed testing and assessment activity, an adequate appraisal of the student/s' academic ability to undertake the course to which the testing and assessment activity relates is unable to be completed within 5 days.

## **94.4 Placements**

### **94.4.1 What is a placement?**

A placement is a tertiary course activity that involves an individual student completing practical training in a work environment as part of her/his course. Generally, it is expected that placements will be obtained within the local community where the student is residing whilst studying and will therefore not require ABSTUDY assistance. However, in exceptional circumstances alternative arrangements may be approved.

### **94.4.2 Approval of a placement**

A placement may be approved for Away from Base assistance where the following criteria are met:

- the general approval requirements for an Away from Base activity have been met, and
- the placement is an integral part of the course, i.e. it is an assessable component of the course curriculum, and
- the placement needs to be taken at the proposed location, i.e. the activities or learning experiences available at the proposed placement location are not available at the normal study location or a closer location, and
- the placement is at a location within the student's home state/territory, unless the provisions of 94.4.2.1 apply.

#### **94.4.2.1 Interstate placement**

A student may only be approved to participate in a placement at an interstate location where it:

- involves travel between NSW and the ACT or by students attending an education provider near a state/territory border, or
- provides experience or training essential for successful completion of the minimum requirements of the student's course which is not available within the State or Territory.

## **94.5 Field trips**

### **94.5.1 What is a field trip?**

A field trip is a tertiary course activity that involves a group of students or, a single student, travelling from the normal place of study to one or more locations that provide practical activities or experiences.

### **94.5.2 Approval of a field trip**

A field trip may be approved for Away from Base assistance where the following criteria are met:

- the general approval requirements for an Away from Base activity have been met, and
- the course is a tertiary level, including Masters/Doctorate level, course,
- the field trip is an integral part of the course, i.e. it is an assessable component of the course curriculum, and
- the field trip needs to be taken at the proposed location, i.e. the activities or learning experiences available at the proposed field trip location are not available at the normal study location or a closer location, and

- the Away from base assistance being claimed for the field trip does not exceed seven days, and
- the field trip is at a location within the student's home state/territory, unless the provisions of 94.5.1.1 apply.

#### 94.5.1.1 Interstate field trips

Students may only be approved to participate in a field trip at an interstate location where it:

- involves travel between NSW and the ACT or by students attending an education provider near a State/Territory border, or
- provides experience or training essential for successful completion of the student's course that is not available within the State or Territory.

### 94.6 Residential schools

#### 94.6.1 What is a residential school?

Residential schools are secondary and tertiary course activities that provide a group of external students studying through distance education the opportunity to attend face-to-face lectures and tutorials on campus and to access all campus facilities. For ABSTUDY purposes, Away from Base assistance is only provided where the Residential School is a compulsory and assessable component of the course. Residential Schools usually involve a period of one or two weeks duration.

#### 94.6.2 Approval of a residential school

A residential school may be approved for Away from Base assistance where the following criteria are met:

- the general approval requirements for an Away from Base activity have been met, and
- the residential school is an integral part of the course, i.e. it is an assessable component of the course curriculum, and
- the length of the residential school is justified, and
- the residential school is either:
  - conducted at the education provider's location, or
  - at another location within the same state/territory as the education provider only in circumstances where it can be demonstrated that the face-to-face tuition components of the residential school are unable to be conducted at the education provider's normal location or a closer location.

## Chapter 95 - Approval of Away from Base allowances

This chapter details the allowances that may be payable where Away from Base assistance has been approved.

### 95.1 Approvable costs

#### 95.1.1 When are costs approvable?

Costs are payable under Away from Base assistance in the following circumstances:

- the student is [qualified for Away from Base assistance](#); and
- the course activity is an [approved Away from Base activity](#); and
- the costs are essential to meet the stated purpose of the Away from Base activity; and
- the costs are reasonable; and

- the costs are for travel, [accommodation and/or meals](#) incurred by:
  - the student; and
  - in certain circumstances, [representatives from the education provider](#) and/or the [driver/pilot of chartered transport](#).

Any other costs not covered by the above points are the responsibility of the education provider or the student who is undertaking the activity.

### 95.1.2 Part approval of costs

Where approval is given for only part of an activity's costs, the balance of the cost is to be met by the education provider or by the student.

### 95.1.3 Disallowed costs

The following costs cannot be met with Away from Base assistance:

- fees associated with Away from Base activities e.g. entry fee to a show, festival or exhibition, including conference registration fees or similar costs;
- the costs of attending conferences, seminars, forums, performances or similar activities, where these do not form an essential part of an [approved Away from Base activity](#).

The above costs are the responsibility of the education provider or the student who is undertaking the activity.

### 95.1.4 Period of entitlement for Away from Base assistance

When assessing the costs of an approved Away from Base activity, the period for which costs may be approved is:

- the length of the approved Away from Base activity; and
- any period(s) of unavoidable overnight stopover(s) at an in-transit location or an Away from Base location due to transport timetables.

### 95.1.5 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## 95.2 Types of Away from Base Allowances

The following types of Away from Base allowances may be approved under the provisions of Away from Base assistance:

- [Fares Allowance, under the provisions of Away from Base activity travel](#);
- [costs associated with meals and accommodation](#);
- [non-income-tested Living Allowance](#).

## 95.3 Costs Associated with Meals and Accommodation

Away from Base assistance is intended to cover the reasonable costs of accommodation and meals while a student is required to be away from his/her normal place of residence.

Costs associated with meals and accommodation can be approved either as:

- [residential expenses](#); or
- [travel allowance](#).

While residential expenses and travel allowance are fundamentally for the same purpose, they are alternative benefits.

## **95.4 Residential expenses**

### **95.4.1 Purpose of residential expenses**

Where costs associated with meals and accommodation are approved under the provisions of residential expenses, the education provider is responsible for arranging the residential programme, including meals and accommodation, for the Away from Base activity.

Residential expenses, rather than travel allowance, will apply unless there are circumstances that make it unreasonable, impractical or not cost-effective for an provider to arrange a package of accommodation and meals.

### **95.4.2 Costs payable under residential expenses**

Residential expenses will meet the actual cost of meals and accommodation incurred where the education provider has organised a package of accommodation and meals for a designated price per student, per day. Costs may only be approved where they are reasonable.

#### **95.4.2.1 Reasonable accommodation costs**

The cost of a room should not exceed the level of the accommodation component of travel allowance for that location unless all other accommodation is fully booked. It should be a modest but comfortable room arranged strictly on a twin share basis or other group discount, unless a participant has a verifiable medical, cultural or other reason requiring a single room.

The room cost should not include the cost of room service, phone calls, mini bar or other non-accommodation based services.

#### **95.4.2.2 Reasonable cost of meals**

The cost of meals should not exceed the total meal allowance component of travel allowance but should allow for the meals to be healthy and of reasonable quality. The cost of morning/afternoon tea or additional snacks is not included.

The needs of participants with specific dietary requirements (e.g. vegetarians) should be accommodated.

### **95.4.3 Refusal of residential arrangements**

Students who choose not to avail themselves of the residential expenses package arrangements provided by the education provider or education provide representatives who choose not to avail themselves of the residential expenses package arrangements provided at the community will not be entitled to travel allowance instead.

However, if certain meals are not provided in the residential package, then the provisions of [95.4.4](#) will apply in respect of those meals only.

#### 95.4.4 Certain meals not provided in residential package

Where a residential expenses package cannot be arranged by the education provider to include all meals during an activity, meal allowance is payable on behalf of each student for any meals not included in the package. This is to be disbursed by the education provider.

### 95.5 Travel allowance

#### 95.5.1 Purpose of travel allowance

Where costs associated with meals and accommodation are approved under the provisions of travel allowance, a set allowance is provided to the student to cover the cost of accommodation and meals, irrespective of the actual cost.

Travel allowance may be approved for an Away from Base activity in circumstances where it is unreasonable, impractical or not cost effective for a residential expenses package to be arranged by the education or service provider.

#### 95.5.2 Rate of travel allowance

For the purposes of Away from Base assistance the rate of travel allowance is set by DEEWR and adjusted yearly.

Travel allowance will be paid at full rate for a period of up to of 21 consecutive days, after which 50% of the rate is payable. Travel allowance is not payable (at either half or full rate) for more than three months cumulatively in a calendar year. These provisions apply irrespective of the length of a course.

There are two components of travel allowance:

- [accommodation allowance](#); and
- [meal allowance](#).

#### 95.5.3 Accommodation allowance

The rate of accommodation allowance is determined by the location of the accommodation.

##### 95.5.3.1 High cost country centre accommodation allowance rates

Where travel allowance has been approved for a high-cost location not listed below, payment may be made for a higher rate of travel allowance where the standard travel allowance rate is acquitted and excess expenses are proven by receipts, provided that the expense is representative of reasonable costs for the location.

#### 95.5.4 Meal allowance rates

The rate of meal allowance is determined by the location.

##### 95.5.4.1 Meal allowance not payable

Meal allowance cannot be paid for those meals provided by a hotel/motel i.e. if breakfast is included in the room cost, the breakfast component of meal allowance is not payable.

## 95.6 Non-means tested Living Allowance

### 95.6.1 Purpose of non-means tested Living Allowance

The purpose of non-means-tested Living Allowance is to assist students who would otherwise lose their regular source of income while undertaking a course activity necessary to complete the course.

### 95.6.2 Qualification for non-means tested Living Allowance

For a student to qualify for non-means tested Living Allowance, the following criteria must be met:

- the student qualifies for [Away from Base assistance](#); and
- the student is participating in an [approved Away from Base activity](#); and
- the student will lose his/her regular source of income as a result of attending the course activity, provided that the regular income is derived from either:
  - a form of Australian Government assistance, e.g. social security benefits; or
  - employment that has no study leave provision and the student is required to access leave without pay to participate in the Away from Base activity.

Where the costs of student participation in a [course are funded under DEEWR's Indigenous Education Programs \(IEPs\)](#), a student may claim the non-means-tested Living Allowance, even though ABSTUDY Away from Base assistance to undertake a [residential school](#), [field trip](#) or [placement](#) as part of the course is unavailable.

### 95.6.3 Rate of non-means-tested Living Allowance

Where a student qualifies for non-means-tested Living Allowance under the provisions set out in [95.5.2](#), the rate of Living Allowance will be the maximum rate based on a student's circumstances as set out in [Chapter 72](#).

### 95.6.4 Payment of non-means-tested Living Allowance

#### 95.6.4.1 Payee

The payee for non-means-tested Living Allowance is the student.

#### 95.6.4.2 Taxation status

For details of the tax status of Living Allowance, see [Chapter 5 Taxation](#).

### 95.6.5 Non-means-tested Living Allowance entitlement

#### 95.6.5.1 Means testing

The non-means-tested Living Allowance will not be subject to means testing.

#### 95.6.5.2 Entitlement

The non-means-tested Living Allowance is paid for the duration of the Away from Base activity.

## Chapter 96 - Payment and Acquittal of Away from Base

This chapter details the payment and acquittal of Away from Base allowances.

### 96.1 Payment of Away from Base Allowances

Payment of Away from Base allowances in respect of a student and other [approved beneficiaries](#) can only occur where the following has occurred:

- [approval of the Away from Base activity](#) has been given, following lodgement of either:
  - a [submission from the education provider](#), or
  - a [submission from an individual student for an individual testing and assessment activity or a placement](#), and
- the student is assessed as qualified for [Away from Base assistance](#), following lodgement of an ABSTUDY claim from the student.

### 96.2 Away from Base Submissions

#### 96.2.1 Away from Base submission from an education provider

An Away from Base submission from an education provider must provide details of the student participants, evidence that the proposed activity meets the conditions for [approval of an Away from Base activity](#), and details of the costs of travel, meals and accommodation for the activity.

#### 96.2.2 Away from Base submission from an individual student

A submission from an individual student for an individual testing and assessment activity or a [placement](#) must provide confirmation of the Away from Base activity from the education provider.

#### 96.2.3 Closing dates for Away from Base submissions

Unless exceptional circumstances exist, the following closing dates apply to submissions for Away from Base assistance:

- a request by an education provider must be lodged at least six weeks in advance of the activity for either:
  - payment in advance, or
  - approval in principle i.e. in order to seek reimbursement,
- a request by an individual student must be lodged at least three weeks in advance of the activity for payment in advance of travel allowance,
- a request by an education provider for bulk funding in advance must be lodged at least six weeks before the commencement of the first residential school for the year.

#### 96.2.4 Variations to original submission

Where an education provider has lodged an Away from Base submission, the education provider will be responsible for informing Centrelink of variations to any activity on the original submission.

Where an individual student has lodged a request for Away from Base assistance, the student will be responsible for informing Centrelink of variations to the activity on the original request.



## 96.3 Advance payment

Where payment in advance of an individual activity is requested, advance payment is made either for:

- residential expenses, or
- travel allowance.

Funds can only be advanced in respect of students who are qualified for [Away from Base assistance](#).

### 96.3.1 Advance payment for residential expenses

Where residential expenses are an approved cost under the provisions of [Chapter 95](#), residential expenses are payable in advance on submission by the education provider of the estimated costs.

This is subject to acquittal as set out in 96.3.1.4.

#### 96.3.1.1 Claims for advance payment of residential expenses

The expenditure approval requirements for claims for advance payment of residential expenses are:

- where it is proposed to procure services estimated to cost \$10,000 or less, a written quote must be provided with the submission. Additional quotes may be requested, where it is determined that better value for money may be achieved,
- where the estimated value of services is greater than \$10,000 but does not exceed \$100,000, a minimum of three written quotes must be provided with the submission,
- where the estimated value of services is greater than \$100,000, or where the estimated value is \$100,000 or less, but the nature of the claim is complex, a formal open tender process must be used.

A proposed activity cannot be divided into a number of separate components so as to bring each order within the minimum threshold requirement.

#### 96.3.1.2 Exceptions to normal expenditure approval requirements

An exception may be made to the normal expenditure approval requirements set out in 96.3.1.1 if there is a justifiable basis to confine the purchaser to one supplier, or it is impractical or inexpedient to either obtain the required number of quotations or meet the formal tender process.

Insufficient time resulting from poor procurement planning is not a justifiable reason for an exception to be made.

#### 96.3.1.3 Payee

Advance payment of residential expenses is to be made to the education provider or organisation incurring the expense.

#### 96.3.1.4 Acquittal of residential expenses

Acquittal of residential expenses should be made in sufficient detail to reflect the original submission. Original receipts or audited financial statements should be attached to substantiate the acquittal.

Acquittal of an advance payment must be sent to Centrelink within one calendar month of the completion of the approved course activity.

### 96.3.2 Advance payment of travel allowance

Where travel allowance is an approved cost under the provisions of [Chapter 95](#), travel allowance is payable in advance upon lodgement of either:

- a submission from an education provider, or
- an individual submission by the student.

This is subject to acquittal as set out in 96.3.2.2.

#### 96.3.2.1 Payee

Unless the provisions of 95.4.4 apply, both the meals and accommodation components of travel allowance are to be paid to the student. Where the travel allowance is approved under the provisions of [Chapter 93 Away from Base beneficiaries](#) for the cost of accommodation and meals for an education provider representative or a driver/pilot of a charter company, travel allowance is paid to the education provider.

#### 96.3.2.2 Acquittal of travel allowance

Travel allowance is acquitted by confirmation from the education provider that that the approved student/s, and other approved beneficiaries for whom travel allowance was paid, participated in the approved activity for the full period covered by the funding.

## 96.4 Reimbursement

Where reimbursement of the costs of an individual activity is requested, payment is made in respect of [approved beneficiaries](#) for the [approvable costs](#) upon lodgement of a claim from either:

- the education provider, or
- the individual student.

### 96.4.1 Claim for reimbursement by education provider

An education provider may lodge a claim for reimbursement where an initial submission for approval in principle of the activity was received by the closing dates specified in 96.2.3.

Original receipts must accompany the claim for reimbursement.

Reimbursement can only be made in respect of students who are qualified for [Away from Base assistance](#).

### 96.4.2 Claim for reimbursement by individual student

Where an individual student lodges a claim for reimbursement, original receipts and confirmation by the education provider that the student participated in the approved activity for the full period covered by the funding must accompany this.

### 96.4.3 Closing dates for requests for reimbursement

A request by an education provider or a student for reimbursement of the costs of undertaking an activity must be lodged by 1 April of the year following the activity, unless there are exceptional circumstances preventing this.

#### 96.4.4 Payee

Where reimbursement is being made for costs payable under Away from Base assistance, payment is made to either the education provider, the service provider or the student, depending upon who incurred the expense.

### 96.5 Bulk Funding

#### 96.5.1 Approved providers for bulk funding

Bulk funding may only be approved for education providers that have the administrative and organisational infrastructure capable of undertaking the necessary administrative arrangements.

#### 96.5.2 Application requirements for bulk funding

The person who is authorised to make a claim on behalf of the education provider must lodge a single submission with Centrelink at least six weeks before commencement of the first residential school for the year, outlining all proposed residential schools for the academic year.

Normally an education provider would be expected to apply for bulk funding for the whole year, but an application for bulk funding for a semester or term may be accepted in exceptional circumstances.

#### 96.5.3 Administrative costs

The education provider may claim up to \$3,529 a year for administration and audit costs. This amount is indexed annually.

#### 96.5.4 Payment of bulk funding

Once a bulk funding submission has been approved, payment can be processed and paid in advance. The first payment in advance will cover the costs of planned activities that will take place during the first semester. The second payment for second semester activities will be made when the first semester report and expenditure statement have been provided.

Funds can only be advanced in respect of students who are qualified for Away from Base assistance.

#### 96.5.5 Variations to original submission

The education provider will be responsible for informing Centrelink of variations to any activity on the original submission.

#### 96.5.6 Acquittal of Bulk Funding

Where bulk funding of Away from Base assistance has been made to an education provider, the provider is required to lodge an end of year acquittal report, which must be endorsed as correct by the Principal or Head of Department of the education provider. An audited financial statement, including a detailed statement of all outstanding commitments to be met from remaining funds, or a statement that no payments to providers are outstanding, must also accompany the acquittal report. The end of year audited financial statement must be undertaken by an independent auditor

and include a declaration certifying that the funds have been expended in accordance with the agreement.

This information should be provided by 31 January in the following year so that the level of funding for the next year's submission can be assessed.

Future submissions will not be funded until Centrelink receives the audited financial statement and expenditure has been assessed as duly correct according to the activities outlined in the submission.

#### 96.5.6.1 Unexpended funds

Unexpended funds remaining at the end of the year may be rolled over into the next year and deducted from the new allocation.

#### 96.5.6.2 Acquittal Not Received

Where an acquittal is not received within the required time, no further payments should be made to the education provider until acquittal is made. If a satisfactory acquittal is unable to be made, the non-acquitted amounts are to be considered an overpayment.

#### 96.5.6.3 Unacquitted funds

Funds that cannot be acquitted i.e., the education provider is unable to substantiate expenditure, are to be considered an overpayment. These unacquitted funds must be repaid before further ABSTUDY funding can be paid.

### 96.6 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 97 - Masters and Doctorate Allowances

This chapter provides details of the allowances that may be available to students undertaking Masters and Doctorate degrees.

### 97.1 Purpose of Masters and Doctorate Allowances

The purpose of the Masters and Doctorate Allowances is to provide assistance to students undertaking higher degrees at the Masters and Doctorate level to assist with the cost of student contributions (formerly HECS), tuition fees and other expenses.

### 97.2 Qualification for Masters and Doctorate Allowances

To qualify for the Masters and Doctorate Allowances, a student must:

- qualify for the [Masters and Doctorate Award](#); and
- be receiving either:

- [Living Allowance](#); or
  - [ABSTUDY Pensioner Education Supplement](#); or
  - a Defence Force Income Support-like (DFISA-like) payment under the *Veterans' Entitlements Act 1986*; and
- meet the specific criteria for the particular [Masters and Doctorate Allowance](#).

## 97.3 Masters and Doctorate Allowances

The following supplementary Masters and Doctorate allowances are available:

- [Relocation allowance](#);
- [Thesis allowance](#);
- [Payment of student contributions \(previously known as HECS\) or tuition fees](#).

These allowances are based on those that apply for the [Australian Postgraduate Award](#) (APA) - refer [APA](#)

### 97.3.1 Rate of Masters and Doctorate Allowances

The rates of ABSTUDY Masters and Doctorate Allowances are aligned with those that apply for the Australian Postgraduate Award ([APA](#)).

### 97.3.2 Taxation Status

For details of the tax status of Relocation Allowance, Thesis Allowance and payment of student contribution or tuition fees, see [Chapter 5 Taxation](#).

### 97.3.3 Means testing

The Masters and Doctorate Allowances (Relocation Allowance, Thesis Allowance and payment of student contribution or tuition fees) are not subject to means testing.

### 97.3.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## 97.4 Relocation Allowance

Relocation Allowance is available where a student has to move to another town or city to take up a [Masters and Doctorate Award](#). Relocation allowance is to assist with:

- removal costs, up to a set maximum; and
- fares Allowance for the student, the student's partner and dependent child/ren to relocate to the study location. Refer to [89.8 Masters and Doctorate Relocation Travel](#).

The maximum amount of Relocation Allowance that may be payable to meet removal costs is specified in "[A Guide to Australian Government Payments](#)".

### 97.4.1 Removal costs

The removal costs that can be paid include:

- removals through a removalist company, or
- a hire truck if the student chooses to undertake her/his own removal.

Qualified students are entitled to reasonable removal costs, up to the maximum amount of Relocation Allowance payable.

### 97.4.2 Payment of Removal Costs

Removal costs must be paid either:

- direct to the removal/hire truck company on receipt of their invoice; or
- as a reimbursement to the student on submission of original receipts.

### 97.4.3 Relocation Allowance exclusions

Relocation Allowance does not cover the costs of establishing the student's new home.

## 97.5 Thesis Allowance

Eligible students may receive a Thesis Allowance to assist with costs associated with the presentation of a thesis or other similar course requirement, e.g. the costs of printing, publishing and binding the thesis. This allowance is a contribution to the costs of production of the thesis, and does not include costs such as a purchase of computer equipment.

### 97.5.1 Thesis Allowance rates

Qualified students are entitled to actual costs, where reasonable, up to the maximum amount of Thesis Allowance payable.

Different maximum rates of Thesis Allowance apply, depending upon whether the student is undertaking Masters or Doctorate level study. For details of these maximum rates, see "[A Guide to Australian Government Payments](#)".

### 97.5.2 Claiming Thesis Allowance

Thesis Allowance must be claimed within two years of the expiry of the Award.

## 97.6 Payment of student contributions (previously known as HECS) or tuition fees

Eligible students may apply for assistance to pay their student contributions (previously known as HECS) or tuition fees incurred for the approved course. ABSTUDY will pay the student contributions or the tuition fees payable (less any fee scholarship received from the higher education provider).

### 97.6.1 Rates payable for student contributions or tuition fees

Qualified students are entitled to actual costs of the student contributions or the tuition fees payable (less any fee scholarship received from the higher education provider). There is no upper limit to the amount payable.

## 97.6.2 Claiming payment of student contributions

Claims for payment of student contributions must be lodged before the census date or the date set by the provider if earlier, in order that the advance payment discount be received.

Students claiming payment of student contributions must choose the up-front payment option. Where a student has incorrectly nominated to defer their student contribution instead of choosing the up-front payment option, or has lodged their *Request for Commonwealth support and HECS-HELP* form late, and the provider is unable to accept payment, the student must then obtain a statement of their student contributions payable from the provider before payment can be made to the Tax Office. In such cases, the early repayment discount would need to be deducted from the notified amount.

## 97.6.3 Payment of student contributions or tuition fees

For both student contributions and tuition fees, payment must be made direct to the higher education provider.

# Chapter 98 - Lawful Custody Allowance

Students and [Australian Apprentices](#) held in lawful custody may be eligible for the Lawful Custody Allowance. This chapter outlines details of this allowance.

## 98.1 Purpose of Lawful Custody Allowance

The purpose of Lawful Custody Allowance is to assist in meeting essential study and course costs for Indigenous Australian students and [Australian Apprentices](#) who are in lawful custody. The aim is to encourage students and Australian Apprentices in lawful custody to participate in studies and apprenticeships that will improve their potential to undertake further education and training and gain employment upon release.

## 98.2 Qualification for Lawful Custody Allowance

To qualify for Lawful Custody Allowance, the following criteria must be met:

- the student or [Australian Apprentice](#) must meet the criteria for [Lawful Custody Award](#), and
- the correctional institution authority must agree to the student or New Apprentice receiving the assistance.

## 98.3 Lawful Custody Allowance

Where a student or [Australian Apprentice](#) is qualified for Lawful Custody Allowance, s/he is entitled to payment of essential course costs. There is no upper limit to this allowance.

### 98.3.1 Essential course costs

For the purposes of determining if a cost is an essential course cost:

the costs have been certified by the Head of School/Faculty or equivalent representative of the course provider as being mandatory, that is, all students or [Australian Apprentices](#) in lawful custody undertaking the course MUST incur these costs in order to undertake their course, and

the education institution would not reasonably be expected to provide the item/s in question.

Essential course costs may include:

education institution fees, including union, sports, library, administration, amenities, laboratory fees or levies or the like charged by an approved education institution, and

textbooks and stationery, including books, published articles, ink cartridges and paper for computer printers, and

daily travel expenses (where the student or Australian Apprentice has permission to travel between the correctional institution and the education institution), and

extra education costs incurred because of the student's or Australian Apprentice's legal status e.g. the cost of additional photocopying incurred because the student or Australian Apprentice cannot borrow library books on restricted access where reading chapters of these books is essential, and

compulsory equipment items, ONLY where it is unreasonable to expect the educational institution to provide these items.

#### 98.3.1.1 Not included as essential course cost

The following are not included as essential course costs (even where certified by the Head of School/Faculty or equivalent representative of the course provider as being mandatory):

tuition or course fees charged by an education institution, including the flying time and associated fees charged by institutions offering pilot (aviation) courses, and

items that education providers would normally be expected to make available for student or [Australian Apprentice](#) use, for example assets such as musical instruments, cameras, videos, sewing machines, typewriters or computers.

#### 98.3.1.2 Prior approval of course costs

Prior approval must be sought by the student or [Australian Apprentice](#) or correctional institution from Centrelink for art and photographic materials and other items where the annual cost per student or Australian Apprentice for a course will exceed the equivalent of the rate of ABSTUDY Incidentals Allowance for a 24 week to one year course. If the student or Australian Apprentice is undertaking two part-time courses, prior approval must be sought where the annual cost will exceed the equivalent of twice that rate of ABSTUDY Incidentals Allowance. For details of the Incidentals Allowance rates see 'A guide to Australian Government payments'.

There is no upper limit to this allowance, however, only claims for essential course costs that are comparable to other course participant's costs will be considered.

## 98.4 Payment of Lawful Custody Allowance

### 98.4.1 Claim lodgement

Claims for reimbursement of essential course costs under Lawful Custody Allowance must be lodged with Centrelink before 1 April in the year immediately following the year of study.



## 98.4.2 Payee

Payments of Lawful Custody Allowance must be made:

to the correctional institution for reimbursement to the student or [Australian Apprentice](#), or

to the correctional institution as reimbursement for purchases made on behalf of the student or Australian Apprentice, or

to the education institution or supplier of textbooks or materials for services provided to the student or Australian Apprentice, or

direct to the student or Australian Apprentice, only where the correctional institution has approved such an arrangement.

## 98.4.3 Taxation Status

Lawful custody Allowance is non taxable. [Chapter 5 Taxation](#).

# 98.5 Lawful Custody Allowance Entitlement

## 98.5.1 Means testing

Lawful Custody Allowance is not subject to means testing.

## 98.5.2 Entitlement

Lawful Custody Allowance may be paid provided that another entitlement for the same purpose has not already been paid for that semester.

## 98.5.3 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

# Chapter 99 - Additional Assistance

This chapter outlines the qualification and payment of Additional Assistance.

## 99.1 Purpose of Additional Assistance

The purpose of Additional Assistance is to provide a means by which, in exceptional circumstances, financial benefit over and above ABSTUDY entitlements is available for students and [Australian Apprentices](#) who experience severe financial difficulties meeting associated education and training costs. The intended outcome is to reduce the risk of students or Australian Apprentices withdrawing from education or training.

## 99.2 Qualification for Additional Assistance

To qualify for Additional Assistance, the following criteria must be met:

- the student or [Australian Apprentice](#) is eligible for [Living Allowance](#), and
- the application of an ABSTUDY eligibility or entitlement provision is harsh or inequitable in the student's or Australian Apprentice's circumstance, and

- the student's or Australian Apprentice's circumstances are unique i.e. the grant of Additional Assistance is not likely to result in the inconsistent delivery of benefits nor establish a precedent for a potentially significant number of students or Australian Apprentices, and
- the basis of the Additional Assistance claim is directly related to a factor associated with the student's or Australian Apprentice's study or training programme which has resulted in the student or Australian Apprentice or family experiencing significant hardship and which may be overcome by the grant of Additional Assistance, and
- the circumstances have not been caused or contributed to by action taken by the student or Australian Apprentice or applicant which may be regarded as negligent or imprudent, and
- there is no other Australian Government or State Government agency or private organisation that is a more appropriate source of assistance, and
- under exceptional circumstances, eligibility will be determined on a case-by-case basis by DEEWR, in instances meeting the following criteria:
  - The student is from a State/Territory or region where the final year of primary school is Year 7,
  - the student has completed Year 6, and there is no local daily access to Year 7 schooling, and
  - there is no local school available providing Year 7 secondary school courses.

### 9.2.1 Significant hardship

The student or [Australian Apprentice](#) or family are considered to experience significant hardship in the following circumstances:

- fortnightly expenditure on essential items is equal to or exceeds the fortnightly income of the student/Australian Apprentice or student's/Australian Apprentice's family, and
- there are no financial reserves for the student/Australian Apprentice or student's/Australian Apprentice's family to draw upon.

#### 9.2.1.1 Income of the student/Australian Apprentice or student's/Australian Apprentice's family

For the purposes of assessing significant hardship, the income of the student/Australian Apprentice or student's/[Australian Apprentice's](#) family includes:

- wage and salary payments after tax and Medicare levy are deducted,
- maintenance received, and
- Australian Government benefits including:
  - social security pension or benefit payments,
  - Family Tax Benefits,
  - ABSTUDY, and
- any other form of regular income.

Maintenance paid for the support of a previous [partner](#) or children should be deducted.

#### 9.2.1.2 Essential items

In general, only expenditure on any of the following essential items is to be considered in assessing Additional Assistance claims:

- accommodation, eg rent, mortgage repayment instalments and essential costs such as insurance and rates,
- food,
- utility services, eg gas, electricity,
- clothing,

- medical/dental costs in excess of refunds from health insurance (non essential medical/dental costs to be excluded),
- pharmaceutical costs,
- school costs and child care costs of dependents if incurred to meet course requirements,
- daily travel costs of student and family (public transport equivalent costs should be used if student has a car),
- hire purchase instalments for purchase of essential household furniture,
- maintenance paid, and
- miscellaneous expenses such as essential course costs.

### 99.2.1.3 Non-essential items

The following items would not normally be considered as essential items, unless it can be demonstrated that the items are necessary for a person's employment or similar compelling reason:

- car expenses i.e. repayments, registration, petrol, insurance and maintenance, above public transport costs,
- telephone costs, i.e. installation, rent and call costs,
- expenses not associated with studies, e.g. club fees for interests not catered for by the education institution, and
- debt repayment, including hire purchase of items other than household furniture.

## 99.3 Rate of Additional Assistance

Where a student or [Australian Apprentice](#) qualifies for Additional Assistance, the rate payable will be set at whichever is the lesser of that amount required to:

- meet the cost of the particular factor associated with the student's study programme or Australian Apprentice's training which has contributed to the financial difficulties, or
- overcome the hardship, i.e. address the imbalance between income and essential expenditure.

## 99.4 Payment of Additional Assistance

### 99.4.1 Payment frequency

Where approved, Additional Assistance may be provided in the form of:

a regular supplement to the student's [Living Allowance](#), or

a once-only payment where this will overcome the hardship.

### 99.4.2 Payee

The payee for Additional Assistance will be the applicant.

### 99.4.3 Taxation Status

For details of the tax status of Additional Assistance, see [Chapter 5 Taxation](#).

### 99.4.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 100 - Lump Sum Bereavement Payment

This policy is effective from 1 January 2008

In the event of the death of their partner, a student or Australian Apprentice in receipt of ABSTUDY Living Allowance may receive a one-off payment which is the difference between the single rate of ABSTUDY Living Allowance and the previous combined partnered rate of ABSTUDY Living Allowance they were entitled to, over the 14 week bereavement period paid as a lump sum.

### 100.1 Purpose of the Lump Sum Bereavement Payment

The [Lump Sum bereavement period](#) is intended to provide financial assistance to make it easier for a student or [Australian Apprentice](#) in receipt of ABSTUDY Living Allowance to adjust to the changed financial circumstances caused by the death of their [partner](#) who was an ABSTUDY recipient, a pensioner or a long term [Social Security payment](#) recipient.

### 100.2 Qualification for Lump Sum Bereavement Payment

To qualify for the [Lump Sum bereavement period](#), the following criteria must be met:

- the student or [Australian Apprentice](#) must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#), or
  - [Tertiary Award](#), or
  - [Masters and Doctorate Award](#), and
- the student or [Australian Apprentice](#) must be currently in receipt of an ABSTUDY Living Allowance, and
- the student or [Australian Apprentice](#) must have been in receipt of ABSTUDY Living Allowance continuously for the previous 52 weeks, or
- the student or [Australian Apprentice](#) must have been in receipt of ABSTUDY Living Allowance for the previous 52 weeks and did not cease receiving ABSTUDY Living Allowance for more than 6 weeks of the previous 52 weeks, and
- the student or [Australian Apprentice](#) was a [member of a couple](#) and their [partner](#) dies, **and**
  - **immediately** before the student's or [Australian Apprentice's](#) partner died, their partner was qualified for and receiving:
    - an ABSTUDY Living Allowance, and/or
    - a [Social Security benefit](#), and/or
    - a [CDEP](#) payment, and
    - was in receipt of one, or a combination of the above, payments for the 52 weeks prior to their death, and did not have a break in payment of more than 6 weeks out of those 52 weeks.
  - a Social Security Pension, for any period.

#### 100.2.1 Couples Separated due to Illness or Respite Care

If the student or [Australian Apprentice](#) and their [partner](#) were separated due to illness or because their partner was in respite care, the [Lump Sum bereavement period](#) amounts are to be worked out as if they were living together.

#### 100.2.2 Notification period

To be eligible for the [Lump Sum bereavement period](#), in the event of a death of the student's or [Australian Apprentice's](#) partner, notification of their partner's death is required within 14 calendar days from the date of death.

## 100.3 Bereavement period

For the purposes of [Lump Sum bereavement period](#), a [bereavement period](#) is a period of 14 weeks that starts on the day on which the person dies. The Lump Sum Bereavement Payment is only payable to a student or [Australian Apprentice](#) in receipt of ABSTUDY Living Allowance if Centrelink is notified of the death within the notification period and adjusts the student's or Australian Apprentice's payments before the end of the bereavement period. This is because the Lump Sum Bereavement Payment represents the difference between the couple's partnered rate and the student or Australian Apprentice's single rate of ABSTUDY Living Allowance during the bereavement period.

### 100.3.1 Changes during bereavement lump sum period

If there is a change in the level of the student's or [Australian Apprentice's](#) income or assets during the bereavement period, the ABSTUDY student's or Australian Apprentice's eligibility and/or rate of entitlement to the single rate is reassessed from the date of the change in the circumstance. See Chapters [61](#) and [65](#) for Personal Income and Assets assessments.

If the student or Australian Apprentice was a joint owner of the couple's assets, the delegate needs to ensure that the correct amount of income and assets is attributed to the student or Australian Apprentice. See Chapter [65](#) for Personal and Partner Assets assessments.

The [Lump Sum bereavement period](#) is assessed by reference to the student's or Australian Apprentice's circumstances at the time of its payment. If the Lump Sum Bereavement Payment has already been made, it is NOT adjusted for subsequent changes in income or assets.

### 100.3.2 Exclusions

Customer in prison – the [Lump Sum bereavement period](#) is not payable if a customer is in prison or undergoing psychiatric confinement because they have been charged with a crime. If the customer were acquitted, the Lump Sum Bereavement payment would then become payable, even if some time has elapsed.

## 100.4 Rate of Lump Sum Bereavement Payment

To calculate the amount payable to the student or [Australian Apprentice](#) as a lump sum on the death of their [partner](#) see the following calculation:

Method statement

Add up:

- Step 1.
1. the amount that, if the student's or Australian Apprentice's partner had not died, would have been payable to the student or Australian Apprentice on the student's or Australian Apprentice's payday immediately before the [first available bereavement adjustment payday](#), and
  2. the amount (if any) that, if the partner had not died, would have been payable to the partner on the partner's payday immediately before the [first available bereavement adjustment payday](#),

the result is the combined rate.

- Step 2
- Work out the amount that would have been payable to the student or [Australian Apprentice](#) on the student's or [Australian Apprentice's](#) payday immediately before

- the [first available bereavement adjustment payday](#): the result is the student's or Australian Apprentice's individual rate.
- Step 3. Take the student's or [Australian Apprentice's](#) individual rate away from the combined rate: the result is the partner's instalment component
- Step 4. Work out the number of the partner's paydays in the bereavement lump sum period.
- Step 5. Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to the student or [Australian Apprentice](#).

**100.4.1** To calculate a lump sum payment in the event of the death of both the student or Australian Apprentice and their partner see the following calculation:

Method statement

- Step 1. Add up:
- the amount that, if neither the student or [Australian Apprentice](#) nor the student's or [Australian Apprentice's](#) partner had died, would have been payable to the student or [Australian Apprentice](#) on the student's or [Australian Apprentice's](#) payday immediately after the day on which the student or [Australian Apprentice](#) dies, and
  - the amount (if any) that, if neither the student or [Australian Apprentice](#) nor the student's or [Australian Apprentice's](#) partner had died, would have been payable to the student's or [Australian Apprentice's](#) partner on the partner's payday immediately after the day on which the student or [Australian Apprentice](#) died,

the result is the **combined rate**.

- Step 2 Work out the amount that would have been payable to the student or [Australian Apprentice](#) on the student's or [Australian Apprentice's](#) payday immediately after the day on which the student or [Australian Apprentice](#) died if the student or [Australian Apprentice](#) had not died: the result is the **student's or Australian Apprentice's individual rate**.
- Step 3 Take the student's or [Australian Apprentice's](#) individual rate away from the combined rate: the result is the **partner's instalment component**.
- Step 4. Work out the number of paydays of the partner in the period that begins on the day on which the student or [Australian Apprentice](#) dies and ends on the day on which the bereavement period ends
- Step 5. Multiply the partner's instalment component by the number obtained in Step 4: the result is the amount of the lump sum payable to student or [Australian Apprentice](#)

## 100.5 Payment of Lump Sum Bereavement Payment

*Payment frequency*

A [Lump Sum bereavement period](#) is paid as a one-off lump sum for the death of a [partner](#).

### 100.5.1 Recipient of Bereavement Payment

The [Lump Sum bereavement period](#) is paid to the ABSTUDY student or [Australian Apprentice](#) in the event of their partner's death. In the case of both the ABSTUDY student's or [Australian Apprentice's](#) and their partner's death, the Lump Sum Bereavement Payment is paid to the estate of the ABSTUDY student or [Australian Apprentice](#).

### 100.6 Taxation Status

After the death of their [partner](#), the student's or [Australian Apprentice's](#) rate of ABSTUDY Living Allowance payment would usually increase from the partnered rate to the single rate.

If a student's or [Australian Apprentice's](#) partner dies and the [bereavement lump sum payment](#) under the ABSTUDY scheme becomes due to the student or Australian Apprentice because of the student's or Australian Apprentice's partners death.

The total of the following are exempt from income tax up to the tax free amount:

1. The bereavement lump sum payment, and
2. All other payments that become due to the student or Australian Apprentice under the ABSTUDY scheme during the bereavement lump sum period.

Note: to calculate the tax-free amount, see below.

100.6.1 To calculate the tax free amount when the student or [Australian Apprentice](#) receives a bereavement lump sum payment, see the following calculation:

Method statement

Work out the payment under the ABSTUDY scheme that would have become due to the student or Australian Apprentice during the bereavement lump sum period if:

- |         |  |
|---------|--|
| Step 1  | <ol style="list-style-type: none"><li>a. The student's or Australian Apprentice's <a href="#">partner</a> had not died, and</li><li>b. The student's or Australian Apprentice's partner had been under <a href="#">pension age</a>, and</li><li>c. Immediately before the student's or Australian Apprentice's partner died, the student or Australian Apprentice and the student's or Australian Apprentice's partner had been neither an illness separated couple nor a respite care couple.</li></ol> |
| Step 2  | Work out how much of those payments would have been exempt in those circumstances.   |
| Step 3. | Work out the payments under the ABSTUDY scheme or the Social Security Act 1991 that would have become due to the student's or Australian Apprentice's partner during the bereavement lump sum period if the student's or Australian Apprentice's partner had not died, even if the payments would not have been exempt.  |
| Step 4. | Total the payments worked out at Steps 2 and 3: the result is the tax-free amount.   |

**100.6.2** To calculate the tax free amount of an [ordinary payment](#) when no bereavement lump sum payment is payable, see the following calculation:

- Step 1            Work out the supplementary amount of the payment.  
Note: the supplementary amount is tax exempt see glossary for details.
- Step 2            Subtract the supplementary amount from the amount of the payment.
- Step 3.            Work out what would have been the amount of the payment if the student's or Australian Apprentice's partner had not died.
- Step 4.            Work out when would have the supplementary amount of the payment if the student's or Australian Apprentice's partner had not died.
- Step 5.            Subtract the amount at Step 4 from the amount at Step 3.
- Step 6            Subtract the amount at Step 5 from the amount at Step 2: the result is the tax free amount.

## 100.7 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what a recoverable debt is and from whom this amount should be recovered.

## Chapter 101 - Crisis Payment

### ABSTUDY Allowances and Benefits: Chapter 101 - Crisis Payment

#### This policy is effective from 1 January 2008

This chapter outlines the qualification and payment of Crisis Payment.

#### 101.1 Purpose of Crisis Payment

Crisis Payment is a payment designed to assist new and existing ABSTUDY customers who are in [severe financial hardship](#) through circumstances such as [domestic violence](#), flooding and house fire, as well as those customers who need to re-establish themselves in the community after having been in [prison or psychiatric confinement](#).

#### 101.2 Qualification for Crisis Payment

To qualify for Crisis Payment, the claim must be made in Australia and the following criteria must be met:

- the student or [Australian Apprentice](#) must be qualified for one of the following ABSTUDY Awards:
  - [Schooling B Award](#); or
  - [Tertiary Award](#); or
  - [Masters and Doctorate Award](#); and
- the student or [Australian Apprentice](#) is in receipt of at least \$1 of ABSTUDY Living Allowance, and



- the student or [Australian Apprentice](#) is in [severe financial hardship](#) the day on which the claim for Crisis Payment is made; and
- the student or [Australian Apprentice](#) is under [extreme circumstances forcing departure from home](#); or
- the student or [Australian Apprentice](#) is a victim of [domestic violence](#) but remaining in their home; or
- the student or [Australian Apprentice](#) is a released prisoner or from psychiatric confinement.

### 101.2.1 Extreme circumstances forcing departure from home

A student or [Australian Apprentice](#) is qualified for a crisis payment if:

- the student or Australian Apprentice has left ,or cannot return to , his or her home because of an extreme circumstance; and
- the extreme circumstance makes it unreasonable to expect the student or Australian Apprentice to remain in, or return to, the home; and
- the student or Australian Apprentice has established, or intends to [establish, a new home](#); and
- at the time the extreme circumstance occurred, the student or Australian Apprentice was in Australia; and
- the student or Australian Apprentice contacts Centrelink with their intent to claim within 7 days of the extreme circumstance occurring and then lodge the claim within 14 days of contacting Centrelink.

Note: Crisis Payment may also be payable to an alleged or actual perpetrator of [domestic violence](#) who has been removed from the family home by police following an instance of alleged or actual domestic violence and who cannot remain in, or return to the home for legal reason. It must be verified that the perpetrator actually lived with the victim in the family home immediately before being removed from the family home by police.

### 101.2.2 Remaining in home after removal of family member due to domestic or family violence:

- the student or [Australian Apprentice](#) has been subjected to [domestic or family violence](#), in Australia, by a [family member](#) of the student or Australian Apprentice, and at the time of the [domestic violence](#) the student or Australian Apprentice was living with that family member; and
- after the family member has been removed or leaves the student's or Australian Apprentice's home because of the domestic violence, the student or Australian Apprentice remains in their home; and
- the student's or Australian Apprentice's home is in Australia; and
- the student or Australian Apprentice notifies Centrelink within 7 days of the circumstance occurring and then lodges the claim within 14 days of the circumstance occurring.

### 101.2.3 Release from gaol or psychiatric confinement:

- the student or [Australian Apprentice](#) is released from [gaol, or from psychiatric confinement](#), after at least 14 days as result of having been charged with committing an offence; and
- the student or Australian Apprentice must make a claim for Crisis Payment no more than 21 days before their release or within 7 days after their day of release. This includes release from overseas prisons provided the person returns to Australia and claims within 7 days of release.

### 101.2.4 Social work assessments

All Crisis payment claims related to [domestic or family violence](#) must be referred to a Centrelink Social Worker for determination.

### 101.2.5 Claim in Australia

A claim for Crisis Payment must be made in Australia

### 101.2.6 Number of Payments allowed

For Crisis Payment claims in respect of extreme circumstances or [domestic or family violence](#), the student or [Australian Apprentice](#) is entitled to up to four Crisis Payments in any 12 month period including payments under ABSTUDY and those under the *Social Security Act 1991*.

There is no limit on the number of Crisis Payment claims in respect of [prison or psychiatric](#) releases.

An ABSTUDY Crisis Payment is not payable to a student or Australian Apprentice in respect of an extreme circumstance or release from goal or psychiatric confinement if the student or Australian Apprentice is qualified for a Crisis Payment under the *Social Security Act 1991* in respect of the same circumstance.

## 101.3 Rate of Crisis Payment

Crisis Payment is paid in addition to the student's or [Australian Apprentice's](#) ABSTUDY Living Allowance. The amount paid is equal to one week's payment at the maximum basic rate of the ABSTUDY Living Allowance to which the customer is entitled.

The rate of Crisis Payment does not include any add-on payments such as Rent Assistance, Pharmaceutical Allowance or Remote Area Allowance.

## 101.4 Payment of Crisis Payment

### 101.4.1 Payment frequency

Crisis Payment is made as a one-off payment which is equal to one week's payment at the maximum basic rate of the ABSTUDY Living Allowance to which the customer is entitled.

### 101.4.2 Payee

The payee for Crisis Payment will be the student or [Australian Apprentice](#).

### 101.4.3 Taxation Status

For details of the tax status of Crisis Payment, see [Chapter 5 Taxation](#).

### 101.4.4 Overpayments

Where payments in excess of entitlement have occurred, refer to [Chapter 3 Overpayment and Recovery of Allowances](#) to determine what a recoverable debt is and from whom this amount should be recovered.

## Chapter 102 - Relocation Scholarship

This chapter provides details of the Relocation Scholarship that may be available to students undertaking [approved scholarship courses](#).

### 102.1 Purpose of Relocation Scholarship

The purpose of the Relocation Scholarship is to assist eligible students who have to live away from home to study with the cost of establishing new accommodation in order to attend university. The

aim is to remove financial barriers to the educational participation of students from low socio-economic status (SES) backgrounds, particularly those from regional and remote areas and Indigenous students.

## 102.2 Qualification for Relocation Scholarship

A person is qualified for a Relocation Scholarship if the person:

- is qualified for and receives the minimum rate of ABSTUDY Living Allowance either,
  - as a full-time dependent student at away from home rate, OR
  - as a full-time independent student as a result of certain circumstances (see 102.2.1.1 below), and
- is studying an [approved scholarship course](#), and
- is expected to commence or continue undertaking the course in the period of 35 days of qualification for the Relocation Scholarship, and
- is not likely to receive a Commonwealth Accommodation Scholarship in the next 12 months, and
- the person has not qualified for a Relocation or equivalent scholarship payment (see 102.2.2 below) in the preceding 12 months (this can be shortened to a period of at least 3 months if such a determination would enable the person to qualify for the Relocation Scholarship on or near 1 January in a year, provided they do not receive more than 2 relocation scholarships in a period of 2 successive calendar years).

### 102.2.1 Qualification for Relocation Scholarship as an independent person

#### 102.2.1.1 Independent as a result of certain circumstances

The circumstances under which a full-time student who receives ABSTUDY Living Allowance at the independent rate may be paid a Relocation Scholarship are:

- a) they are an [orphan](#), or
- b) they have, or have had, a ABSTUDY dependent child (refer to [38.3 Parenthood](#)), or
- c) currently have the care or custody of another person's dependent child or student (refer to [39.2 Care or Custody of Child](#)), or
- d) they have been in lawful custody for a cumulative period of six months or more (refer to [38.5 Previous Lawful Custody](#)), or
- e) they are 15 years of age or older and has undergone and completed a traditional initiation ceremony (refer to [38.7 Special Adult Status](#)), or
- f) it is unreasonable for them to live at home ([UTLAH](#)), or
- g) their parents cannot exercise their responsibilities because they are in prison, missing, or are mentally incapacitated or living in a nursing home (refer to [39.3 Parents Cannot Exercise Parental Responsibilities](#)), or
- h) they are 16 years of age or over and has returned to live in an Indigenous community after been

adopted or fostered by a non-Indigenous family for more than two year (refer to [39.4 Returning to an Indigenous community](#))

If a person qualified for ABSTUDY as a dependent person who has to live away from home to undertake study, or as an independent person under one of the above listed circumstances, the person will be eligible for Relocation Scholarship as long as they continue to qualify for ABSTUDY while undertaking the course. However, if a person qualified for ABSTUDY as an independent person by gaining [reviewable independent status](#), i.e. under c), or f), or g), or h) of the above listed circumstances, the person will cease to be eligible for the Relocation Scholarship if they cease to meet these conditions for reviewable independence.

#### 102.2.1.1 Independent as a result of age

If a person is qualified for ABSTUDY Living Allowance as an independent person on the basis of [age](#) and has previously been qualified for Relocation Scholarship, s/he will cease to be eligible for the relocation scholarship once s/he has reached the age of independence.

#### 102.2.2 Equivalent scholarship payments

Equivalent scholarship payments are:

- Youth Allowance Relocation Scholarship
- Department of Veterans' Affairs Relocation Scholarship payment
- Commonwealth Accommodation Scholarship, provided the person has received the amount or was entitled to it but full entitlement was not received as the scholarship was suspended.

#### 102.2.3 Loss of qualification for Relocation Scholarship

Unless exceptional circumstances apply which are beyond the student's control, a student will cease to be qualified for a Relocation Scholarship if:

- they do not commence full-time study, or
- they started the course but are not undertaking the course as a full-time student at the end of 35 days after the course commences, or
- they were undertaking a course but are not undertaking the course as a full-time student at the end of 35 days after payment qualification.

### 102.3 Rates of payment

In 2010, the amount of Relocation Scholarship a qualified student receives IS \$4000 in the first year UNLESS the following circumstances apply, in which case the amount is \$1000:

- The student has previously received a Relocation Scholarship or equivalent scholarship payment, OR
- The student undertook an approved scholarship course in the calendar year prior to payment qualification, AND more than six months prior to payment qualification either:
  - became independent as a result of certain circumstances (see 102.2.1.1 above), or
  - became required to live away from home.

After the first year, a \$1000 lump sum payment (indexed) is payable for each year that the student continues to qualify while undertaking the course.

## 102.4 Payment of Relocation Scholarship

The Relocation Scholarship is paid annually as a lump sum payment, which normally coincides with the start of the academic year.

### 102.4.1 Transitional arrangement for 2010

Transitional arrangements for 2010 provide that, where a full-time student becomes qualified for ABSTUDY Living Allowance as a result of the implementation of changed parental income test arrangements on 1 July 2010, they can qualify for a Relocation Scholarship payment in certain circumstances.

A dependent student who is required to live away from home may receive \$4,000 Relocation Scholarship if the student

- qualifies for a relocation scholarship payment on or after 1 July 2010 but before 29 July 2010; and
- is undertaking full-time study in an approved scholarship course on 1 April 2010, and
- was required to move away from home for the purposes of undertaking that study not more than 6 months before the person started full-time study in the course in 2010.

### 102.4.2 Commonwealth Accommodation Scholarship (CAS) and Relocation Scholarship

A student cannot qualify for a relocation scholarship if they are likely to receive a CAS in the same period.

If a student has received a relocation scholarship on the basis that they were not likely to receive a CAS in the next twelve months, and they are subsequently made an offer of a CAS for that period that they intend to accept, then the Secretary may review the original decision and find that the student did not qualify for the relocation scholarship at the qualification time. This would mean the relocation scholarship becomes a debt and is subject to existing debt recovery provisions (see 102.4.6).

### 103.4.3 Payee for Relocation Scholarship

The payee for Relocation Scholarship is the eligible students who receive Living Allowance as set out in 71.7.

### 102.3.4 Indexation

The rates of Relocation Scholarship are indexed to Consumer Price Index (CPI) from 1 January each year.

### 102.3.5 Taxation Status

Relocation Scholarship is non taxable. [Refer Chapter 5](#)

### 102.3.6 Overpayments

If a student is paid an amount of Relocation Scholarship to which they were not qualified, or cease to be qualified for, the amount paid will be a recoverable amount and an overpayment may be raised.

Where an overpayment occurred to determine what is a recoverable debt and from whom this amount should be recovered. [Refer to Chapter 3](#)

## Chapter 103 - Student Start-up Scholarship

This chapter provides details of the Student Start-up Scholarship that may be available to students undertaking [approved scholarship](#).

### 103.1 Purpose of Student Start-up Scholarship

The purpose of the Student Start-up Scholarship is to provide essential assistance to university students for the upfront cost of text books and specialised equipment. The aim is to increase in participation in higher education by students from low socio-economic status (SES) backgrounds, particularly those from regional and remote areas and Indigenous students.

### 103.2 Qualification for Student Start-up Scholarship

A person is qualified for an instalment of Student Start-up Scholarship if the person:

- is qualified for and receives the minimum rate of ABSTUDY Living Allowance
- is studying an approved [scholarship course](#)
- is expected to commence or continue undertaking the course in the period of 35 days immediately after payment qualification for the Student Start-up Scholarship payment
- is not likely to receive a Commonwealth Education Costs Scholarship in the next 6 months
- the person has not qualified for a Student Start-up Scholarship, or equivalent scholarship payment (see section 103.2.1 below) in the preceding 6 months (this can be shortened to a period of at least two months if it allows a person to receive their next instalment around the time they commence their next semester of study, provided they do not receive more than 2 payments in a calendar year).

#### 103.2.1 Equivalent Scholarship payments

Equivalent scholarship payments are:

- Youth Allowance or Austudy Student Start-up Scholarship
- Department of Veterans' Affairs Student Start-up Scholarship payment
- Start-up scholarships under the Military Rehabilitation and Compensation Act
- Commonwealth Education Costs Scholarship (CECS), provided the person has received the amount or was entitled to it but full entitlement was not received as the scholarship was suspended

#### 103.2.2 Loss of qualification for Student Start-up Scholarship

Unless exceptional circumstances apply which are beyond the student's control, a student will cease to be qualified for a Student Start-up Scholarship if:

- they do not commence full-time study; or
- they started the course but are not undertaking the course as a full-time student at the end of 35 days after the course commences; or
- they were undertaking a course but are not undertaking the course as a full-time student at the end of 35 days after payment qualification.

### **103.3 Rates of Student Start-up Scholarship**

The amount of each instalment of Student Start-up Scholarship in 2010 is \$650, which is an annual amount of \$1,300 for the 2010 calendar year if the person qualifies for both semesters.

The amount of each instalment of Student Start-up Scholarship is \$1,064 (indexed), which is an annual amount of \$2,128 for the 2011 calendar year if the person qualifies for both semesters.

### **103.4 Payment of Student Start-up Scholarship**

The Student Start-up Scholarship will be paid in a maximum of two half-year instalments in a calendar year for the duration of the course, while the student continues to qualify. The first payment will normally coincide with the start of the academic year.

#### **103.4.1 Transitional arrangement for 2010**

Transitional arrangements for 2010 provide that, where a full-time student becomes qualified for ABSTUDY Living Allowance as a result of the implementation of changed parental income test arrangements on 1 July 2010, they can qualify for a Student Start-up Scholarship in certain circumstances.

A dependent student who is undertaking full-time study in an approved scholarship course on 1 April 2010 and who qualifies for ABSTUDY Living Allowance on or after 1 July 2010 but before 29 July 2010 may receive two payments, and no more than two payments, of the Student Start-up Scholarship in the second half of the 2010 academic year providing they continue to undertake qualifying full-time study.

#### **103.4.2 Commonwealth Education Costs Scholarship (CECS) and Student Start-up Scholarship**

A student cannot qualify for a student start-up scholarship if they are likely to receive a CECS in the same period.

If a student has received a student start-up scholarship on the basis that they were not likely to receive a CECS in the next six months, and they are subsequently made an offer of a CECS for that period that they intend to accept, then the Secretary may review the original decision and find that the student did not qualify for the student start-up scholarship at the qualification time.

#### **103.4.3 Payee for Student Start-up Scholarship**

The payee for Student Start-up Scholarship is the eligible student who is receiving Living Allowance as set out in 71.7.

#### **103.4.4 Indexation**

The rates of Student Start-up Scholarship are indexed to Consumer Price Index (CPI) from 1 January each year.

#### **103.4.5 Taxation Status**

Student Start-up Scholarship is non taxable. (See [Chapter 5 - Taxation](#))

## 103.4.6 Overpayments

If a student is paid an amount of Student Start-up Scholarship to which they were not qualified, or cease to be qualified for, the amount paid will be a recoverable amount and an overpayment may be raised.

Where an overpayment occurred, refer to [Chapter 3 - Overpayment and Recovery of Allowances](#) to determine what is a recoverable debt and from whom this amount should be recovered.

## Chapter 104 – Pension Supplement

### 104.1 Purpose of Pension Supplement

The purpose of the Pension Supplement is to simplify the payments made to pensioners living in Australia by consolidating a number of smaller payments and allowances into one pension supplement. The Pension Supplement combined a range of supplementary payments and allowances into a single payment for certain pensioners and income support recipients over age pension age. The total amount of pension payments was also increased under the Pension Supplement.

### 104.2 Qualification for Pension Supplement

To qualify for the Pension Supplement, the following criteria must be met:

- the student must qualify for one of the following ABSTUDY Awards:
  - [Schooling B Award](#) or
  - [Tertiary Award](#) or
  - [Masters and Doctorate Award](#) and
- the student must have reached the qualifying age for Age Pension.

### 104.3 Pension Supplement rates

#### 104.3.1 Components of Pension Supplement

There are different rates of Pension Supplement depending upon the student's circumstances.

Following are components and terms associated with pension supplement:

- Combined couple rate of pension supplement - the maximum amount of pension supplement payable to a couple. This amount is used to determine the different rates payable depending on the person's family situation.
- Combined couple rate of minimum pension supplement - the amount used to determine a person's minimum pension supplement amount.
- Minimum pension supplement amount - the amount of pension supplement that a person can elect to receive quarterly. This component of the supplement is the last to reduce when the income test is applied. It is also the amount which remains payable if any pension supplement is payable after the application of the income test.
- Pension supplement basic amount - equivalent to the former pension supplement, also known as the GST supplement.
- Tax exempt pension supplement - the individual's rate of pension supplement less the pension supplement basic amount.



## **104.3.2 Rates of Pension Supplement**

The annual rate of pension supplement, minimum pension supplement amount and pension supplement basic amount is set out in 5.1.9.10 Pension Supplement - Current Rates of the [Guide to Social Security Law](#).

The daily rate of pension supplement is calculated by dividing the annual rate by 364.

### **104.3.2.1 Effect of income and assets tests on the rate of Pension Supplement**

Pension supplement is added to a person's maximum basic rate of ABSTUDY before the income test is applied.

The minimum pension supplement amount is the last to reduce when the income test is applied to a person's income support payments. It is also the amount which remains payable if any pension supplement is payable after the application of the income and assets tests.

## **104.4 Payment of Pension Supplement**

### **104.4.1 Payment frequency**

Pension supplement is paid fortnightly in arrears with the person's ABSTUDY payment. It accrues, and is payable for, each day that a person qualifies for pension supplement.

#### **104.4.1.1 Quarterly pension supplement**

A person may elect to receive their minimum pension supplement amount on a quarterly basis, instead of fortnightly.

A person who chooses this option will receive a reduced amount of pension supplement with their pension each fortnight. The minimum pension supplement amount continues to accrue daily, building up until one of the quarterly payment days occurs.

Payments of quarterly pension supplement will be made as soon as possible after 20 September, 20 December, 20 March and 20 June each year.

The quarterly pension supplement is payable in relation to each day on which an election is in force.

The amount paid will exclude any minimum pension supplement amount that has been paid fortnightly since the last test day. It will also exclude payment for any days for which the person was not eligible to receive the minimum pension supplement amount (e.g. if the person claimed a [CSHC](#) part way through the quarter).

Quarterly pension supplement instalments are calculated as follows:

- Calculate the daily rate by dividing the annual minimum pension supplement amount by 364.
- Multiply this daily rate by the number of days in the quarter that the person was eligible to receive the minimum pension supplement amount.

## **104.4.2 Payee**

The payee for ABSTUDY Pension Supplement is the student who meets the qualification criteria set out in 104.2.

## **104.4.3 Indexation**

The rates of Pension Supplement are indexed to Consumer Price Index (CPI) on 20 March and 20 September of each year.

## **104.4.4 Taxation Status**

For taxation purposes pension supplement basic amount is treated the same as the person's ABSTUDY payment it is paid with. Refer [Chapter 5](#).

Any amount of pension supplement above pension supplement basic amount is referred to as tax exempt pension supplement and is non-taxable.

## **104.4.5 Overseas absences**

If a person's departure from Australia is permanent, only pension supplement basic amount (the former GST supplement) is payable.

Pension supplement is payable if a person is temporarily absent from Australia for a continuous period not exceeding 13 weeks.

If a person is temporarily absent from Australia for 13 weeks or more, only pension supplement basic amount (the former GST supplement) is payable after the 13 weeks.

## **104.4.6 Overpayments**

If a person is paid an amount of Pension Supplement to which they were not qualified, or cease to be qualified for, the amount paid will be a recoverable amount and an overpayment may be raised.

Where an overpayment occurred to determine what is a recoverable debt and from whom this amount should be recovered, refer to [Chapter 3](#).

## **Part IX Appendices**

### **Appendix A Standard Hostels Agreement**

#### **A1.1 Introduction**

The standard Agreement was developed to allow hostels with ABSTUDY secondary boarders to access term in advance living allowance payments.

Hostels which do not have a contractual agreement with Centrelink are to be paid fortnightly, in arrears, for eligible students.

Agreements are valid for up to three years and new Agreements must be renegotiated at the end of each period. The Agreement is a legally binding document and as such, no alternations can be made to any of the terms and conditions. If there is a need for a clause to be amended at the request of either Centrelink or a Hostel, Centrelink officers should direct the request to the ABSTUDY Help Desk. All changes **must** be cleared by DEEWR Procurement and Legal Group via the DEEWR/Centrelink Front Door.

#### **A1.2 When to use the Agreement**

The standard Agreement is to be used when a hostel wishes to receive term in advance payments for approved ABSTUDY boarders.

**Note:** The following hostels are covered by a national Agreement with Aboriginal Hostels Limited and do not need to sign individual Agreements:

Fordimail Residence, Katherine NT

Wangkana-Kari Hostel, Tennant Creek NT

Joe McGinness Hostel, Cairns Qld

Kirinari Hostel, Sydney NSW

Biala Hostel, Allambie Heights, Sydney NSW

Kirinari Hostel, Garden Suburbs, Newcastle NSW

Warrina Hostel, Dubbo NSW.

Canon Boggo Pilot Hostel, Thursday Island, QLD

Kununurra Hostel, Lot 302 Victoria Highway, Kununurra, WA

#### **A1.3 Completing the Agreement**

- Print out 2 copies of the Agreement;
- Initial each page of both contracts prior to sending both copies to Hostel for signature;
- Upon return ensure:

- **no** alterations have been made,
- **no** pages have been replaced,
- all relevant certificates and approvals have been provided as per clause 3.1,
- an officer of the Hostel with the proper authorisation has signed and dated both agreements, and
- that this signature has been witnessed.

The Centrelink Delegate and witness then sign and date both agreements, one is then returned to the Hostel (via registered post if posting) for their records.

## **A1.4 Working with Children checks**

Where states/territories have legislation in place requiring people working with children to undergo police or other checks, this legislation must be complied with.

### **Standard Agreement**



**CONTRACT**

**NUMBER: XXXXXXXX**

**BETWEEN**

**COMMONWEALTH OF AUSTRALIA**

**REPRESENTED BY THE CHIEF EXECUTIVE OFFICER OF CENTRELINK**

**AND**

**XXXXXXXX**

**ABN: XXXXXXXX**

**FOR THE PROVISION OF XXXXXXXX**

## CONTRACT

### PARTIES

**THE COMMONWEALTH OF AUSTRALIA** represented by the Chief Executive Officer of Centrelink ('Us') having a postal address of: **XXXXXXXX**

### AND

**XXXXXXXX** (ABN: **XXXXXXXX**) ('You') having a postal address of **XXXXXXXX**

### 1. DEFINITIONS

**"ABSTUDY Customer Service Support Centre"** means the body responsible for processing an Entitled Student's application for assistance under the ABSTUDY scheme, and in this context means the ABSTUDY Customer Service Support Centre which has had the responsibility for administering this agreement;

**"ABSTUDY Policy Manual"** means the Policy Manual for the ABSTUDY scheme approved by the Minister for Education, Science and Training from time to time available online at the following internet address: [ADD LINK HERE];

**"ABSTUDY Scheme"** means a scheme delivered by Centrelink which provides for financial assistance for Australian Aboriginal and Torres Strait Islander students;

**"Agreement"** means this agreement;

**"Centrelink"** is referred to in this agreement as 'Us', 'We' and 'Our';

**"Educational Services"** means educational training provided to Entitled Students at a School;

**"Entitled Student"** means a person who is eligible for benefits payable under the ABSTUDY scheme;

**"Hostel"** means the facility providing board and residential accommodation operated by **You** and known as ..... and referred to as 'You' and 'Your' in this agreement;

**"Living Allowance"** means an allowance payable under the ABSTUDY scheme;

**"Officers of the Australian Government"** means all persons engaged on behalf of the Commonwealth as employees under the *Public Service Act 1999* (Cth) (PSA) or under authority of another *Act*, and independent contractors engaged by an Agency Head as defined in the PSA.

**"Resident"** means an Entitled Student residing at a Hostel managed by **You**;

**"Residential Fee"** means the amount payable by **Us** to **You** in respect of an Entitled Student calculated in accordance with either sub-clause 4.2 or 4.3;

**"Residential Charge"** means the amount notified by **You** to **Us** in accordance with subclause 3.3;

**"School Fees Allowance"** means an amount payable to an Entitled Student under the provisions set out in 85.1 of the ABSTUDY Policy Manual, for education costs such as the provision of text books and other materials, the unused portion of which may be approved to pay excess boarding costs if deemed reasonable under this provision;

**"School"** means the educational facility that Entitled Students are required to attend.

## 2. GENERAL:

- Policy Manual** 2.1 The ABSTUDY Policy Manual, as revised from time to time, form part of this agreement between You and Us.
- Child Protection Legislation** 2.2 Hostels must comply with all child protection legislation and requirements imposed by their relevant state or territory.
- Hostels must obtain all clearance certificates and declarations required by state and territory child protection legislation for the Hostel operator/employer, employees and persons otherwise engaged at the Hostel. The cost of the clearance must be borne by you.
- In states and territories without child protection legislation, Hostels must obtain an Australian federal Police Criminal Check for the operator/employer, employees and persons otherwise engaged at the Hostel.
- Entitled Students** 2.3 We will make payments to You under this agreement only in relation to Entitled Students who have authorised and transferred their Living Allowance entitlement to You in accordance with clause 2.4 of this agreement.
- Transfer of Living Allowances** 2.4 Living Allowances may be transferred where an Entitled Student is either:
- a. under the age of 18 years and their parent or guardian has authorised Us in writing to pay You all or part of the Living Allowance otherwise payable to the Entitled Student's parent or guardian; or
  - b. over the age of 18 years and the Entitled Student has authorised Us in writing to pay to You all or part of the Living Allowance otherwise payable to them.

## 3. YOUR OBLIGATIONS:

- Provision of services** 3.1 You must ensure that the Hostel buildings meet the relevant building codes and health regulations for Your State or Territory. Appropriate certificates by the relevant government authorities proving these conditions have been met must be lodged with the Agreement **prior** to the Agreement being signed by Us.
- You must arrange and provide for those Entitled Students living at the Hostel, adequate nutritional and physical needs and a safe environment and keep relevant records as required in clause 6.1.
- You must allow Officers of the Australian Government or their agents to inspect the hostel premises at periodic intervals following a written request giving 7 days notice.
- Notification of changes to building and** 3.2 You must notify Us immediately in the event that the appropriate approvals mentioned in 3.1 are denied, suspended or cancelled.

## health approvals

- Notification of Residential Charge** 3.3 You must advise Us annually, in writing prior to the school year, of the amount You will charge for each of the school terms.
- The charges which We will pay You are limited to the maximum allowable rates set under the ABSTUDY Policy Manual.
- Notification of Entitled Students details** 3.4 You must provide Us with a written notice, prior to each of the terms of the school year, of the full name and home address of each Entitled Student who is to be a Resident at the Hostel during each of these terms.

## 4. PAYMENT ARRANGEMENTS:

- Payments to You** 4.1 Provided You are performing Your obligations under the agreement to Our satisfaction, We will pay You a Residential Fee at the beginning of each term in respect of each Entitled Student residing at the Hostel.
- 4.2 The Residential Fee will be the sum of the Living Allowance and any School Fees Allowance which would have been payable in respect of that Entitled Student under the ABSTUDY Policy Manual or the Residential Charge, whichever is the lesser.
- Payment for Entitled Students not on notice under subclause 3.3** 4.3 If an Entitled Student whose name and address does not appear on a notice given under subclause 3.4 comes to live at the Hostel after the commencement of the term of a school year We will pay You that proportion of the Residential Fee representing the student's entitlement as per Chapter 73 of the ABSTUDY Policy Manual.
- Notification Arrangements** 4.4 You must notify Us of the full name and address of each Entitled Student who has left the Hostel and the date on which they left within 14 days after an Entitled Student leaves the Hostel.
- Repayment and Retention of Funds where an Entitled Student leaves the Hostel** 4.5 You agree that:
- a. if an Entitled Student becomes eligible for payments from the commencement of the term entitlement period under Chapter 73 of the ABSTUDY Policy Manual, and either:
    - i. leaves the Hostel within the first six weeks of taking up residence; or
    - ii. ceases study within the first six weeks of taking up residence;then You will repay all the moneys paid by Us to You for that Entitled Student, less the amount that is equal to the Living Allowance for the period between the commencement of the term entitlement period and the 6<sup>th</sup> Friday of the school term.
  - b. if an Entitled Student becomes eligible for payment from a date after the commencement of the term entitlement period under Chapter 73 of the ABSTUDY Policy Manual, and either:
    - i. leaves the Hostel within the first six weeks of taking up residence; or
    - ii. ceases study within the first six weeks of taking up residence;then You will repay all the moneys paid by Us to You for that Entitled Student, less the amount that is equal to the Living Allowance for the



period between the student becoming eligible for payment for that term and the 6<sup>th</sup> Friday after this date, provided that this does not extend beyond the end of the term entitlement period.

- c. if an Entitled Student becomes eligible for payments from the commencement of the term entitlement period under Chapter 73 of the ABSTUDY Policy Manual, and either:
  - i. leaves the Hostel after the first six weeks of taking up residence; or
  - ii. ceases study after the first six weeks of taking up residence;

then You will repay all the moneys paid by Us to You for that Entitled Student, less the amount which is equal to the Living Allowance for the period between the commencement of the term entitlement period and the earlier of the date the student left the Hostel or ceased study.

- d. if an Entitled Student becomes eligible for payment from a date after the commencement of the term entitlement period under Chapter 73 of the ABSTUDY Policy Manual, and either:
  - i. leaves the Hostel after the first six weeks of taking up residence; or
  - ii. ceases study after the first six weeks of taking up residence;

then You will repay all the moneys paid by Us to You for that Entitled Student, less the amount that is equal to the Living Allowance for the period between the student becoming eligible for payment for that term and the earlier of the date that the student left the Hostel or ceased study.

**Compensation for Late Payment** 4.6

If money owing to Us is not paid or refunded by the due date for payment, You may, at Our discretion, be liable to pay interest on the outstanding amount as set by the Commonwealth Department of Finance from time to time based on the weighted average yield of 13 Week Treasury Notes plus a margin of 4 per cent per annum.

- 4.7 Where We require You to pay interest to Us under subclause 4.6, the interest will begin to be charged 21 days after the Entitled Student leaves the Hostel.

**5. MISCELLANEOUS:**

**Period of agreement**

- 5.1 This agreement commences on the date on which this agreement is signed by Us, and unless terminated earlier or the ABSTUDY Scheme ceases, it expires on, up to 30 June .....

**Termination of agreement**

- 5.2 (a) This agreement will terminate on the date the ABSTUDY Scheme ceases or at any other time as notified by Us by notice by Us to You in writing.

(b) We may terminate this agreement where You fail to provide the certificates required pursuant to clause 3.1 or if the certificates are suspended or cancelled pursuant to clause 3.2.

(c) Where this agreement is terminated under (a) or (b) above, all payments by Us to You will cease and You must repay all moneys

owing as outlined by Us in writing.

**Notice** 5.3 You shall give any notice, request or other communication in writing and deliver this by hand or send it by pre-paid post, facsimile or telex, to Us at the address below for the attention of:

We shall give You any notice, request or other communication in writing at the address indicated by You at the beginning of this agreement unless You notify Us in writing of an alternative address.

**Entire agreement** 5.4 This is the entire agreement between You and Us. No agreement varying or extending this agreement shall be legally binding upon either party unless in writing and signed by both parties.

**Applicable Law** 5.5 The agreement shall be governed by and construed in accordance with the law of the State or Territory in which the Hostel is located.

## **6. MONITORING AND REPORTING REQUIREMENTS:**

**Service** 6.1 You must maintain details of the following:

**Records to be maintained**

- a. a record of the services provided to Entitled Students, including food, and accommodation;
- b. a list outlining the items of clothing and equipment provided to Entitled Students including books, materials and other supplies.

You must retain these records for two years after the agreement has ended. If We make a written request and give You reasonable notice, You must provide Us with any information required by Us for monitoring and evaluation purposes.

**Financial records**

- 6.2 You must keep proper accounts and records of Your transactions and affairs in relation to any money You receive from Us under the agreement in accordance with the Australian Accounting Standards. In particular, all moneys provided by Us must be clearly and separately identified in Your accounts. You must keep Your financial accounts and records in such a way as to enable an auditor or other person to examine them at any time and to ascertain Your financial position.

**Our Audit and monitoring requirements**

- 6.3 You must help Us to monitor and evaluate the services provided by You by:
  - a. allowing Officers of the Australian Government, at all reasonable times, unhindered access to all accounts, records, documents and papers which relate directly or indirectly to the receipt, expenditure or payment of the Living Allowance or any School Fees Allowance to You and allowing Officers of the Australian Government to copy this information;
  - b. allowing Officers of the Australian Government, at all reasonable times, unhindered access to Your financial accounts and records as described in subclause 6.2 and allowing Officers of the Australian Government to copy this information;
  - c. providing reasonable assistance to Officers of the Australian Government to locate and copy any material relating to the provision of the services under this agreement and Your financial accounts and records;
  - d. allowing Officers of the Australian Government, at all reasonable times, unhindered access to inspect the Hostel; and
  - e. advising Us of any changes in arrangements for the provision of the services.



.....

.....

.....

Please print full name and occupation or profession of witnesses above.

**[\*Where recipient is a sole trader or partnership use the following]**

SIGNED by )  
**[\*recipient's full name, or if a partnership** )  
**state the full names of all the partners}** ) .....

In the Presence of:

.....  
WITNESS

.....  
Full name and occupation or profession of witness (Please print)

**[\*Where recipient is an incorporated association use the following]**

The COMMON SEAL of  
**[\*insert full name of the incorporated association]**  
was affixed in accordance with its Articles of Association.

.....  
Signature

.....  
Full Name (Please print)

.....  
Position  
who by signing certifies that they have the authority to do so

In the Presence of:

.....  
WITNESS

.....  
Full name and occupation or profession of witness (Please print)

**Appendix B - Student Assistance (Education Institutions and Courses) Determination**



Student Assistance (Education Institutions and Courses) Amendment Determination 2011 (No. 2)

Student Assistance Act 1973

I, GREG COMBET, Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency for Minister CHRIS EVANS Minister for Tertiary Education, Skills, Science and Research, acting under subsection 5D (1) of the Student Assistance Act 1973, make this Determination.

Dated 21 December 2011 Signed

GREG COMBET

Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency for Minister CHRIS EVANS Minister for Tertiary Education, Skills, Science and Research

Do not delete : Part Placeholder

Do not delete : Division Placeholder

1 Name of Determination

This Determination is the Student Assistance (Education Institutions and Courses) Amendment Determination 2011 (No. 2).

2 Commencement

This Determination commences on the day after it is registered.

3 Amendment of the Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2)

Schedule 1 amends the Student Assistance (Education Institutions and Courses) Determination 2009 (No. 2) (the Principal Determination).

Schedule 1 Amendment

In the Principal Determination:

[1] Section 4 (paragraph (a) of the definition of the accredited higher education provider)

Omit “an authority responsible for the accreditation of higher education courses in a State or Territory”, substitute “TEQSA or taken to be course accredited by TEQSA in relation to the provider for the purposes of the Tertiary Education Quality and Standards Agency Act 2011”.

[2] Section 4 (paragraph (b) of the definition of the accredited higher education provider)

Omit “or a law of the State or Territory in which the institution is located”.

[3] Section 4 (definition of accredited vocational education and training course)

Omit the definition.

[4] Section 4 (definition of AQF)

Omit the definition.

[5] Section 4 (definition of AQTF)

Omit the definition.

[6] Section 4 (definition of course of combined studies)

Omit the definition.

[7] Section 4 (definition of endorsed training package)

Omit the definition.

[8] Section 4 (definition of integrated undergraduate/postgraduate course)

Repeal the definition and substitute:

Integrated undergraduate/postgraduate course means an accredited higher education course where:

an accredited tertiary qualification other than a Masters degree or a Doctorate degree is an available outcome for students undertaking the course; and the course is not described as a Masters course but it is integrated with a Masters level qualification or contain unit components of a Masters course.

[9] Section 4 (definition of articulated course)

Omit the definition.

[10] Section 4 (definitions)

Insert definition of National Register.



National Register has the meaning that term is given in section 3 of the National Vocational Education and Training Regulator Act 2011.

[11] Section 4 (paragraph (a) of the definition of preparatory course)

Omit “an accredited vocational education and training course”, substitute “a VET course”.

[12] Section 4 (definition of pre-vocational course)

Omit “accredited vocational education and training programme”, substitute “VET course”.

[13] Section 4 (definition of registered training organisation)

Omit the definition and substitute “registered training organisation means a training organisation that is registered on the National Register as a registered training organisation”.

[14] Section 4 (definitions)

Insert definition of TEQSA.

TEQSA means the Tertiary Education Quality and Standards Agency.

[15] Section 4 (definitions)

Insert definition of VET.

VET means vocational education and training.

[16] Section 4 (definitions)

Insert definition of VET accredited course.

VET accredited course means:

a course accredited by a body under a delegation from the Australian Skills Quality Authority; or  
a course accredited by the Australian Skills Quality Authority.

[17] Section 4 (definitions)

Insert definition of VET course.

VET course means:

the units of competency of a training package that is endorsed by the Ministerial Council which has responsibility for the VET Quality Framework;  
the modules of a VET accredited course; or  
the modules of a course accredited by the VET Regulator of a State which is a non-referring State within the meaning of section 7 of the National Vocational Education and Training Act 2011.

[18] Section 4 (definitions)

Insert definition of VET Quality Framework.

VET Quality Framework has the meaning that term is given in section 3 of the National Vocational Education and Training Regulator Act 2011.

[19] Paragraph 5(b)

Repeal the paragraph, substitute:

(b) an institution registered or taken to be registered by TEQSA as a higher education provider.

[20] Paragraph 5(c)

Repeal the paragraph.

[21] Subparagraph 9(b)(i)

Omit “and”, substitute “or”.

[22] Subparagraph 9(b)(ii)

Omit “accredited vocational education and training course subjects”, substitute “a VET course”.

[23] Schedule 2

Repeal the Schedule and Substitute with Schedule 2 as provided on pages 5 – 6 inclusive.

[24] Schedule 3

Repeal the Schedule and substitute with Schedule 3 as provided on pages 7 – 27 inclusive.

Schedule 2 Tertiary courses

(paragraph 10(1)(a) and subsection 10(2))

Column 1 – Course	Column 2 – Education institution
Pre-vocational course	Registered training organisation
ESL course	Registered training organisation Higher education institution Any other body approved by the relevant State or Territory to conduct the course
A VET course that is not a secondary course specified in Schedule 1	Higher education institution Registered training organisation
VET course	Registered training organisation
Undergraduate or postgraduate accredited higher education course which is at the level of:	Higher education institution Registered training organisation
(a) associate degree; or	
(b) associate diploma; or	
(c) diploma; or	
(d) advanced diploma; or	
(e) Bachelor degree; or	
(f) bridging study for overseas-	

Column 1 – Course

Column 2 – Education institution

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trained professionals; or  
 (g) graduate certificate; or  
 (i) graduate diploma; or  
 (h) post graduate bachelor degree; or  
 (j) Masters qualifying course; or  
 (k) a course that:  
 (i) leads to two of the above qualifications; and  
 (ii) is identified as a combined course in the institution's handbooks; and  
 (iii) is not a secondary course specified in Schedule 1; and  
 (iv) is not a course accredited at Masters or Doctorate level (other than a course specified in Schedule 3).

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Integrated undergraduate/postgraduate course to the extent that it is an undergraduate or postgraduate accredited higher education course at a level listed above in column 1 of this Schedule.

Higher education institution

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Open Learning

Higher education institution participating in the Open Learning programme  
 Registered training organisation participating in the Open Learning programme

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A course consisting of concurrent study in an accredited higher education course and a VET course at two different institutions that:  
 (a) leads to the award of a separate qualification at each institution; and  
 (b) is classified in each institution's handbook as a combined course.

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Higher education institution  
 Registered training organisation

Schedule 3 Approved tertiary courses at Masters level  
 ((paragraph 10(1)(b) and subsection 10(2))

Column 1 – Education institution	Column 2 – Course
Alphacrucis College	Master of Arts (Christian Studies)
	Master of Teaching (Primary)
Australian Catholic University	Master of Accounting
	Master of Business Administration (Accounting)
	Master of Clinical Counselling
	Master of Clinical Exercise Physiology
	Master of Counselling
	Master of Professional Accounting
	Master of Psychology (Clinical); Master of Psychology (Educational and Developmental)
	Master of Social Work
Australian College of Applied Psychology	Master of Applied Social Science (Counselling)
	Master of Psychology (Clinical)
Australian College of Theology Limited	Master of Arts (Ministry)
	Master of Arts (Theology)
	Master of Divinity
Australian National University	Juris Doctor
	Master of Actuarial Studies
	Master of Applied Statistics
	Master of Archaeological Science
	Master of Business Information Systems
	Master of Climate Change
	Master of Clinical Psychology
	Master of Computing

Column 1 – Education institution	Column 2 – Course
	Master of Environmental Management and Development
	Master of Forestry
	Master of Information Technology Studies
	Master of Professional Accounting
Bond University	Doctor of Physiotherapy
	Juris Doctor
	Master of Accounting
	Master of Construction Practice
	Master of Information Technology
	Master of Information Technology (Professional)
	Master of Property Valuation
	Master of Psychology (Clinical)
	Master of Psychology (Forensic)
	Master of Urban Planning
Bradford College Pty Limited	Master of Accounting Studies
	Master of Professional Accounting
Cairnmillar Institute School of Counselling & Psychotherapy	Master of Psychology
	Master of Counselling and Psychotherapy
Central Queensland University	Master of Clinical Psychology
	Master of Information Systems
	Master of Information Technology
	Master of Professional Accounting (CG27)
	Master of Professional Accounting (CG28)
Charles Darwin University	Master of Accounting
	Master of Professional Accounting MPA1
	Master of Professional Accounting MPACC
	Master of Professional Accounting MPAE
	Master of Professional Accounting/Master of Business Administration
Charles Sturt University	Master of Applied Finance

Column 1 – Education institution

Column 2 – Course

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	Master of Applied Science (Library and Information Management)
	Master of Applied Science (Teacher Librarianship)
	Master of Arts (Journalism)
	Master of Clinical Exercise Physiology (Rehabilitation) or Master of Exercise Science (Rehabilitation)
	Master of Education (Teacher Librarianship)
	Master of Environmental Management
	Master of Information Studies
	Master of Information Technology
	Master of Professional Accounting (2712PA01)
	Master of Psychology
	Master of Social Work (Professional Qualifying)
	Master of Teaching (Primary)
	Master of Teaching English as a Second or Other Language (TESOL)
Christian Heritage College	Master of Counselling
Curtin University of Technology	Master of Accounting
	Master of Architecture
	Master of Clinical Physiotherapy
	Master of Commerce (Information Systems)
	Master of Engineering Science and Renewable Energy Electrical Power Systems
	Master of Engineering Science in Electrical Utility Engineering
	Master of Environmental Health
	Master of Finance
	Master of Financial Planning
	Master of Information Systems
	Master of Information Technology
	Master of Logistics

Column 1 – Education institution

Column 2 – Course

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	Master of Medical Imaging Science
	Master of Medical Sonography
	Master of Nursing (Nurse Practitioner)
	Master of Nursing Practice
	Master of Occupational Therapy
	Master of Petroleum Engineering
	Master of Pharmacy
	Master of Physiotherapy
	Master of Psychology
	Master of Public Relations
	Master of Science (Actuarial & Financial Science)
	Master of Speech Pathology
	Master of Urban and Regional Planning
Deakin University	Master of Architecture
	Master of Architecture (Design)
	Master of Clinical Exercise Physiology
	Master of Commerce
	Master of Construction Management (Professional)
	Master of Dietetics
	Master of Education (Special Education Needs)
	Master of Education Teaching Languages other than English (M Ed TLOTE)
	Master of Financial Planning
	Master of Information Systems
	Master of Information Technology
	Master of Landscape Architecture
	Master of Midwifery
	Master of Nursing Practice (Nurse Practitioner)
	Master of Planning (Professional)
	Master of Professional Accounting

Column 1 – Education institution

Column 2 – Course

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	Master of Professional Accounting/Master of Commerce
	Master of Psychology (Clinical)
	Master of Psychology (Industrial and Organisational)
	Master of Public Health
	Master of Social Work
	Master of Teaching
Edith Cowan University	Master of Clinical Nursing
	Master of Computer and Network Security
	Master of Computer Science
	Master of Computer Security
	Master of Engineering
	Master of Information Security and Intelligence
	Master of Information Technology
	Master of Management Information Systems
	Master of Network Technology
	Master of Nursing (Nurse Practitioner)
	Master of Nutrition and Dietetics
	Master of Occupational Therapy Practice
	Master of Physiotherapy
	Master of Professional Accounting
	Master of Professional Communications (Screen Studies)
	Master of Professional Finance and Banking
	Master of Psychology
Flinders University of South Australia	Master of Accounting
	Master of Archaeology
	Master of Audiology
	Master of Cultural Heritage Management
	Master of Information Technology (Computing)



Column 1 – Education institution

Column 2 – Course

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	Master of Maritime Archaeology
	Master of Nursing (Nursing Practitioner)
	Master of Nutrition and Dietetics
	Master of Occupational Therapy
	Master of Physiotherapy
	Master of Psychology (Clinical)
	Master of Remote Health Practice (Nurse Practitioner)
	Master of Social Work
	Master of Speech Pathology
	Master of Teaching (Early Childhood)
	Master of Teaching (Junior Primary/Primary)
	Master of Teaching (Primary R - 7)
	Master of Teaching (Secondary)
	Master of Teaching (Special Education)
	Master of Theological Studies
Gestalt Therapy Brisbane Pty Ltd	Master of Gestalt Therapy
Griffith University	Master of Adult and Vocational Education
	Master of Clinical Psychology
	Master of Commerce (Financial Planning)
	Master of Commerce (Professional Accounting)
	Master of Dental Technology in Prosthetics
	Master of Human Services (Childhood Studies)
	Master of Human Services (Orientation & Mobility)
	Master of Human Services (Rehabilitation Counselling)
	Master of Midwifery
	Master of Nursing (Nurse Practitioner)
	Master of Nutrition & Dietetics
	Master of Organisational Psychology
	Master of Pharmacy

Column 1 – Education institution	Column 2 – Course
	Master of Physiotherapy Master of Public Health Master of Science with Honours in Genetic Counselling Master of Social Work, Gold Coast Campus Master of Social Work, Logan Campus Master of Social Work, Open Universities Australia Master of Special Education Master of Speech Pathology Master of Teaching (Professional Practice) - Primary Master of Teaching (Professional Practice) - Secondary Master of Urban and Environmental Planning
Harvest Bible College	Master of Arts (Ministry)
James Cook University	Master of Applied Science (Tropical Urban and Regional Planning) or Master of Tropical Urban and Regional Planning Master of Development Practice Master of Guidance and Counselling Master of Information Technology Master of Information Technology (Extended) Master of Pharmaceutical Public Health Master of Professional Accounting Master of Psychology (Clinical) Master of Psychology (Forensic) Master of Public Health Master of Public Health and Tropical Medicine Master of Rehabilitation (Physiotherapy) Master of Social Work (Professional Qualifying)
La Trobe University	Master of Art Therapy Master of Biomedical Engineering

Column 1 – Education institution

Column 2 – Course

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Master of Chemical Sciences

Master of Child, Family and Community Nursing Science

Master of Clinical Neuropsychology

Master of Clinical Prosthetics and Orthotics

Master of Clinical Psychology

Master of Community Planning and Development

Master of Counselling Psychology

Master of Dentistry

Master of Health Information Management

Master of Information Systems Management

Master of Information Technology

Master of Information Technology (Computer Networks)

Master of International Development

Master of Nanotechnology

Master of Nursing (Nurse Practitioner)

Master of Nursing Science in Child, Family and Community

Master of Occupational Therapy Practice

Master of Orthoptics

Master of Paramedic Practice

Master of Physiotherapy Practice

Master of Podiatric Practice

Master of Professional Accounting

Master of Public Health

Master of Social Work

Master of Spatial Planning, Management and Design

Master of Special Education

Master of Speech Pathology

Master of Teaching (Mathematics Education)

Master of Teaching (P – 12)

Column 1 – Education institution	Column 2 – Course
	Master of Teaching English as a Second or Other Language (TESOL)
	Master of Tourism
Macquarie University	Doctor of Physiotherapy
	Master of Accounting (Professional)
	Master of Actuarial Practice
	Master of Chiropractic
	Master of Clinical Audiology
	Master of Clinical Neuropsychology
	Master of Clinical Psychology
	Master of Environmental Planning
	Master of Organisational Psychology
	Master of Speech and Language Pathology
	Master of Surgery
	Master of Teaching (Birth to Five Years)
Melbourne College of Divinity	Master of Arts (Theology)
	Master of Divinity
	Master of Theological Studies
Melbourne Institute for Experiential and Creative Arts Therapy	Master of Arts in Experiential and Creative Arts Practice
Melbourne Institute of Technology	Master of Networking
	Master of Professional Accounting
	Master of Professional Accounting (MPA)
Monash University	Master of Applied Information Technology
	Master of Architecture
	Master of Business Information Systems
	Master of Business Systems (2398)
	Master of Business Systems (2400)
	Master of Clinical Embryology
	Master in Counselling
	Master of Information Management and Systems
	Master of Interpreting and Translation Studies

Column 1 – Education institution

Column 2 – Course

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	Master of Laws (Juris Doctor)
	Master of Laws (Legal Practice Skills and Ethics)
	Master of Medical Radiations
	Master of Nursing Practice
	Master of Organisational Psychology
	Master of Psychology (Counselling)
	Master of Psychology (Educational and Developmental)
	Master of Public Health
	Master of Social Work (Qualifying)
	Master of Teaching (Early Childhood)
	Master of Teaching (Secondary)
Morling College Ltd	Master of Counselling
Murdoch University	Master of Applied Psychology (Clinical)
	Master of Applied Psychology (Organisational)
	Master of Counselling
	Master of Midwifery
	Master of Pharmacy
	Master of Professional Accounting
Queensland University of Technology	Master of Applied Science (Medical Physics)
	Master of Architecture AR49
	Master of Architecture DE80
	Master of Business (Applied Finance)
	Master of Business (Human Resource Management)
	Master of Business (Integrated Marketing Communication)
	Master of Business (Marketing)
	Master of Business (Philanthropy and Non-profit Studies)
	Master of Business (Professional Accounting)

Column 1 – Education institution

Column 2 – Course

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	Master of Business (Professional Accounting) Advanced
	Master of Business (Public Relations)
	Master of Business (Strategic Advertising)
	Master of Clinical Psychology
	Master of Counselling
	Master of Education (Career Development)
	Master of Education (Early Childhood Teaching)
	Master of Education (School Guidance and Counselling)
	Master of Education (Teacher-Librarianship)
	Master of Information Management
	Master of Information Technology (Library and Information Science)
	Master of Learning Innovation (Teacher-Librarianship)
	Master of Optometry
	Master of Psychology (Educational and Developmental)
	Master of Public Health
	Master of Social Work
RMIT University	Juris Doctor
	Master of Advertising or Master of Communication (Advertising)
	Master of Applied Science (Acupuncture)
	Master of Applied Science (Geospatial Information)
	Master of Applied Science (Information Security & Assurance)
	Master of Applied Science (Statistics and Operations Research)
	Master of Architecture
	Master of Arts (Arts Management)
	Master of Biotechnology

Column 1 – Education institution

Column 2 – Course

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	Master of Biotechnology (Clinical Microbiology)
	Master of Business (Information Technology)
	Master of Business (Logistics Management)
	Master of Clinical Chiropractic
	Master of Commerce
	Master of Computing
	Master of Finance
	Master of Information Management
	Master of Landscape Architecture
	Master of Marketing
	Master of Medical Radiations
	Master of Osteopathy
	Master of Professional Accounting
	Master of Psychology
	Master of Social Science (Criminal Justice Administration)
	Master of Social Science (Environment and Planning)
	Master of Social Science (International Development)
	Master of Social Science (International Urban and Environmental Management)
	Master of Social Science (Policy and Human Services)
	Master of Social Science (Translating and Interpreting Studies)
	Master of Social Work
	Master of Statistics (Business)
	Master of Strategic Procurement
	Master of Technology (Internet and Web Computing)
Southern Cross University	Master of Clinical Exercise Physiology
	Master of Clinical Science (Breast Cancer Nursing)

Column 1 – Education institution

Column 2 – Course

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	Master of Clinical Science (Cardiac Nursing)
	Master of Clinical Science (Cardiothoracic Nursing)
	Master of Clinical Science (Drug and Alcohol Studies)
	Master of Clinical Science (Emergency Nursing)
	Master of Clinical Science (Intensive Care Nursing)
	Master of Clinical Science (Mental Health Nursing)
	Master of Clinical Science (Neuroscience Nursing)
	Master of Clinical Science (Perioperative Nurse - Surgeon's Assistant)
	Master of Clinical Science (Perioperative Nursing)
	Master of Forest Management
	Master of Marine Science and Management
	Master of Midwifery
	Master of Osteopathic Medicine
	Master of Professional Accounting
Swinburne University of Technology	Master of Accounting
	Master of Commerce (Human Resource Management)
	Master of Information Technology Project Management
	Master of Practising Accounting
	Master of Professional Accounting
	Master of Professional Accounting – Leadership
	Master of Psychology (Clinical Psychology)
	Master of Psychology (Counselling Psychology)
	Master of Technology (Information Technology)

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Column 1 – Education institution	Column 2 – Course
Sydney College of Divinity	Master of Divinity
	Master of Theology
University of Adelaide	Doctor of Veterinary Medicine
	Master of Architecture
	Master of Architecture/Master of Landscape Architecture
	Master of Arts (Curatorial and Museum Studies)
	Master of Arts (Studies in Art History)
	Master of Clinical Nursing
	Master of Commerce (Accounting)
	Master of Counselling and Psychotherapy
	Master of Information Technology
	Master of Landscape Architecture
	Master of Occupational Health and Safety
	Master of Planning
	Master of Planning (Urban Design)
	Master of Planning (Urban Design)/Master of Landscape Architecture
	Master of Psychology (Clinical)
	Master of Psychology (Health)
Master of Psychology (Organisational and Human Factors)	
Master of Public Health	
University of Ballarat	Master of Business Information Systems
	Master of Commerce (Professional Accounting)
	Master of Education
	Master of Engineering Technology
	Master of Engineering Technology (Mechanical Engineering)
	Master of Information Systems
	Master of Information Systems (e-Commerce Security)

Column 1 – Education institution

Column 2 – Course

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Column 1 – Education institution	Column 2 – Course
	Master of Information Technology
	Master of Information Technology Studies
	Master of Professional Accounting
	Master of Psychology
	Master of Social Work (Qualifying)
University of Canberra	Juris Doctor
	Master of Architecture
	Master of Business Administration in Strategic Procurement
	Master of Business Informatics
	Master of Clinical Psychology
	Master of Exercise Science
	Master of Landscape Architecture
	Master of Nutrition and Dietetics
	Master of Occupational Therapy
	Master of Pharmacy
	Master of Physiotherapy
	Master of Professional Accounting
	Master of Technology
	Master of Urban and Regional Planning
University of Melbourne	Doctor of Dental Surgery
	Doctor of Medicine
	Doctor of Optometry
	Doctor of Physiotherapy
	Doctor of Veterinary Medicine
	Executive Master of Arts
	Juris Doctor
	Master of Actuarial Science
	Master of Agricultural Science
	Master of Animal Science
	Master of Applied Commerce (Accounting)
	Master of Architecture

Column 1 – Education institution

Column 2 – Course

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Master of Arts (Cultural Material Conservation)/Master of Cultural Material Conservation

Master of Biotechnology

Master of Clinical Audiology

Master of Construction Management

Master of Education (Language Intervention and Hearing Impairment)

Master of Education (Special Education, Inclusion and Early Intervention)

Master of Education (Specific Learning Difficulties)

Master of Educational Psychology

Master of Engineering

Master of Environment

Master of Food Science

Master of Forest Ecosystem Science

Master of Genetic Counselling

Master of Information Systems

Master of Information Technology

Master of International Relations

Master of Landscape Architecture

Master of Management (Accounting)

Master of Management (Human Resources)

Master of Management (Marketing)

Master of Music Therapy (by course-work)

Master of Nursing Science

Master of Professional Accounting

Master of Property

Master of Psychology

Master of Public Health

Master of Science

Master of Science (Biotechnology)

Master of Science (Environmental Science)

Column 1 – Education institution

Column 2 – Course

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	Master of Science (Management Science)
	Master of Science (Nanotechnology)
	Master of Social Work
	Master of Spatial Information Systems
	Master of Speech Pathology
	Master of Teaching
	Master of Urban Horticulture
	Master of Urban Planning
	Master of Wine Technology and Viticulture
University of New England	Juris Doctor
	Master of Applied Linguistics (TESOL)
	Master of Education (Special Education)
	Master of Environmental Management or Master of Environmental Science
	Master of Nursing Practice (pre-registration)
	Master of Professional Accounting
	Master of Professional Accounting and Business
	Master of Psychology (Clinical)
	Master of Social Work (Professional Qualifying)
	Master of Teaching (Primary)
University of New South Wales	Juris Doctor
	Master of Arts (Extension) Interpreting and Translation
	Master in Arts in Interpreting and Translation Studies
	Master of Actuarial Studies
	Master of Architecture
	Master of Arts in Chinese-English Translation and Interpreting
	Master of Biomedical Engineering
	Master of Commerce (Banking)
	Master of Financial Planning

Column 1 – Education institution

Column 2 – Course

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	Master of Health Management
	Master of Information Technology
	Master of International Public Health
	Master of Professional Accounting
	Master of Psychology (Clinical)
	Master of Psychology (Forensic)
	Master of Psychology (Organisational)
	Master of Public Health
	Master of Teaching (Secondary)
University of Newcastle	Master of Architecture
	Master of Clinical Psychology
	Master of Pharmacy
	Master of Professional Accounting
	Master of Special Education
	Master of Teaching (Primary)
	Master of Teaching (Secondary)
University of Notre Dame	Master of Counselling
	Master of Professional Accounting
	Master of Teaching (Early Childhood Education)
	Master of Teaching (K-7), Broome Campus
	Master of Teaching (Primary)
	Master of Teaching Conversion (K-7), Broome Campus
	Master of Teaching Conversion (Primary)
University of Queensland	Juris Doctor
	Master of Applied Psychology
	Master of Applied Science – Clinical Exercise Science
	Master of Architecture
	Master of Arts in Chinese Translation and Interpreting
	Master of Arts in Japanese Interpreting and Translation

Column 1 – Education institution

Column 2 – Course

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	Master of Audiology Studies
	Master of Clinical Exercise Physiology
	Master of Clinical Psychology
	Master of Commerce - Professional Accounting
	Master of Counselling
	Master of Dietetics
	Master of Educational Studies (Guidance and Counselling)
	Master of Exercise Science
	Master of International Public Health (#16)
	Master of International Public Health (#24)
	Master of Mental Health (Art Therapy)
	Master of Music Therapy
	Master of Nurse Practitioner Studies
	Master of Nursing
	Master of Nursing Studies
	Master of Occupational Therapy Studies
	Master of Organisational Psychology
	Master of Physician Assistant Studies
	Master of Physiotherapy Studies
	Master of Public Health #16
	Master of Public Health #24
	Master of Social Work Studies
	Master of Speech Pathology Studies
	Master of Sport and Exercise Psychology
	Master of Urban and Regional Planning
University of South Australia	Master of Architecture
	Master of Business Information Systems
	Master of Dietetics
	Master of Information Communication and Technology Management (Enterprise Systems)

Column 1 – Education institution

Column 2 – Course

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	Master of Information Technology (Business Intelligence)
	Master of Information Technology (Networks and Security)
	Master of Nursing (Nurse Practitioner)
	Master of Nursing Practice (Graduate Entry)
	Master of Occupational Therapy (Graduate Entry)
	Master of Physiotherapy (Graduate Entry)
	Master of Professional Accounting
	Master of Psychology (Clinical)
	Master of Psychology (Forensic)
	Master of Psychology (Work and Organisational)
	Master of Social Work
	Master of Surveying
	Master of Teaching (Early Childhood)
	Master of Teaching (Junior Primary and Primary)
	Master of Teaching (Middle and Secondary)
	Master of Teaching (Primary and Middle)
	Master of Urban and Regional Planning
University of Southern Queensland	Juris Doctor
	Master of Business (Applied Finance)
	Master of Business (Personal Financial Planning)
	Master of Computing Technology
	Master of Computing Technology (Extended)
	Master of Education (Guidance and Counselling)
	Master of Engineering Practice
	Master of Engineering Science
	Master of Information Systems
	Master of Information Systems Extended

Column 1 – Education institution

Column 2 – Course

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	Master of Informational Technology (Professional) (MITP)
	Master of Informational Technology (Professional) (MT16)
	Master of Professional Accounting (MP12)
	Master of Professional Accounting Extended
	Master of Psychology (Clinical)
University of Sydney	Doctor of Dental Medicine
	Juris Doctor
	Master of Architecture
	Master of Dental Science (Oral Medicine and Oral Pathology)
	Master of Dental Science (Orthodontics)
	Master of Dental Science (Paediatric Dentistry)
	Master of Dental Science (Periodontics)
	Master of Dental Science (Prosthodontics)
	Master of Diagnostic Radiography
	Master of Education (Special Education)
	Master of Exercise Physiology
	Master of Film and Digital Image
	Master of Genetic Counselling
	Master of Health Informatics
	Master of Health Science (Behavioural Science)
	Master of Health Science (Child and Adolescent Health)
	Master of Information Technology
	Master of Interactive and Digital Media
	Master of International Public Health
	Master of Medical Physics
	Master of Medicine (Psychotherapy)
	Master of Nuclear Medicine
	Master of Nursing



Column 1 – Education institution

Column 2 – Course

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	Master of Nursing (combined degree)
	Master of Nutrition and Dietetics
	Master of Occupational Therapy
	Master of Orthoptics or Master of Clinical Vision Sciences
	Master of Pharmacy
	Master of Physiotherapy
	Master of Professional Accounting
	Master of Professional Engineering
	Master of Public Health
	Master of Radiation Therapy
	Master of Rehabilitation Counselling
	Master of Science in Medicine (Psychotherapy)
	Master of Social Work (Qualifying)
	Master of Speech Language Pathology
	Master of Teaching
	Master of Urban and Regional Planning
University of Tasmania	Master of Antarctic Science
	Master of Applied Science (Living Marine Resources)
	Master of Architecture
	Master of Architecture (Hons)
	Master of Business Administration (Professional Accounting)
	Master of Counselling
	Master of Economic Geology
	Master of Forestry
	Master of Professional Accounting
	Master of Professional Accounting (Specialisation)
	Master of Psychology (Clinical)
	Master of Rehabilitation Counselling
	Master of Social Work (MSW)

Column 1 – Education institution	Column 2 – Course
	Master of Teaching
University of Technology, Sydney	Juris Doctor Master of Architecture Master of Arts in Music Therapy Master of Arts in Teaching English to Speakers of Other Languages (TESOL) Master of Industrial Property Master of Information Technology (MIT) Master of Pharmacy Master of Planning Master of Professional Accounting Master of Science in Internetworking (MIT)
University of the Sunshine Coast	Master of Counselling Master of Financial Planning Master of Mental Health Nursing Master of Midwifery Master of Professional Accounting Master of Psychology (Clinical) Master of Social Work (Qualifying) Master of Urban and Regional Planning
University of Western Australia	Master of Architecture (coursework) Master of Clinical Audiology Master of Dental Science Master of Manual Therapy Master of Nursing Science Master of Pharmacy Master of Professional Accounting Master of Professional Accounting (Advanced) Master of Psychology (Clinical Psychology); (Educational and Developmental); (Industrial and Organisational Psychology) Master of Psychology and Graduate Diploma in Education

Column 1 – Education institution

Column 2 – Course

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	Master of Public Health
	Master of Public Health (Nursing)
	Master of Social Work (By Coursework)
	Master of Teaching (Early Childhood)
	Master of Teaching (Primary)
	Master of Translation Studies
	Master Of Urban and Regional Planning
University of Western Sydney	Master of Accountancy
	Master of Art Therapy
	Master of Commerce (Human Resource Management and Industrial Relations)
	Master of Creative Music Therapy
	Master of Interpreting and Translation
	Master of Occupational Therapy
	Master of Physiotherapy
	Master of Podiatric Medicine
	Master of Professional Accounting
	Master of Professional Accounting (Advanced)
	Master of Psychology (Clinical Psychology)
	Master of Psychology (Educational and Developmental)
	Master of Psychology (Forensic Psychology)
	Master of Teaching (Birth – 12 years)
	Master of Teaching (Early Childhood)
	Master of Teaching (Primary)
	Master of Teaching (Primary) - Advanced
	Master of Teaching (Secondary)
	Master of Teaching (Secondary) - Advanced
	Master of Teaching (Special Education)
	Master of Traditional Chinese Medicine
	Master of Vocational Accounting
University of Wollongong	Master of Applied Finance (Banking/Investing/Managing)

Column 1 – Education institution

Column 2 – Course

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	Master of Clinical Exercise Physiology
	Master of Commerce (Finance)
	Master of Computer Studies
	Master of Education (Special Education)
	Master of Finance
	Master of Information Technology Studies
	Master of Information Technology Studies Advanced
	Master of Medical Radiation Physics
	Master of Nursing (Mental Health)
	Master of Professional Accounting
	Master of Psychology (Clinical)
	Master of Science (Exercise Rehabilitation)
	Master of Science (Medical Radiation Physics)
	Master of Science (Midwifery)
	Master of Science (Nutrition and Dietetics)
	Master of Science (Nutrition, Dietetics and Exercise Rehabilitation)
	Master of Science (Occupational Health and Safety)
	Master of Science (Occupational Hygiene Practice)
Victoria University	Master of Applied Psychology (Community Psychology)
	Master of Applied Psychology (Sport Psychology)
	Master of Applied Science (Clinical Exercise Practice)
	Master of Applied Science (Exercise Rehabilitation)
	Master of Business (Professional Accounting)
	Master of Counselling
	Master of Health Science (Osteopathy)
	Master of Psychology (Clinical Psychology)

Column 1 – Education institution

Column 2 – Course

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Column 1 – Education institution	Column 2 – Course
	Master of Science in Dietetics
Wesley Institute	Master of Counselling
	Master of Teaching (Primary)
	Master of Theological Studies

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## Appendix C: NCVER Course Classifications

### ABSTUDY Appendix C: National Centre for Vocational Education Research Course Classifications

This section describes the types of courses which would be coded to each Stream category. The content is based on material contained in the document published on behalf of the Australian Conference of TAFE Directors, entitled **Classification Procedures Manual for TAFE Courses**. For a more detailed description of the classification, refer to that document.

#### ***Stream 1000 - Recreation, Leisure, and Personal Enrichment***

Courses classified to Stream 1000 are directed towards the encouragement and development of creativity, social and personal pursuits, and skills which enable people to make more effective use of leisure time.

#### ***Stream 2100 - Entry to Employment or Further Education: Basic Education and Basic Employment Skills***

Courses classified to Stream 2100 provide remedial education or involve other preparatory activities to enable participation in subsequent education or social settings, and are of a type which aim to achieve basic skills and standards. Included in courses classified to Stream 2100 are those provided for the acquisition of literacy and numeracy, EPUY courses, career exploration courses and link courses.

#### ***Stream 2200 - Entry to Employment or Further Education: Educational Preparation***

Courses classified to Stream 2200 provide remedial education or involve other preparatory activities to enable participation in subsequent education or social settings, and are of a type which prepare students for further education. Included in Stream 2200 for example would be certificate of entrance courses, pre-certificate courses, tutorial mathematics courses for certificate students, Tertiary Orientation program courses, and diploma entrance courses.

#### ***Stream 3100 - Initial Vocational Courses: Operatives***

Stream 3100 courses provide initial education and training for entry to vocations requiring a level and range of skills less than is normally required for a tradesperson. Stream 3100 courses would generally require minimal educational qualifications for entry, would be of short duration, and would emphasise a single activity which can be performed upon completion of the course. Included, for example, would be courses for plant and machine operators, and cleaners. Operatives are personnel who, after training, are able to perform a limited range of skilled operations.

#### ***Stream 3211 - Initial Vocational Courses: Skilled Courses for Recognised Trades - Partial Exemption to Recognised Trade Courses***

Courses classified to Stream 3211 are those which provide partial exemption to recognised trade courses.

***Stream 3212 - Initial Vocational Courses: Skilled Courses for Recognised Trades - Complete Trade Courses***

Courses classified to Stream 3212 are complete trade courses which provide initial education and training for entry to a specific trade. Such vocations require a high degree of skill, usually in a wide range of related activities, performed with minimal direction and supervision. In contrast to operatives, persons in such vocations are competent to carry out a broad range of related tasks. The skill level for such vocations is less than that required of a paraprofessional within the same industry.

***Stream 3221 - Initial Vocational Courses: Skilled Other Skills Courses - Partial Exemption to Other Skills Courses***

Courses classified to Stream 3221 are those which provide partial exemption to courses for vocations which are not recognised as trades but which require a range of skills at a similar level.

***Stream 3222 - Initial Vocational Courses: Skilled Other Skills Courses - Complete Other Skills Courses***

Courses classified to Stream 3222 are complete skills courses which provide initial education and training for entry to vocations which are not recognised trades but which require a range of skills at a similar level. Such vocations require a high degree of skill, usually in a wide range of related activities, performed with minimal direction and supervision. In contrast to operatives, persons in such vocations are competent to carry out a broad range of related tasks. The skill level for such vocations is less than that required of a paraprofessional within the same industry.

***Stream 3300 - Initial Vocational Course: Trade Technician/Trade Supervisory, or equivalent***

Courses classified to Stream 3300 provide initial education and training in skills at a level higher than trade or trades-equivalent skills. Stream 3300 courses may include skills needed for supervision, but do not provide the level of breadth of specialisation which is provided through courses for paraprofessionals.

***Stream 3400 - Initial Vocational Courses: Paraprofessional - Technician***

Courses classified to Stream 3400 are designed to provide initial education and training to develop the breadth of specialised skills required for employment in paraprofessional vocations. Work in such vocations requires the exercise of judgement and may involve specialist functions, and is carried out primarily in support of professionals or other paraprofessionals, or independently.

***Stream 3500 - Initial Vocational Courses - Paraprofessional - Higher Technician***

Courses classified to Stream 3500 provide initial education and training to develop specialised skills beyond those developed in Stream 3400 courses, in terms of depth of scope of skills. Stream

3500 courses prepare students for employment in paraprofessional vocations which may involve a variety of specialist functions and require the exercises of judgement. Graduates of Stream 3500 courses usually work in support of professionals, or independently, and are usually employed at higher occupational levels than graduates of Stream 3400 courses.

***Stream 3600 - Initial Vocational Courses - Professional***

Courses classified to Stream 3600 provide initial education and training at a higher level than paraprofessional courses, and include courses which lead to employment in vocations comparable to those entered by graduates of Diploma (UG2) courses accredited by the Australian Council on Tertiary Awards.

***Stream 4100 - Courses Subsequent to Initial Vocational Courses: Operative level*** Courses classified to Stream 4100 are operative level courses designed to be undertaken subsequent to the completion of a Stream 3100 course (Initial Vocational Course: Operative level) or subsequent to an on-the-job training equivalent.

***Stream 4200 - Courses Subsequent to Initial Vocational Courses: Skilled level***

Courses classified to Stream 4200 are skilled level courses designed to be undertaken subsequent to the completion of a Stream 3212 course (Initial Vocational Course - Complete Other Skills Course), or subsequent to an on-the-job training equivalent.

***Stream 4300 - Courses Subsequent to Initial Vocational Courses: Trade Technician: Trade Supervisory, or Equivalent***

Courses classified to Stream 4300 are designed to be undertaken subsequent to the completion of a Stream 3300 course (Initial Vocational Course - Trade Technician/Trade Supervisory, or equivalent) or subsequent to the acquisition of an equivalent level of skills through on-the-job training.

***Stream 4400 - Courses Subsequent to Initial Vocational Courses: Paraprofessional - Technician***

Courses classified to Stream 4400 are designed to be undertaken subsequent to the completion of a Stream 3400 course (Initial Vocational Course - Paraprofessional: Technician) or subsequent to the acquisition of an equivalent level of skills through on-the-job training.

***Stream 4500 - Courses Subsequent to Initial Vocational Courses: Paraprofessional - Higher Technical or Higher***

Courses classified to Stream 4500 are designed to be undertaken subsequent to the completion of a Stream 3500 course (Initial Vocational Courses: Paraprofessional: Higher Technician) or a higher level course, or subsequent to the acquisition of an equivalent level of skills through on-the-job training.



## Glossary

<b>AAC</b>	Australian Apprenticeship Centres
<b>Aboriginal Hostels Limited (AHL)</b>	Aboriginal Hostels Limited provides boarding facilities for Aboriginal and Torres Strait Islander students
<b>ABSTUDY Payee</b>	The person to whom ABSTUDY Assistance is paid.
<b>APA</b>	Australian Postgraduate Award Scheme
<b>Applicant</b>	An applicant is a person who has lodged an ABSTUDY claim with Centrelink. This is usually a parent/guardian, student or institution.
<b>Apprenticeship</b>	An apprenticeship is where a person is learning a trade by being employed in that trade or industry for an agreed period. The person is usually paid at a lower wage as they are not yet fully qualified in that particular field but are benefiting from employment while learning on the job and attending classes usually at a TAFE.
<b>Appropriate Tax Year</b>	Appropriate Tax Year for ABSTUDY purposes is the base tax year for that period.
<b>Approved scholarship course</b>	For the purposes of ABSTUDY, an approved scholarship course is a course as defined in section 592M of the Social Security Act 1991. Under 592M, the Social Security (Approved Scholarship Courses) Determination 2010 (No.1) sets out an approved scholarship course as being an accredited higher education course or a preparatory course where they are undertaken at a higher education institution.
<b>Assessment decision</b>	Also known as eligibility or entitlement decision see 4.2.1.
<b>Assistance for Isolated Children (AIC)</b>	The Assistance for Isolated Children Scheme provides distance education, boarding and second home allowances for primary and secondary students who have no reasonable daily access to appropriate Government schooling.
<b>ATO</b>	Australian Taxation Office
<b>Australian Apprenticeships</b>	An Australian Apprentice means a person who has a current Commonwealth Registration Number in relation to a full-time apprenticeship, traineeship or trainee apprenticeship under the scheme known as Australian Apprenticeships, but does not include a person whose registration number is suspended. Australian Apprentices were known as New Apprentices before 1 July 2006.
<b>Austudy</b>	Austudy is the student assistance scheme administered by Centrelink for Australian students 25 years and over.
<b>Award</b>	An Award is an entitlement to specified benefits made under the ABSTUDY Provisions unless otherwise stated.
<b>Base Tax Year</b>	The financial year ending on 30 June of the year before the calendar year for which payment is claimed.
<b>Bereavement notification day</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 21 (2) b</i>	The day on which Centrelink is informed of the partner's death.
<b>Bereavement period</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 21 (2) a</i>	The 14-week period immediately following the death of a partner and commencing on the day on which the partner dies.

<b>Bridging Course</b>	A bridging course is a study programme conducted prior to the commencement of a formal award course, and is provided for particular types of disadvantaged students who need additional preparation prior to commencing the award course. Courses which form part of a formal award course or for which credit will or may be given towards and award course are not considered to be bridging courses.
<b>Cadetship</b>	An employment arrangement in which an employer undertakes to subsidise an employees formal training leading to certain qualifications, and in which the employee is usually required to remain with the employer for a specified period after completion of training.
<b>CDEP (The Community Development Employment Projects)</b>	The Community Development Employment Projects (CDEP) program aims to assist Indigenous job seekers to gain the skills, training and capabilities needed to find sustainable employment and improves the economic and social well-being of communities. It provides services and projects through two streams: work readiness stream and community development stream. For more information please visit <a href="#">Community Development Employment Projects (CDEP)</a> .
<b>Commonwealth Supported Places</b>	Previously known as HECS (Higher Education Contribution Scheme), a Commonwealth supported place is a higher education place for which the Commonwealth makes a contribution towards the cost of a student's education.
<b>Current Tax Year</b>	The financial year ending on 30 June of the calendar year for which payment is claimed.
<b>De facto partner</b>	A person is the <i>de facto partner</i> of another person if the person is in a de facto relationship with the other person
<b>De Facto Relationship</b>	<p><i>Meaning of de facto relationship</i></p> <p>A person is in a de facto relationship with another person (different or same-sex) if:</p> <ul style="list-style-type: none"> <li>• the persons are not legally married to each other; and</li> <li>• the persons are not related by family; and</li> <li>• having regard to all the circumstances of their relationship, they have a relationship as members of a couple living together on a genuine domestic basis.</li> </ul> <p>Please see the definition of Partnered.</p>
<b>Definition of Liquid asset</b>	<p>Liquid assets are any readily available funds which can be accessed by the customer within 28 days of the date last worked. A customer's liquid assets include the assets of the customer's partner and any assets owned by BOTH the customer and their partner.</p> <p>Examples: Liquid assets include:</p> <ul style="list-style-type: none"> <li>• cash on hand</li> <li>• shares and debentures, term deposits</li> <li>• other money available at short notice</li> <li>• some payments made or due to be made (within 28 days) by a customer's last employer</li> <li>• 10 year insurance bonds</li> <li>• amounts deposited or lent to banks or other financial institutions whether or not the amount can be withdrawn or</li> </ul>

- repaid immediately
- amounts borrowed from the bank for a specific purpose such as overseas travel that may not have been used for the said purpose
- assets given to a son or daughter in some circumstances
- loans to other people
- unencumbered proceeds from sale of business
- monies in trust funds, bank accounts including mortgage offset accounts, BUT NOT balances of mortgage redraw accounts
- compensation payments.

**Dependent child**

For all purposes, unless otherwise specified, a person is considered to have a dependent child where the person has a young person who is:

wholly or substantially in the care of the person;

AND

under 16 years of age; and

not eligible for the Independent rate of ABSTUDY or Youth Allowance;

not receiving Australian Government income support other than ABSTUDY, Assistance for Isolated Children or Youth Allowance;

OR

16 - 24 years of age; and

in full-time or concessional study-load study; and

not Independent for the purposes of Youth Allowance or ABSTUDY; and

not receiving Australian Government income support other than ABSTUDY, Assistance for Isolated Children or Youth Allowance;

OR

- 16 – 20 years of age; and
  - not Independent for the purposes of Youth Allowance or ABSTUDY; and
  - not receiving Australian Government income support other than ABSTUDY, Assistance for Isolated Children or Youth Allowance.

For the purposes of the Partner Income Tests for ABSTUDY customers 21 years of age and over, where adjustments are made to the Partner Income Free Area for dependent child/ren in the customer or partner's care, a dependent child is:

- wholly or substantially in the care of the person;

AND

- under 16 years of age; and
- not eligible for the Independent rate of ABSTUDY or Youth Allowance;
- not receiving Australian Government income support other than ABSTUDY, Assistance for Isolated Children or Youth Allowance;

OR

- 16 – 24 years of age; and

- in full-time or concessional study-load study; and
- not Independent for the purposes of Youth Allowance or ABSTUDY; and
- not receiving Australian Government income support other than ABSTUDY, Assistance for Isolated Children or Youth Allowance.

For the purposes of qualification for the ABSTUDY Pensioner Education Supplement on the basis of receipt of specified payments under the Veterans' Entitlements Act 1986, where the student is required to have a dependent child, a dependent child is:

- wholly or substantially in the care of the student; and
- in full-time education; and
- not in receipt of an income support payment (see def of income support); and
- either:
  - under 16 years of age and does not have personal income that exceeds \$148.45 per week (amount as at 01 January 2004); OR
  - 16 – 21 years of age and will not have personal income that exceeds the limit of \$8135.85 for the financial year (amount as at 01 January 2004).

**Designated Trial Sites**

The four Cape York communities designated as trial sites are;

- Aurukun
- Coen
- Hope Vale
- Mossman Gorge.

**DEEWR**

Australian Government Department of Education, Employment and Workplace Relations

**DEST**

Former Australian Government Department of Education Science and Training

**DEWR**

Former Australian Government Department of Employment and Workplace Relations

**DFISA**

Defence Force Income Support Allowance

**Domestic and/or family violence  
This definition applies to Crisis payment**

*Family Law Reform Act 1995 Section 60D (1)*

domestic and family violence occurs when someone tries to control their partner or other family members in ways that intimidate or oppress them. Controlling behaviours can include threats, humiliation ('put-downs'), emotional abuse, physical assault, sexual abuse, financial exploitation and social isolations, such as not allowing contact with family or friends; AND/OR

family violence means conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's family that causes that or any other member of the person's family to fear for, or to be apprehensive about, his or her

	personal well being or safety.
<b>DVA</b>	Australian Government Department of Veteran Affairs
<b>Employment income nil rate period</b>	The term "employment income nil rate period" is used to describe a period where a person is considered to be in receipt of a social security pension or benefit under the Social Security Act 1991 if this pension or benefit is not payable due to the person's income from employment. Qualification for an "employment income nil rate period" is determined by the Social Security Act 1991 and only applies in respect of pensions or benefits made under this Act.
<b>Employment Services Assessment (ESAt)</b>	<p>Employment Services Assessments (ESAts) recommend the most appropriate employment service assistance based on an assessment of the job seeker's</p> <ul style="list-style-type: none"> <li>• Barriers to finding and maintaining employment (this may relate to the impact of a person's disability, injury, illness, or other disadvantage), and</li> <li>• Work capacity (in hour bandwidths).</li> </ul> <p>Assessors use available information about the job seeker, including current and past medical/disability status, and prior participation and employment history to assess work capacity and barriers. Assessors can also liaise with treating doctors and other relevant health professionals as required.</p> <p>ESAts may also be used by Centrelink to inform decisions regarding income support payments and to determine the level of participation required for activity tested job seekers in accordance with the <i>Social Security Act 1991</i>.</p> <p>All ESAts are conducted by qualified health and allied health professionals, such as a Psychologists and Registered Nurses employed by a single Government Provider under the Department of Human Services portfolio. All Assessors must be eligible for membership of their professional Board or Association and meet all requirements to practice in the State or Territory in which they work.</p> <p>For further information please refer to the Department's ESAt website and Centrelink's website at <a href="http://www.centrelink.gov.au">www.centrelink.gov.au</a>.</p>
<b>Enabling courses</b>	A course of instruction that enables a person to undertake a course leading to a higher education award. Enabling courses do not include a course leading to a higher education award or any course that the Minister determines is not an enabling course under the Act Higher Education Support Act (HESA) Schedule 1.
<b>Establishing a new home as a result of 'extreme circumstance'</b>	<p>The person must have established a new home or they must be intending to establish a new home, as a result of being forced from their home due to an extreme circumstance.</p> <p>The person may be required to establish a new home while their home undergoes substantial repairs. Providing there is verification that the home is uninhabitable without the repairs and that the person has established a new home in the interim.</p>
<b>FAHCSIA</b>	Department of Families, Housing, Community Services and Indigenous Affairs
<b>Family member</b> <i>Social Security Act 1991</i>	Family member is defined as:

<i>General Definitions, Chapter 1, Part 1.2, Section 23.</i>	<ul style="list-style-type: none"> <li>• the partner, father or mother of the relevant person</li> <li>• a sister, brother or child of the relevant person</li> <li>• any other person who, in the opinion of the Secretary, should be treated for the purposes of this definition as one of the relevant person's relations (for example, a grandparent of the person, ex-partner of the person).</li> </ul>
<b>First available bereavement adjustment payday</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 21 (2) c</i>	The first payday for the surviving person after the bereavement notification day for which it is practicable to terminate or adjust payments and take into account the partner's death.
<b>Foster Care</b>	Foster care is where a student or Australian Apprentice has been placed in substitute care through a State or Territory Department of Welfare or through legal processes.
<b>Guardian</b>	For the purposes of the ABSTUDY Scheme, a guardian is a person who has assumed the financial and custodial responsibilities of a parent for a student or Australian Apprentice.
<b>Income Support</b>	means a payment of: <ul style="list-style-type: none"> <li>• a social security benefit; or</li> <li>• a job search allowance; or</li> <li>• a social security pension; or</li> <li>• a youth training allowance; or</li> <li>• a service pension; or</li> <li>• income support supplement, where income support supplement means income support supplement under Part IIIA of the <i>Veterans' Entitlement Act</i>.</li> </ul>
<b>ITAS</b>	Indigenous Tutorial Assistance Scheme
<b>Lump Sum Bereavement Payment</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 21 (2) e</i>	A one-off payment which is the difference between the single rate of ABSTUDY Living Allowance and the previous combined partnered rate of ABSTUDY Living Allowance over the 14 week bereavement period which is paid as a lump sum bereavement payment.
<b>Member of a couple</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 4 (1)</i>	See Partnered definition.
<b>Mobility Provisions</b>	Provisions included in the Australian Government supported Welfare Reform Project to support greater student mobility.
<b>Mixed Mode</b>	Mixed-mode is a term used to describe courses delivered through a combination of distance education and face-to-face teaching for students who are based in their home communities and need regular on-campus tuition to complement the distance education component of the course.
<b>Wage Level A of the National Training Wage Schedule included in a modern award</b>	For the purposes of ABSTUDY, the rate of the Wage Level A of the National Training Wage Schedule included in a modern award is a rate used to measure whether a young person has been self-supporting through paid employment. If the young person has earned at least 75 per cent of that rate, or the rate as varied or

replaced by Fair Work Australia, in any 18 month period since last leaving secondary school, then they can be considered independent for ABSTUDY purposes.

The following table lists the relevant rates of Wage Level A of the National Training Wage Schedule included in a modern award over recent years, and the minimum amounts that young people must earn to qualify as independent under the self-supporting provisions.

<b>If period/s of employment commenced from</b>	<b>The relevant National Training Wage Award rate is</b>	<b>75% of rate which equals minimum earnings</b>
1 July 2011 to present	\$28,012	\$21,009
1 October 2008 to 30 June 2011	\$26,043	\$19,532
1 October 2007 to 30 September 2008	\$25,134	\$18,850
1 December 2006 to 30 September 2007	\$24,700	\$18,525
3 July 2005 to 30 November 2006	\$23,556	\$17,667
3 July 2004 to 2 July 2005	\$22,828	\$17,121
7 July 2003 to 2 July 2004	\$22,048	\$16,536
3 July 2002 to 6 July 2003	\$21,320	\$15,990
17 August 2001 to 2 July 2002	\$20,592	\$15,444
17 August 2000 to 16 August 2001	\$20,127	\$15,095
13 August 1999 to 16 August 2000	\$19,448	\$14,586
3 July 1998 to 12 August 1999	\$18,928	\$14,196
25 June 1997 to 2 July 1998	\$18,356	\$13,767
1 January 1997 to 24 June 1997	\$17,940	\$13,455
1 January 1996 to 31 December 1996	\$17,628	\$13,221
Before 31 December 1995	\$17,316	\$12,987

<b>NEIS</b>	New Enterprise Incentive Scheme
<b>Ordinary payment</b> <i>Income Tax Assessment Act 1997</i> <i>Chapter 2, Part 2-10,</i> <i>Division 40, Subdivision 52A (IE)</i>	Ordinary payment means a payment other than a payment made because of a person's death.
<b>Overpayment</b>	An overpayment occurs when payments which have been made in respect of a student or Australian Apprentice exceed the amount to which s/he is entitled.
<b>Parent</b>	For the purposes of assessing qualification for the Independent (Unreasonable to Live at Home) Homeless rate, a student's or Australian Apprentice's parent is taken to be:

- a natural parent of the young person; or
- in relation to an adopted child-an adoptive parent of the young person; or
- relationship parent of the young person.

For all other purposes, a student's or Australian Apprentice's parent is taken to be

- a natural or adoptive parent of the student or Australian Apprentice with whom the student or Australian Apprentice normally lives; or
- a relationship parent of the student or Australian Apprentice with whom the student or Australian Apprentice normally lives; or
- if the natural, adoptive or relationship parent of the student or Australian Apprentice with whom the student or Australian Apprentice normally lives is a member of a couple and normally lives with the other member of the couple -the other member of the couple; or
- any other person (other than the relevant person's partner) on whom the relevant person is wholly or substantially dependent; or
- if none of the preceding paragraphs applies-the natural or adoptive parent of the relevant person with whom the relevant person last lived.

In shared care situations, and when parents are separated under the same roof, the parent for ABSTUDY purposes is taken to be the parent with primary care responsibility.

**Partial Capacity to work**

A person has a *partial capacity to work* if

- the person has a physical, intellectual or psychiatric impairment; and
- the Secretary is satisfied that:
  - the impairment of itself prevents the person from doing 30 hours per week of work independently of a program of support within the next 2 years; and
  - no training activity is likely (because of impairment) to enable the person to do 30 hours per week of work independently of a program of support within the next 2 years.

**Partner**

A partner in relation to a person is the person's current partner, whether legally married, in a registered relationship, or in a de facto relationship. This excludes former partners, whether legally married, in a registered relationship, or formerly in a de facto relationship, from whom the person has separated. The relationship can be between people of the different or same-sex.

**Partnered**

A person is considered to be *partnered* if the person is:

- legally married to another person; or
- in a registered relationship with a person (different or same-sex);
- in a de facto relationship (different or same-sex) and both the



person and the partner are over the age of consent applicable in the State or Territory in which they live; and

- the person and the partner are not within a prohibited relationship for the purposes of section 23B of the *Marriage Act 1961*.

**Note:** a prohibited relationship for the purposes of section 23B of the *Marriage Act 1961* is a relationship between a person and:

- an ancestor of the person; or
- a descendant of the person; or
- a brother or sister of the person.

In forming an opinion about the relationship between two people for the purposes of determining if they are partnered, all the circumstances of the relationship are to be considered, including, in particular, the following matters:

The financial aspects of the relationship, including:

- any joint ownership of real estate or other major assets and any joint liabilities; and
- any significant pooling of financial resources especially in relation to major financial commitments; and
- any legal obligations owed by one person in respect of the other person; and
- the basis of any sharing of day-to-day household expenses;
- the nature of the household, including:
  - any joint responsibility for providing care or support of children; and
  - the living arrangements of the people; and
  - the basis on which responsibility for housework is distributed;
- the social aspects of the relationship, including:
  - whether the people hold themselves out as members of a couple; and
  - the assessment of friends and regular associates of the people about the nature of their relationship; and
  - the basis on which the people make plans for, or engage in, joint social activities;
- any sexual relationship between the people;
- the nature of the people's commitment to each other, including:
  - the length of the relationship; and
  - the nature of any companionship and emotional support that the people provide to each other; and
  - whether the people consider that the relationship is likely to continue indefinitely; and
  - whether the people see their relationship as a member of a couple relationship.

where the person is living separately and apart from the partner on a permanent or indefinite basis, the relationship

between a person and his or her partner cannot be considered a member of a couple relationship.

## **Permanent Home**

### **Dependent student**

For a dependent student or Australian Apprentice, the permanent home is the place where the student's or Australian Apprentice's parent (see definition of parent) normally resides.

**Exception:** For the sole purpose of assessing entitlement to Fares Allowance, if a dependent student does not normally live with their parent (See definition of parent), then the student's permanent home is considered to be the place where the student lived immediately prior to commencing study.

### **Student or Australian Apprentice in State Care**

For a student in State Care who has foster carer/s, the permanent home is the place where the foster carer/s normally reside.

For a student in State Care who does not have foster carer/s, the permanent home is the place where s/he normally resides.

**Independent student or Australian Apprentice** (and other students or Australian Apprentices who are not dependent or in State Care)

For all purposes except the assessment of Fares Allowance qualification, the permanent home of an independent student or Australian Apprentice is the place where s/he normally resides.

For the purposes of assessing qualification for Fares Allowance for an independent student or Australian Apprentice (or other students who are not dependent and not in State Care), the permanent home is considered to be the place where the student lived immediately prior to commencing study.

For the purposes of assessing Fares Allowance, an independent student's or Australian Apprentice's permanent home address can, in the following circumstances, vary from the place where the student lived immediately prior to commencing study:

- if the student has a partner and/or dependent children who remained at the permanent home whilst the student moved to the study location, and the partner/children relocate permanently to a new location, then the new location is considered to be the student's permanent home address
- if the student is only accessing Fares Allowance through the provisions of Away from Base activity travel, and the student relocates permanently to a new location, then the new location is considered to be the student's permanent home address
- if the student has applied for and/or obtained rental accommodation at the study location through the local State/Territory Housing Authority, then the study location is considered to be the student's permanent home address
- if the student has purchased housing at the study location, then the study location is considered to be the student's permanent home address
- if the student who is completing or discontinuing his/her course does not undertake a return journey to the home location within three months of ceasing study, then the study location is considered to be the student's permanent home address, unless exceptional circumstances prevented the student from

- undertaking the return journey
- if the student is a continuing student and does not undertake a return journey to the home location at the end of the study year under the provisions of 89.2 Travel at Commencement and End of Study Period, then the study location is considered to be the student's permanent home address, unless exceptional circumstances prevented the student from undertaking the return journey
- if the student has received Relocation Allowance (see 97.4) under the Masters and Doctorate Award in order to relocate his/her home to the study location, then the study location is considered to be the student's permanent home address.

**Pension age**

*Social Security Act 1991  
Chapter 1, Part 1.2,  
Section 23 (5A,B,C,D)*

A man reaches **pension age** when he turns 65.

A woman born before 1 July 1935 reaches **pension age** when she turns 60.

A woman born within the period specified in column 2 of an item in the following Table reaches **pension age** when she turns the age specified in column 3 of that item.

**Table - Pension age for women**

Column 1 Item no.	Column 2 Period within which woman was born (both dates inclusive)	Column 3 Pension age
1.	From 1 July 1935 to 31 December 1936	60 years and 6 months
2.	From 1 January 1937 to 30 June 1938	61 years
3.	From 1 July 1938 to 31 December 1939	61 years and 6 months
4.	From 1 January 1940 to 30 June 1941	62 years
5.	From 1 July 1941 to 31 December 1942	62 years and 6 months
6.	From 1 January 1943 to 30 June 1944	63 years
7.	From 1 July 1944 to 31 December 1945	63 years and 6 months
8.	From 1 January 1946 to 30 June 1947	64 years
9.	From 1 July 1947 to 31 December 1948	64 years and 6 months

A woman born on or after 1 January 1949 reaches **pension age** when she turns 65.

**Prescribed Event**

Event/s which a person who is receiving, or entitled to receive, an amount under a financial supplement contact or a current special educational assistance scheme must notify to Centrelink within 14 days. A comprehensive list of prescribed events is provided in the Student Assistance Regulations 2003.

**Prison or psychiatric confinement**

Prison is defined as:

- the person is being lawfully detained (in prison or elsewhere) while under sentence for conviction of an offence and not on

	<ul style="list-style-type: none"> <li>release on parole or licence; or</li> <li>the person is undergoing a period of custody pending trial or sentencing for an offence.</li> </ul> <p>Psychiatric confinement is defined as a person includes confinement in:</p> <p>(a) a psychiatric section of a hospital; and</p> <p>(b) any other place where persons with psychiatric disabilities are, from time to time, confined.</p> <p>Note: The confinement of a person in a psychiatric institution during a period when the person is undertaking a course of rehabilitation is not to be taken to be psychiatric confinement.</p>
<b>Registered Relationship</b>	<p>A registered relationship exists if both of the following conditions are met:</p> <ul style="list-style-type: none"> <li>a relationship between the person and another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 22B of the Acts Interpretation Act 1901 as a kind of relationship prescribed for the purposes of that section;</li> <li>the person is not, in the Secretary's opinion, living separately and apart from the other person on a permanent or indefinite basis.</li> </ul>
<b>Registered Training Organisation (RTO)</b>	Under <a href="#">Student Assistance (Education Institutions and Courses) Determination</a> , TAFES are now included in the definition of "a registered training organisation".
<b>Relationship Parent</b>	If the young person is a child of the person (with the meaning given by subsection 5 (25)(a) of the <i>Social Security Act 1991</i> ), and the person is not a natural or adoptive parent of the young person, the person is the relationship parent of the child.
<b>Responsible Debtor</b>	A responsible debtor is the person responsible for repaying any overpaid amount received under the ABSTUDY scheme. This is usually the person who received the ABSTUDY payment – also known as ABSTUDY payee.
<b>School Year</b>	The school year is the period in a calendar year which starts on the first day on which the school requires a student to attend her/his course and ends on the last day of the required attendance for that course. The last day of the school year for a Year 12 student is the day of her/his final examination.
<b>Severe financial hardship</b>	<p>When assessing hardship all cash and readily realisable assets should be taken into account, including money in the bank and earnings due. For the purposes of Crisis Payment, an applicant who is:</p> <ul style="list-style-type: none"> <li>not a member of a couple is in severe financial hardship if the value of the applicant's liquid assets is less than the fortnightly amount at the maximum payment rate of the ABSTUDY Living Allowance that is payable to the person, or</li> <li>a member of a couple is in severe financial hardship if the value of the applicant's liquid assets is less than twice the fortnightly amount at the maximum payment rate of the ABSTUDY Living Allowance that is payable to the person.</li> </ul>

<p><b>Social Security Benefit</b> <i>Social Security Act 1991 Chapter 1, Part 1.2, Section 23 (1)</i></p>	<p><b>"social security benefit"</b> means: widow allowance; or youth allowance; or austudy payment; or newstart allowance; or sickness allowance; or special benefit; or partner allowance; or a mature age allowance; or benefit PP (partnered); or <a href="#">parenting allowance</a> (other than non-benefit allowance).</p>
<p><b>Student</b></p>	<p>Means a person to whom an amount under a current special educational assistance scheme relates.</p>
<p><b>Student Assistance Act</b></p>	<p>The <i>Student Assistance Act 1973</i> is the legislation covering, among other things, ABSTUDY overpayment and recovery matters.</p>
<p><b>Supplementary amount of payment</b> <i>Income Tax Assessment Act 1997 Chapter 2, Part 2-10, Division 40, Subdivision 52-132</i></p>	<p>The supplementary amount of a payment is the total of: a) so much of the payment as is included to assist you with, or to reimburse you for, the costs of any one or more of the following: i) <i>rent;</i> ii) <i>living in a remote area;</i> iii) <i>commencing employment;</i> i) <i>travel to, or participation in, courses, interviews, education or training;</i> ii) <i>a child or children wholly or substantially dependent on you;</i> iii) <i>telephone bills;</i> iv) <i>living away from your usual residence;</i> v) <i>maintaining your usual residence while living away from that residence;</i> vi) <i>accommodation, books or equipment;</i> vii) <i>discharging a HEC assessment debt (within the meaning of Chapter 4 of the Higher Education Funding Act 1988);</i> viii) <i>discharging a compulsory repayment amount (within the meaning of the Higher Education Support Act 2003);</i> ix) <i>transport in travelling to undertake education or training, or to visit your usual residence when undertaking education or training away from that residence;</i> x) <i>if you are disabled—acquiring any special equipment, services or transport as a result of the disability;</i> xi) <i>anything that would otherwise prevent you from beginning, continuing or completing any education or training; and</i> b) so much of the payment as is included by way of pharmaceutical allowance.</p>
<p><b>The Veterans' Children Education Scheme (VCES)</b></p>	<p>A programme that provides financial and other benefits to student children (up to the age of 25) of veterans or members of the Armed Forces who meet certain specific disability conditions such as qualifying for disability pensions at the special rate (T&amp;PI). Students who choose to take up the VCES benefits become ineligible for assistance under ABSTUDY.</p>
<p><b>TILA</b></p>	<p>The Commonwealth Government's 'Transition to Independent Living Allowance' (TILA) is available to assist with some of the needs that a young person leaving state care may face in establishing independent life.</p>
<p><b>Total net investment loss</b></p>	<p>For the purpose of ABSTUDY, a total net investment loss has the same meaning as in the <i>Income Tax Assessment Act 1997</i>. It is the sum of the total net investment losses of each parent of the claimant/recipient in the appropriate tax year.</p>

	<p>The value of such total net investment loss is added to the combined parental income for the purposes of the ABSTUDY parental income test, and is also added to the family's actual means for the purposes of the family actual means test.</p> <p>Note: in 2010, 'total net investment losses' applied as a component of parental income for all current tax year assessments. 'Net passive business losses' continued to be included as a component of parental income for all base tax year assessments until 2011. From 2011, 'total net investment losses' form part of the parental income test for both current and base tax year assessments.</p>
<b>Traineeship</b>	<p>A traineeship is where a person is combining work and a form of structured training to obtain skills and knowledge of a particular industry. In a traineeship, the learning usually occurs on the job and is not usually required to attend specific classes.</p>
<b>Transitional DSP Applicant</b>	<p>A <i>transitional DSP applicant</i> means a person:</p> <p>who made a claim for a disability support pension on or after 11 May 2005 and before 1 July 2006; and</p> <ol style="list-style-type: none"> <li>1. to whom, on or after 1 July 2006, a notice under subsection <a href="#">63(2)</a> or <a href="#">64(2)</a> of the Social Security Administration Act 1999 is given; and</li> <li>2. who is required under the notice to undertake a specified activity for the purpose of reviewing his or her capacity to perform work.</li> </ol>
<b>Unapproved Absence</b>	<p>An unapproved absence is any absence from compulsory schooling that the education institution has recorded as: an unexplained absence, unapproved absence or unjustified absence on a student's record.</p>
<b>VTE</b>	<p>Vocational and Technical Education</p>

## Updates

### Latest Version – 1 July 2011

Chapter	Title	Details
12	Government Financial Assistance	<ul style="list-style-type: none"><li>• Policy clarification in 12.2 on sources of financial assistance a person may receive that affect their entitlement to ABSTUDY.</li></ul>
35	Scholarships and Mobility Provisions	<ul style="list-style-type: none"><li>• Amend the date in 35.3 to reflect the extension of the Cape York Welfare Reform trial period for a further 12 months.</li></ul>
38	Permanent Independent Status	<ul style="list-style-type: none"><li>• Update the terminology in 38.4.1 regarding the Wage Level A of the National Training Wage Schedule included in a modern award.</li></ul>
59	Assessing Income for the Partner and Personal Income Tests	<ul style="list-style-type: none"><li>• Amend section 59.2.3 Back pay paid to a person for a period of employment to bring ABSTUDY policy in line with other social security payments. This change reflects FaHCSIA August 2010 policy change in relation to the assessment of lump sums, where a person has been granted a retrospective pay rise.</li></ul>
104	Pension Supplement	<ul style="list-style-type: none"><li>• New chapter, to include Pension Supplement as one of the allowances/ benefits available to eligible ABSTUDY recipients.</li></ul>
Appendix A	Standard Hostels Agreement	<ul style="list-style-type: none"><li>• Amend to remove small wording inconsistencies in the ABSTUDY Standard Hostels Agreement.</li></ul>
	Glossary	<ul style="list-style-type: none"><li>• Amend the terminology and rate of the National Training Wage used to assess eligibility for ABSTUDY under workforce participation criteria.</li></ul>

## What's New 1 January 2011

Chapter	Title	Details
4	Reviews and Appeals	<ul style="list-style-type: none"> <li>Update departmental contact for ABSTUDY appeals</li> <li>Insert link to SSAT website</li> <li>Terminology update</li> </ul>
20	Masters and Doctorate Award	<ul style="list-style-type: none"> <li>Remove the restriction so that ABSTUDY doctorate students can access Relocation Scholarship and Student Start-Up Scholarship</li> </ul>
22	Overview of Allowances available under ABSTUDY Awards	<ul style="list-style-type: none"> <li>Remove the restriction so that ABSTUDY doctorate students can access Relocation Scholarship and Student Start-Up Scholarship</li> </ul>
35	Scholarships and Mobility Provisions for Secondary School Students to Board Away from Home	<ul style="list-style-type: none"> <li>Insert the two scholarships approved by the Ministerre-arrange the order of two sections</li> <li>Update a legislative instrument referenced in 35.1</li> <li>Policy updates on boarding arrangements and mobility provision</li> </ul>
38	Permanent Independent Status	<ul style="list-style-type: none"> <li>Amend to reflect the age of independence effective from 1 January 2011</li> <li>Amend to reflect the changes in gaining independent status through workforce participation</li> <li>Amend to address the National Training Wage reference</li> </ul>
55	Overseas Study	<ul style="list-style-type: none"> <li>Policy clarification on secondary school students studying overseas</li> </ul>
57	Calculating ABSTUDY Rates	<ul style="list-style-type: none"> <li>Policy clarification on calculating process for ABSTUDY Group 2 School Fees Allowance</li> </ul>
58	Parental Income Test and Limits	<ul style="list-style-type: none"> <li>Change of the term from 'the same parental income' to 'parental income in common'</li> </ul>
64	Family Assets Test and Limits	<ul style="list-style-type: none"> <li>Insert link to the Glossary, terminology update, clarification on family assets test</li> </ul>
69	Application of the Family Actual Means Test	<ul style="list-style-type: none"> <li>Change of the term from 'the same parental income' to 'parental income in common'</li> </ul>
81	Pensioner Education Supplement	<ul style="list-style-type: none"> <li>Remove the section on 'maintained rates of ABSTUDY PES</li> <li>Terminology update</li> </ul>



90	Fares Allowance Entitlement	<ul style="list-style-type: none"> <li>• Correct Minor errors</li> </ul>
102	Relocation Scholarship	<ul style="list-style-type: none"> <li>• Policy update in relation to age of independence</li> </ul>
Appendix A	Standard Hostels Agreement	Include an additional hostel covered under the agreement
	Glossary	<ul style="list-style-type: none"> <li>• Update description of CDEP</li> <li>• Add an entry on 'total net investment loss'</li> <li>• Update a web link</li> </ul>